**INSTRUMENT OF DELEGATION**

**GOVERNMENT SECTOR FINANCE ACT 2018 (NSW)**

1. I, **Mark Speakman, Attorney General:**

   (i) refer to the Instrument of Delegation executed by me on 31 December 2020 (as subsequently varied on 31 March 2021), a copy of which is attached marked "**Annexure A**" (together the **Principal Instrument of Delegation**);

   (ii) amend that instrument to include, as part of the authority to incur, commit or sanction expenditure (**Financial Expenditure**) that was conferred on the Secretary under the Principal Instrument of Delegation, the authority to sub-delegate under section 9.9(5) of the *Government Sector Finance Act 2018* (**GSF Act**) in accordance with the relevant Schedules in "**Annexure A1**" to this Instrument;

   (iii) revoke the instruments of delegation referred to in "**Annexure B**" to this Instrument; and

   (iv) defer the revocation of the authority to incur financial expenditure for the DCJ (as contained in the Principal Instrument of Delegation) in respect of the instruments of delegation referred to in "**Annexure C**" to this Instrument, from 19 April 2021 until 26 July 2021. The authority to sub-delegate Financial Expenditure in these matters is restricted to the limits included in those instruments of delegation and applicable Schedules referred to in "**Annexure C**".

2. Any delegation by a delegate of the Secretary must, where the function relates to Financial Expenditure for the services of the DCJ, be constrained to the general financial limits as described in "Schedule B" of "**Annexure A1**".

3. The Secretary is required to provide an annual review (as within 8 weeks after the end of each financial year) of this delegation and sub-delegations under it, which is to address:
   (i) any breaches of this delegation and sub-delegations under it; and
   (ii) the utilisation of existing transactional limits applicable to this delegation and sub-delegations under it.

4. The effective date of this Instrument will occur in stages, as follows:
   (i) for Schedules D, F, R, W X and AG of **Annexure A1**, the effective date will be 19 April 2021; and
   (ii) for Schedule M of **Annexure A1**, the effective date will be 26 July 2021,

   and despite anything to the contrary in the Principal Instrument of Delegation, the instruments of delegation in force immediately before the date of this Instrument that delegate authority to incur financial expenditure in respect of the matters described in the Schedules referred to in this paragraph 4(i) or 4(ii), will to that extent only remain in force until the effective date applicable to the relevant Schedules referred to above, occurs.

5. On each effective date referred to in paragraph 4 above, this Instrument will revoke any earlier instruments of delegation in so far as those earlier instruments relate to the authority to incur, commit or sanction expenditure for the services of the former Department of Family and Community Services or the former Department of Justice but only to the extent that any earlier instruments relate to the delegation of Financial Expenditure in respect of the subject matter of the Schedules referred to in paragraph

4 above. For clarity, nothing in this Instrument will derogate from the delegations made under the Principal Instrument of Delegation.

6. This Instrument takes effect from 19 April 2021 and will remain in force until revoked, withdrawn or varied, notwithstanding the termination of my office as Attorney General.

Terms used in this Instrument have the same meaning as they carry in the GSF Act, unless otherwise indicated.

Mark Speakman

Attorney General

18 April 2021

A

## Annexure A – Principal Instrument of Delegation

NSW GOVERNMENT

### INSTRUMENT OF DELEGATION

### GOVERNMENT SECTOR FINANCE ACT 2018 (NSW)

I, **Mark Speakman, Attorney General,** under section 9.9 of the *Government Sector Finance Act 2018* ('the GSF Act') delegate to the Secretary of the Department of Communities and Justice ('the Secretary') the authority to incur, commit or sanction expenditure for the services of the Department of Communities and Justice (the **Department**) up to the limit of budget.

Expenditure that relates to new projects or policies, discretionary grants, capital works, or use of underspent funds that are outside the ordinary course of business for the Department requires prior approval from the Attorney General.

A delegation of functions under this Instrument includes the authority to sub-delegate in accordance with section 9.9(5) of the GSF Act in the manner and to the extent set out in "Annexure A". Any delegation by a delegate of the accountable authority must be constrained to the general financial limits as described in "Schedule B" of "Annexure A".

The Secretary is required to provide an annual review (as within 8 weeks after the end of each financial year) of this delegation and sub-delegations under it, which is to address:

(a) Any breaches of this delegation and sub-delegations under it; and

(b) The utilisation of existing transactional limits applicable to this delegation and sub-delegations under it

This Instrument will take effect from 1 February 2021 and will continue until withdrawn, modified or varied.

This instrument revokes any earlier instruments of delegation in so far as those earlier instruments relate to the authority to incur, commit or sanction expenditure for the services of the former Department of Family and Community Services or the former Department of Justice:

(a) To the extent that any earlier instruments are inconsistent with, or contradict, any authority delegated under this Instrument with effect from 1 February 2021; and

(b) Otherwise, with effect from 31 March 2021 if not revoked sooner.

Terms used in this Instrument have the same meaning as they carry in the GSF Act, unless otherwise indicated.

Mark Speakman

Attorney General

31 December 2020

NSW GOVERNMENT

# INSTRUMENT OF DELEGATION

## GOVERNMENT SECTOR FINANCE ACT 2018 (NSW)

1. I, Mark Speakman, Attorney General:

   (i) refer to the Instrument of Delegation executed by me on 31 December 2020, a copy of which is attached marked "Annexure A" ("the Principal Instrument of Delegation");

   (ii) I amend the date in paragraph (b) of the Principal Instrument of Delegation to 19 April 2021.

Mark Speakman

Attorney General

31 March 2021

A1

## Annexure A1

This page and the following documents from Annexure A1:

1. Instrument of Sub-Delegation by the Secretary, NSW Department of Communities and Justice
2. Schedule A to the Instrument of Sub-Delegation by the Secretary, NSW Department of Communities and Justice
3. Schedule B to the Instrument of Sub-Delegation by the Secretary, NSW Department of Communities and Justice
4. Schedule D to the Instrument of Sub-Delegation by the Secretary, NSW Department of Communities and Justice
5. Schedule F to the Instrument of Sub-Delegation by the Secretary, NSW Department of Communities and Justice
6. Schedule R to the Instrument of Sub-Delegation by the Secretary, NSW Department of Communities and Justice
7. Schedule W to the Instrument of Sub-Delegation by the Secretary, NSW Department of Communities and Justice
8. Schedule X to the Instrument of Sub-Delegation by the Secretary, NSW Department of Communities and Justice
9. Schedule AG to the Instrument of Sub-Delegation by the Secretary, NSW Department of Communities and Justice
10. Schedule M to the Instrument of Sub-Delegation by the Secretary, NSW Department of Communities and Justice

NSW GOVERNMENT

# INSTRUMENT OF SUBDELEGATION

## UNDER THE

## *GOVERNMENT SECTOR FINANCE ACT 2018*
## *COMMUNITY WELFARE ACT 1987*
## *CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) ACT 1998*
## *ADOPTION ACT 2000*
## *NATIONAL DISABILITY INSURANCE SCHEME (NSW ENABLING) ACT 2013*
## *THE GOVERNMENT SECTOR FINANCE ACT 2013*

## IN RELATION TO THE DEPARTMENT OF COMMUNITIES AND JUSTICE

### Financial

1. I, Michael Coutts -Trotter, Secretary, NSW Department of Communities and Justice ('**DCJ**') refer to the Instruments of Delegation signed by the:

   (i) Attorney General on 31 December 2020 (as subsequently varied on 31 March 2021) ('Principal Instrument of Delegation'); and [insert date of supplementary AG instrument] April 2021;
   (ii) Minister for Families, Communities and Disability Services on [insert date] April 2021,

2. In reliance on the Instruments of Delegation referred to in paragraph 1 above, subdelegate under section 9.9 (5) of the *Government Sector Finance Act 2018* ('the **GSF Act**') to the officers listed in **Schedule A** ('**Delegated Officers'**) the authority to incur, commit or sanction expenditure for the services of the Department of Communities and Justice up to the limits shown in respect of any one item in:

   **Schedule B** – General Financial Limits;

   **Schedule D** – Delegations with specific financial limits (shaded in blue) relating to Motor Vehicles;

   **Schedule F** – Delegations with specific financial limits (shaded in blue) relating to Property;

   **Schedule M** – Human Resources Delegations (shaded in blue);

   **Schedule R** – Delegations with specific financial limits (shaded in blue) relating to Community Welfare;

   **Schedule W** – Delegations with specific financial limits (shaded in blue) relating to Adoption;

   **Schedule X** – Delegations with specific financial limits (shaded in blue) relating to care of Children and Young Persons;

   **Schedule AG** – Delegations with specific financial limits (shaded in blue) relating to National Disability Insurance Scheme.

3. The authority under paragraph 2 above is subject in all cases to the limits of available funds, and the conditions, set out in any of the above Schedules referred to in this Instrument.

**Administrative**

4. I also delegate those functions and powers that are specified in the column marked "Powers/Functions" (not being a power or function to incur, commit or sanction expenditure) in each of Schedules **D**, **M**, **R**, **W** and **X** to the persons designated with an "X" in the column marked "Delegate" in each of the Schedules referred to in this paragraph 4 (and to be read together with Schedule A).

5. Except as set out in the second sentence of this paragraph 5, this Instrument takes effect on 19 April 2021 and will continue thereafter until withdrawn, modified or varied. Concerning Schedule M, this Instrument will take effect on 26 July 2021.

6. With effect from 19 April 2021, this Instrument will, to the extent (i) necessary; and (ii) that I have the power to do so, revoke any earlier instruments of delegation in so far as those earlier instruments confer any authority that is covered by the authority conferred under this Instrument. For clarity, this revocation will not apply to the instruments of delegation referred to in Annexure C to the Principal Instrument of Delegation.

7. Terms used in this Instrument have the same meaning as they carry in the GSF Act, unless otherwise indicated.

8. This Instrument remains in force until revoked, withdrawn or varied notwithstanding the termination of my office as Secretary.

Michael Coutts-Trotter

Secretary, NSW Department of Communities and Justice

April 2021

[Note: The Minister for Families, Communities and Disability Services delegated the powers and functions exercisable by that Minister in relation to incurring, approving and sanctioning financial expenditure or support under the *Community Welfare Act 1987, the Children and Young Persons (Care and Protection) Act 1998,* and the *National Disability Insurance Scheme (NSW Enabling) Act 2013* (listed in Part 2 (ii) of the Schedules), DCJ].

# SCHEDULE A: Delegated Officers

## Effective 1 February 2021

| Category | Classification[2] | Specific role or delegation outside of grade |
|---|---|---|
| LEVEL 1 | Senior Executive Band 4 | |
| LEVEL 2 | Senior Executive Band 3 | |
| LEVEL 3 | Senior Executive Band 2 | |
| LEVEL 4 | Senior Executive Band 1<br>Governor, CSNSW[3]<br>General Manager, CSNSW<br>Superintendent, CSNSW<br>Manager of Security, CSNSW (small Centre)<br>Registrar of Community Housing<br>Advocate for Children and Young People | |
| LEVEL 5 | Clerk 11/12<br>Clerk 9/10<br>Clerk 9<br>Librarian Grade 5<br>Librarian Grade 3<br>DPO Grade 5-8<br>Legal Officer Grade 5-6<br>Manager of Security, CSNSW (medium – large Centres, S&I[4] and other branches)<br>Senior Assistant Superintendent, CSNSW / Principal Correctional Officer, CSNSW<br>Chief/Principal Psychologist, CSNSW<br>Operations Manager CSI[4], CSNSW<br>Manager of Industries CSI, CSNSW / Principal Industry Officer CSI, CSNSW<br>Regional Business Manager CSI, CSNSW | |
| LEVEL 6 | Deputy Superintendent, CSNSW<br>Assistant Superintendent, CSNSW / Chief Correctional Officer, CSNSW<br>Clerk 7/8<br>Clerk 5/6<br>DPO Grade 4<br>Legal Officer Grade 4<br>NMGR04-07<br>S.SP.PSY<br>GENAD6-9<br>GENAG10, GENAG12<br>Gen Admin/Engineer Grades 4-5 | |

| | | |
|---|---|---|
| LEVEL 7 | Legal Officer Grades 1-3<br>Home Care Worker Grades 1-3<br>DSW<br>Clerk 4; Clerk 3/4; Clerk 2/4<br>Admin Assistant 2/3 | Authorised Responsible Officers**<br>Corrective Services NSW: All admin/finance manager roles in large/medium/small correctional centres, Security & Intelligence Offices & Community Corrections district offices (where not covered by above levels).<br>Youth Justice: Community Area Assistant Managers, Custodial Assistant Managers, Co-ordinators, Office Supervisors and Unit Managers (where not covered by above levels). |
| LEVEL 8 | NMGR G03; NMGR G01;<br>RU NMGR 1-3; NSSC1-4 | |
| LEVEL 9 | TEAMLD1-2 | |
| LEVEL 10 | SP.PSY; SR. PSYCH; PSYLGST;<br>Clerk 4-7 (CW); Clerk 3/7 (CW) | |
| LEVEL 11 | Clerk 1/2 | |
| LEVEL 12 | Positions as identified in Schedule | Children's Guardian only |
| LEVEL 13 | Positions as identified in Schedule | Barnardos only |

*Classification: Grade specified or similar/equivalent salary range.

** Under S 9.9 (6) of the *Government Sector Finance (GSF) Act*, Directors may approve applicable responsible officers (ARO) with an ongoing authority to incur minor expenditure in rare and/or appropriate circumstances. P-Cards should be used where issued.

[I] Corrective Services NSW (CSNSW)
[II] Security and Intelligence Unit (S&I)
[III] Corrective Services Industries (CSI)

# SCHEDULE B: General Financial Limits
## Effective 1 February 2021

| Category | General Financial Limit |
|---|---|
| 1 | Available funds |
| 2 | $20,000,000 |
| 3 | $5,000,000 |
| 4 | $1,000,000 |
| 5 | $100,000 |
| 6 | $50,000 |
| 7 | $5,500 |
| 8 | $5,500 |
| 9 | $5,500 |
| 10 | $5,500 |
| 11 | $3,300 |
| 12 | $3,300 |
| 13 | $3,300 |

'Category' refers to those specified in Schedule A.

Conditions apply to these delegations.

## Financial Delegations – Conditions

The following conditions apply to the financial delegations:

| Conditions: | |
|---|---|
| 1 | The Financial Delegations are **inclusive of GST**, where applicable. |
| 2 | Unless otherwise prescribed, delegates must be Public Service employees, as defined in the *Government Sector Employment Act 2013*. |
| 3 | Expenditure that relates to new projects or policies, discretionary grants, capital works, or use of underspent funds that are outside the ordinary course of business for the Department requires prior approval from the Attorney General. |
| 4 | No delegate may sub-delegate financial expenditure authority to a sub-delegate where the sub-delegate would be authorised to incur financial expenditure in excess of the threshold applicable in Schedule B to that sub-delegate. |
| 5 | A delegate must not exercise their financial delegations unless the delegate has confidence that funds are available in the relevant budget. |
| 6 | Delegates must not approve or authorise their own expenditure or authorisations. Furthermore, a delegate must not seek approval or authority from another delegate who occupies a position subordinate to the delegate. No delegate should originate and authorise the same expenditure. |
| 7 | Delegates may act on delegations only in respect of which the delegate has been named under his/her respective Business or Cost Centre. |
| 8 | Cost Centre managers may further limit the exercise of delegations by officers within their own business centre. |
| 9 | Purchase order approval levels must comply with the applicable financial delegations. Dividing or "splitting" amounts into smaller tranches, where they are related to the same transaction, with the aim or purpose of selecting a particular delegate's financial thresholds is inappropriate and not permitted. |
| 10 | All delegations must be exercised in accordance with all prescribed procurement and expenditure related government circulars, directions and memoranda. |
| 11 | General financial limits apply to all financial delegations unless a different financial limit is expressly stated in the delegation. |
| 12 | General financial limits apply to contract sums, not an annual sum (e.g., if a contract is entered into for $5,000,000 per annum for three years, a delegation of $15,000,000 is required). |
| 13 | "Category" are those delegation categories defined in Schedule A. |
| 14 | Level 3-13 approvers for their respective Division, Branch and Unit only. |
| 15 | To the extent that other delegations' Schedules are published (like Schedules C and J) and those Schedules include specific financial limits, then the limits in those Schedules must be adhered to and applied (i.e. the general financial limits in Schedule B do not apply). **Capital expenditure** limits are contained in Schedule C. |
| 16 | Managers may only approve the issuance of purchasing cards up to the transactional limit of their own financial delegation to other staff. |

# SCHEDULE D: Motor Vehicles

Schedule Guide

- The numbers 1-13 refer to the 13 delegation categories defined in Schedule A.
- An X indicates that the delegation is available to the corresponding delegation category.
- A financial delegation is indicated by a blue shaded delegation cell. Unless otherwise stated, the general financial limits in Schedule B apply.
- An administrative delegation is indicated by a white shaded delegation cell.
- "From" refers to the position from which the power is delegated.
- *Line Manager: The officer to whom the applicant directly reports.

Applicable legislation and awards ("**Source**"):

- *Government Sector Finance Act 2018* ("**GSF Act**")
- *Crown Employees (Public Sector Conditions of Employment) Award 2009* (NSW) ("**CE(PSCoE) Award**")

Conditions:

- All delegations must be exercised in accordance with all prescribed procurement and expenditure related government circulars, directions and memoranda including, but not limited to:
    - NSW Government Trave l and Transport Policy
    - NSW Government Motor Vehicle Operational Guidelines
    - Department of Communities and Justice policies
- Conditions apply to delegations in Schedule D. Levels are those outlined in Schedule A and B.
- The Secretary holds the limit of budget delegation under all specific financial delegation categories, unless otherwise specified. Secretary financial delegations are under subdelegation from the Minister.
- All Department of Communities and Justice ("**DCJ**") motor vehicles are "pool motor vehicles"

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 2.1 | Approve the lease of:<br><br>(a) additional motor vehicles; | GSF Act s 5.5 | Secretary | X | X | X | X | | | | | | | | | |
| | (b) replacement of a motor vehicle. | GSF Act s 5.5 | Secretary | X | X | X | X | X | | | | | | | | |
| 2.2 | Approve use of motor vehicles (including approvals of daily use for official business and overnight garaging). | | Secretary | X | X | X | X | X | X | X | X | X | | | | |
| 2.3 | Authority to use a fuel card for the purchase of fuel and oil, for a DCJ owned or leased vehicle, from a contracted State Provider.<br><br>Note:<br>1. Use of a fuel card is authorised to the officer approved to use the DCJ pool vehicle (delegation 2.2)<br>2. Expenditure incurred on a fuel card is limited to the relevant DCJ pool vehicle | GSF Act s 5.5 | Secretary | X | X | X | X | X | X | X | X | X | X | X | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 2.4 | Approve expenditure for incidental running costs for motor vehicles (owned or leased).<br><br>Note:<br>1. Approval (or sanction) to be provided by the applicant's line manager*.<br>2. Incidental running costs may include but are not limited to: payments for car wash, air pumps; and purchasing fuel without a fuel card (for example, in isolated locations where contacted suppliers have ceased to operate during contract period or are not open at the time fuel is required). | GSF Act s 5.5 | Secretary | X | X | X | X | X | | | | | | | | |
| 2.5 | Approve or sanction expenditure for maintenance and repairs of motor vehicles (leased or owned).<br><br>Note:<br>1. Approval to be provided by the applicant's line manager*.<br>2. This delegation is for repairs beyond the scope of Fleet Management Provider. For example, where damage occurs on a weekend and repairs need to be completed before authority can be obtained from State Fleet). | GSF Act s 5.5 | Secretary | X | X | X | X | X | | | | | | | | |
| 2.6 | Approve the transfer of DCJ owned or leased vehicles between Regions or between divisions of DCJ. | | Secretary | X | X | X | X | X | | | | | | | | |

# SCHEDULE F: DCJ Property

Schedule Guide

- The numbers 1-13 refer to the 13 delegation categories defined in Schedule A.
- An X indicates that the delegation is available to the corresponding delegation category.
- A financial delegation is indicated by a blue shaded delegation cell. Unless otherwise stated, the general financial limits in Schedule B apply.
- An administrative delegation is indicated by a white shaded delegation cell.
- "From" refers to the position from which the power is delegated.

Applicable legislation ("**Source**"):
*Government Sector Finance Act 2018* ("**GSF Act**")

Conditions

- All delegations must be exercised in accordance with all prescribed procurement and expenditure related government circulars, directions and memoranda including, but not limited to:
    - Department of Communities and Justice policies
- Conditions apply to delegations in Schedule F. Levels are those outlined in Schedule A and B.
- The Secretary holds the limit of budget delegation under all specific financial delegation categories, unless otherwise specified. Secretary financial delegations are under sub-delegation from the Minister.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 4.1 | (a) Approve entering into occupancy agreements or leases (including for new or existing premises) as tenant for DCJ on behalf of the Crown, provided that where concerning DCJ office accommodation, the lease is in accordance with the approved office accommodation plan.<br>Note: Subject to Conditions[1] | GSF Act s 5.5 | Secretary | X | X | X | X | | | | | | | | | |
| | (b) Approve renewal of existing occupancy agreements or leases as tenant for DCJ on behalf of the Crown, provided that where concerning DCJ office accommodation, the lease is in accordance with the approved office accommodation plan.<br>Note: Subject to Conditions[2] | GSF Act s 5.5 | Secretary | X | X | X | X | | | | | | | | | |
| | (c) Approve exercising options to extend existing occupancy agreements or leases as tenant for DCJ on behalf of the Crown, provided that where concerning DCJ office accommodation, the lease is in accordance with the approved office accommodation plan.<br>Note: Subject to Conditions[3] | GSF Act s 5.5 | Secretary | X | X | X | X | | | | | | | | | |

[1] Subject to:

- prior approval from the Secretary or Band 2-4 (as appropriate based on total rental value including options) and where applicable Property NSW (DPIE), and
- period of lease not to exceed 10 years, and
- Financial limit applies to the value of gross rental payment (current value) including renewal options of the lease.

[2] As per footnote 1 above.

[3] As per footnote 1 above.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 4.2 | Approve the lease or licence of car-parking spaces, or the reallocation of existing spaces in leased and Crown-owned premises. | GSF Act s 5.5 | Secretary | X | X | X | X | | | | | | | | | |
| 4.3 | Approve plans/designs and technical specifications for, and the costs of, fit-out of DCJ owned or leased premises. | GSF Act s 5.5 | Secretary | X | X | X | X | | | | | | | | | |
| 4.4 | Approve fit-out, refurbishment or upgrade of DCJ owned or leased premises subject to project approval. | GSF Act s 5.5 | Secretary | X | X | X | X | | | | | | | | | |
| 4.5 | Authority to make commercial use of land acquired or owned by, or on behalf of, the Minister (other than under the Community Welfare Act) if that use is associated with a purpose for which land may be so acquired, and authorising all necessary transactions, agreements and dealings associated with such commercial use. | GSF Act s 5.5 | Secretary | X | X | X | X | | | | | | | | | |
| 4.6 | Authority to grant a lease or licence of any land acquired or owned by, or on behalf of, the Minister (other than under the *Community Welfare Act 1987*), including of land that is no longer required for the purpose for which it was required, and authorising all necessary transactions, agreements and dealings associated with such grant. | GSF Act s 5.5 | Secretary | X | X | X | X | | | | | | | | | |

# Schedule R – Community Welfare Act

Schedule Guide

- The numbers 1-13 refer to the 13 delegation categories defined in Schedule A.
- An X indicates that the delegation is available to the corresponding delegation category.
- A financial delegation is indicated by a blue shaded delegation cell. Unless otherwise stated (for example delegation 16.16), the general financial limits in Schedule B apply.
- An administrative delegation is indicated by a white shaded delegation cell.
- "From" refers to the position from which the power is delegated.
- For the purposes of this Schedule the financial limits specified relate to annual funding allocations, not the total contract value for the full term of the agreement.
- In this Schedule, a reference to "**the Minister**" is to the Minister for Families, Communities and Disability Services.

Applicable legislation ("**Source**"):
*Community Welfare Act 1987*(NSW) ("**CW Act**")

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| **PART 1 - ADMINISTRATIVE DELEGATIONS** | | | | | | | | | | | | | | | | |
| | **Community Welfare and Social Development** | | | | | | | | | | | | | | | |
| 16.1 | **Research**<br>Authority to conduct research into community welfare and provide assistance for the provision of community welfare services and programs. | CW Act s6(1)(a) and s6(1)(b) | Minister | X | X | X | X | | | | | | | | | |
| 16.2 | **Variations**<br>Approve variations to the timing of payments of financial assistance and support in a defined payment schedule, which has been approved within the financial limits; power to approve variation only within current financial limit. | CW Act s6(1)(e) | Minister | X | X | X | X | X | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 16.3 | **Changes to Conditions**<br>Agree to changes to conditions for assistance and support granted to a community welfare organisation, such as:<br>(a) changes to the objectives, target group, core activities, location and coverage of projects and services;<br>• power to approve variation only within current financial limit. | CW Act s6(2) | Minister | X | X | X | X | | | | | | | | | |
| | (b) changes to other administrative arrangements for projects and services;<br>• power to approve the variation only within the current financial limit. | | | X | X | X | X | X | | | | | | | | |
| | (c) termination of previously approved assistance or support to a person or organisation;<br>• must be advised to the Minister in advance. | | | X | X | | | | | | | | | | | |
| | (d) transfer of support from the approved person or organisation to another person or organisation for the same purpose;<br>• if the proposed transfer is agreed to by the originally approved person or organisation and by the proposed new person or organisation, and;<br>• if there is no other known significant opposition to the proposed transfer;<br>• power to approve the variation is only within the current financial limit. | | | X | X | X | X | X | | | | | | | | |
| | (e) give effect to agreed conditions by signing an agreement with a person or organisation giving effect to these conditions, pursuant to an approval given under any service funding delegations. | | | X | X | X | X | X | | | | | | | | |
| | **Preparation of Policies and Programs** | | | | | | | | | | | | | | | |
| 16.4 | **Statements of Policies**<br>(a) Authority to direct that a statement of proposed polices with respect to Community welfare and social welfare be prepared. | CW Act s9(1) | Minister | X | X | | | | | | | | | | | |
| | (b) Prepare statements of proposed policies with respect to community welfare and social welfare. | CW Act s9(1) | Secretary | X | X | X | X | | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 16.5 | **Statements of Policies – Programs**<br>(a) Authority to direct that a statement of proposed programs for the implementation of policies be prepared. | CW Act s9(1) | Minister | X | X | | | | | | | | | | | |
| | (b) Prepare proposed programs for implementation of policies. | CW Act s9(1) | Secretary | X | X | X | X | | | | | | | | | |
| 16.6 | **Participation in the preparation of policies/programs**<br>Invite participation by such persons and organisations concerned in community welfare or social development in the preparation of any such statements or programs.<br>**Note:** Prior Ministerial approval required. | CW Act s9(2)(a) | Secretary | X | X | X | X | X | | | | | | | | |
| 16.7 | **Public Comment on Policies**<br>Make drafts of proposed policies/programs available for public comment.<br>**Note:** Prior Ministerial approval required. | CW Act s9(2)(b) | Secretary | X | X | X | X | | | | | | | | | |
| 16.8 | **Public Comment on Policies**<br>Cause statements/programs and any documents/matters used in the preparation of statements or policy to be published and made available to the public.<br>**Note:** Prior Ministerial approval required. | CW Act s9(2)(c) | Secretary | X | X | X | X | | | | | | | | | |
| | **Assessment of community welfare and social development programs** | | | | | | | | | | | | | | | |
| 16.9 | **Examination of Programs**<br>Examine proposed community or social development programs.<br>**Note:** Following a direction from the Minister to perform this function. | CW Act s10(a) | Secretary | X | X | X | X | | | | | | | | | |
| 16.10 | **Review of Programs – Community Welfare Legislation**<br>Review, monitor and evaluate community welfare or social development program carried out under the community welfare legislation.<br>**Note:** Following a direction from the Minister to perform this function. | CW Act s10(b)(i) | Secretary | X | X | X | X | | | | | | | | | |
| 16.11 | **Review of Programs – Funded by Parliament**<br>Review, monitor and evaluate community welfare or social development program financed wholly or partly out of funds provided by parliament.<br>**Note:** Following a direction from the Minister to perform this function. | CW Act s10(b)(ii) | Secretary | X | X | X | X | | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 16.12 | **Report to Minister**<br>Provide to the Minister a report of any assessment of community welfare and social development programs done in respect of subsection 10 (a) or (b).<br>**Note:** Following a direction from the Minister to perform this function. | CW Act s10(c)(i) and (ii) | Secretary | X | X | X | X | | | | | | | | | |
| | **Contracting of Services** | | | | | | | | | | | | | | | |
| 16.13 | Authority to enter into an arrangement to use the services of a person or organisation on a temporary or casual basis for the purpose of exercising any of the Secretary's functions (or other officer's functions) or for promoting the objectives under the community welfare legislation.<br>**Note:** Prior Ministerial approval required. | CW Act ss11(2) and 11(3) | Secretary | X | X | X | X | | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| **PART 2 - FINANCIAL DELEGATIONS** | | | | | | | | | | | | | | | | |
| 16.14 | **Funding – approve programs**<br>Authority to approve programs established in accordance with the objectives of the CW Act. | CW Act s6(1)(e) and s7(1) | Secretary | X | X | | | | | | | | | | | |
| 16.15 | **Funding – approve conditions**<br>Authority to approve conditions in respect of any assistance or support referred to in 16.2. | CW Act s6(2) | Secretary | X | X | | | | | | | | | | | |
| 16.16 | (a) Approve entering into an agreement* with persons or organisations in accordance with the objectives of the CW Act.<br>**Note:** The agreement does not commit funds and can be for an indefinite period of time. | CW Act s4 | Minister | X | X | X | X | X[1] | | | | | | | | |
| | (b) Approve variations to standard terms and conditions within the agreement. | CW Act s4 | Minister | X | | | | | | | | | | | | |
| | (c) Authority to sign an approved variation (per 16.16(b)) to an agreement. | CW Act s4 | Minister | X | X | X | X | X[2] | | | | | | | | |
| | (d) Approve funding to be committed in the agreement as per 16.16 (a). This approval includes the allocation of funding, payments and/or support (including one off allocations) to persons or organisations in order for them to provide community welfare or social development programs approved under 16.2 and 16.3:<br>• subject to funds being available;<br>• in accordance with a defined payment schedule for ongoing programs;<br>period of approval not to exceed 60 months in total<br>(i) The general financial limit applies. | CW Act ss6(1)(e) and 36(2) | Secretary | X | X | X | X | | | | | | | | | |
| | (ii) Up to a limit of $120,000,000 per annum per approval subject to conditions. | " | " | | | X[3] | | | | | | | | | | |

*where an agreement would include a funding deed or the Agreement for Funding of Services (known as the Human Services Agreement (HSA)

[1] Limited to Grade 11/12 employees within Commissioning and Planning teams in Districts and Strategy, Policy & Commissioning (SPC)
[2] Limited to Grade 11/12 employees within Commissioning and Planning teams in Districts and Strategy, Policy & Commissioning (SPC)
[3] Limited to Executive Director, Partnerships for payments for funding programs in the permanency support program

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | (e) Approval to execute the Agreement which has been approved under 16.16(d).<br>**Note:** This is an administrative delegation only. The approval to commit funding is made by the appropriate delegate in 16.16(d). | " | Minister | X | X | X | X | X[4] | | | | | | | | |
| **Property** | | | | | | | | | | | | | | | | |
| 16.17 | Authority to acquire land and buildings by purchase; exchange; resumption or appropriation under and subject to the *Land Acquisition (Just Terms Compensation) Act 1991* gift, devise or bequest, including the authority to agree to any conditions associated with this authority, and authorising all necessary transactions, agreements and dealings associated with such acquisition. | CW Act s13A | Secretary | X | X | X | X[5] | | | | | | | | | |
| 16.18 | Authority, subject to approved Ministerial programs, to commit expenditure to the improvement of any land (including the erection of buildings) acquired under the CW Act and authorising all necessary transactions, agreements and dealings associated with such improvement. | CW Act s13A | Secretary | X | X | X | X[6] | | | | | | | | | |
| 16.19 | Authority, subject to approval obtained under the 'Total Asset Management Plan' or another comparable Departmental approved plan, to sell or otherwise dispose of land acquired under the CW Act and authorising all necessary transactions, agreements and dealings associated with such disposal. | CW Act s13A | Secretary | X | X | X | X[7] | | | | | | | | | |
| 16.20 | Authority to make commercial use of land acquired under the CW Act and authorising all necessary transactions, agreements and dealings associated with such commercial use. | CW Act s13A | Secretary | X | X | X | X[8] | | | | | | | | | |
| 16.21 | Authority to grant a lease or licence of any land acquired under CW Act including land that is no longer required for the purpose for which it was acquired, and authorising all necessary transactions, agreements and dealings associated with such grant. | CW Act s13A | Secretary | X | X | X | X[9] | | | | | | | | | |

[4] Limited to Grade 11/12 Employees within Districts and Strategy, Policy & Commissioning (SPC)
[5] Limited to the Director, Infrastructure Operations
[6] Limited to the Director, Infrastructure Operations
[7] Limited to the Director, Infrastructure Operations
[8] Limited to the Director, Infrastructure Operations
[9] Limited to the Director, Infrastructure Operations

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 16.22 | Authority to enter into an agreement with a person or eligible organisation, where that person or eligible organisation has received land or buildings by transfer to them from another person or eligible organisation who acquired the land or buildings with the financial assistance of the Minister. | CW Act s13A | Secretary | X | X | X | X[10] | | | | | | | | | |
| 16.23 | (a) Authority to enter into a lease for new or existing premises, including group homes, as tenant on behalf of the Crown, provided that the lease is in accordance with the relevant Department approved Business Plan/Case. | CW Act s13A | Secretary | X | X | X | X[11] | | | | | | | | | |
| | (b) Authority to exercise an option to renew an existing lease as tenant on behalf of the Crown in respect of premises, including a group home, provided that the lease is in accordance with the relevant Department approved Business Plan/Case. | CW Act s13A | Secretary | X | X | X | X[12] | | | | | | | | | |
| 16.24 | Approval of plans/designs and technical specifications for, and the costs of, the fit-out of premises owned or leased by the Minister under the CW Act, including group homes, provided that the fit-out is in accordance with the relevant Department approved Business Plan/Case. | CW Act s13A | Secretary | X | X | X | X | | | | | | | | | |
| 16.25 | (a) Approval of essential repairs or maintenance to premises owned or leased by the Minister under the CW Act, including group homes. | CW Act s13A | Secretary | X | X | X | X | | | | | | | | | |

[10] Limited to the Director, Infrastructure Operations
[11] Limited to the Director, Infrastructure Operations
[12] Limited to the Director, Infrastructure Operations

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | (b) Approval of urgent essential repairs or maintenance to premises owned or leased by the Minister under the CW Act.<br>**Note:** "Urgent essential repairs" means repairs that must urgently be made to avoid loss of life; injury to the health of staff, clients and/or the public; and/or significant financial loss to the organisation. | CW Act s13A | Secretary | X | X | X | X | X | X | | X | X | | | | |
| 16.26 | Approval to refurbish or upgrade premises owned or leased by the Minister under the CW Act, including group homes, provided that the refurbishment/upgrade is in accordance with the relevant Department approved Business Plan/Case. | CW Act s13A | Secretary | X | X | X | X[13] | | | | | | | | | |
| 16.27 | Approval to install air-conditioning systems or upgrade existing air-conditioning systems in premises owned or leased by the Minister under the CW Act, including group homes, provided that the installation/upgrade is in accordance with the relevant Department approved Business Plan/Case. | CW Act s13A | Secretary | X | X | X | X[14] | | | | | | | | | |
| 16.28 | Approval to install new or upgraded telephone systems in premises owned or leased by the Minister under the CW Act. | CW Act s13A | Secretary | X | X | X | X[15] | | | | | | | | | |
| **FINANCIAL ASSISTANCE** | | | | | | | | | | | | | | | | |
| **Financial Assistance – Committees** | | | | | | | | | | | | | | | | |
| 16.29 | Approve financial assistance for the functioning of any Committee or Council established pursuant to section 17 of the Act (up to $100,000). | CW Act s18 | Secretary | X | X | | | | | | | | | | | |
| **Financial Assistance – Need and Distress** | | | | | | | | | | | | | | | | |
| 16.30 | Provide financial assistance for the relief of persons in need or distress (up to $10,000). | CW Act s36(1)(a) | Secretary | X | X | X | | | | | | | | | | |

[13] Limited to the Director, Infrastructure Operations
[14] Limited to the Director, Infrastructure Operations
[15] Limited to the Director, Infrastructure Operations

# SCHEDULE W: Adoption Act

Schedule Guide

- The numbers 1-13 refer to the 13 delegation categories defined in Schedule A.
- An X indicates that the delegation or authorisation is available to the corresponding category.
- A financial delegation is indicated by a blue shaded delegation cell. Unless otherwise stated, the general financial limits in Schedule B apply.
- An administrative delegation is indicated by a white shaded delegation cell.
- An administrative authorisation is indicated by a green shaded authorisation cell.
- "From" refers to the position from which the power is delegated or authorised.
- In this Schedule, a reference to "**the Minister**" is to the Minister for Families, Communities and Disability Services.

Applicable legislation ("**Source**")

- *Adoption Act 2000* (NSW) ("**Adoption Act**")
- *Adoption Regulation 2015* (NSW) ("**Adoption Reg**")
- *Family Law (Hague Convention on Intercountry Adoption) Regulations 1998* (Cth) ("**Hague Regulations**")

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| **Accreditation of Adoption Service Providers** | | | | | | | | | | | | | | | | |
| 21.1 | **Entry and Inspection**<br>Enter and inspect records of accredited adoption service providers. | Adoption Reg Schedule 1 clause 7(1) | Secretary | X | X | X | X | X | | | | | | | X | |
| 21.2 | **Provision of reports**<br>Adoption service provider must provide such reports with respect to its provision of adoption services as may from time to time be required. | Adoption Reg Schedule 1 clause 8(1)(b) | Secretary | X | X | X | X[1] | | | | | | | | | |
| 21.3 | **Provision of information**<br>Adoption service provider must provide any information relevant to its provision of adoption services as may reasonably be required by notice in writing. | Adoption Reg Schedule 1 clause 8(2) | Secretary | X | X | X | X[2] | | | | | | | | | |

[1] Limited to Director, Open Adoption and Permanency Services
[2] Limited to Director, Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 21.4 | **Conflict of Interest**<br>Issue a written direction to an adoption service provider concerning a possible conflict of interest. | Adoption Reg Schedule 1 clause 9(2) | Secretary | X | X | X | X | | | | | | | | X | |
| 21.5 | **Approval of Foreign Representative**<br>Approve a foreign representative to act in relation to adoption proceedings in a foreign country for an adoption service provider. | Adoption Reg Schedule 1 clause 10 | Secretary | X | X | X | X | | | | | | | | | |
| **The Adoption Process – Placement of Children for Adoption** | | | | | | | | | | | | | | | | |
| 21.6 | **Consultation – Aboriginal or Torres Strait Islander placement**<br>Ensure consultation as provided for in the Adoption Act, in relation to the placement of an Aboriginal or Torres Strait Islander child with an organisation or family. | Adoption Act ss 33, 37 | Secretary | X | X | X | X | X | | | | | | | | |
| 21.7 | **Enquiry – Is Child Aboriginal or Torres Strait Islander**<br>Make reasonable enquiries to determine if a child to be placed for adoption is an Aboriginal or Torres Strait Islander child. | Adoption Act ss 34, 38 | Secretary | X | X | X | X | X | | | | | | | | |
| 21.8 | **Selection of Applicants from Adoption Register**<br>Select applicants from the adoption register for placement of particular child. | Adoption Reg clause 69 | Secretary | X | X | X | X | X | | | | | | | | |
| 21.9 | **Placement Consideration – Religion**<br>Make all reasonable efforts to ensure placement of child for adoption is in conformity with a parent(s) request regarding the religious upbringing. | Adoption Reg clause 71 | Secretary | X | X | X | X | X | | | | | | | | |
| 21.10 | **Placement Consideration – Cultural Ties / Domestic Arrangements**<br>Make all reasonable efforts to ensure placement of child for adoption is in conformity with a parent(s) request regarding cultural heritage, identity and ties or domestic arrangements. | Adoption Reg clause 72 | Secretary | X | X | X | X | X | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
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| 21.11 | **Placement Consideration – Inability to Meet Parents' Wishes**<br>Give written authorisation for placement of the child with another approved person where compliance with expressed wish of parent(s) as to religious, cultural or domestic arrangements is impracticable. | Adoption Reg clause 73(1) | Secretary | X | X | X | X | X | | | | | | | | |
| **Inter-country Adoption** | | | | | | | | | | | | | | | | |
| 21.12 | **Adoption of NSW Child Outside Australia – Transfer of Care Responsibility**<br>Transfer care responsibility of child to another person with a view to adoption outside Australia in accordance with section 40(1) of the Adoption Act including preparation of a report. | Adoption Reg clause 68(2) | Secretary | X | X | X | X[3] | | | | | | | | | |
| **Selection of Prospective Adoptive Parents Other than Authorised Carers** | | | | | | | | | | | | | | | | |
| 21.13 | **Adoption – Expression of Interest Form**<br>Approve form of expression of interest to adopt. | Adoption Reg clause 37(1) | Secretary | X | X | X | X[4] | | | | | | | | | |
| 21.14 | **Adoption – Expression of Interest**<br>Determine the manner of being selected to adopt a child in relation to an expression of interest. | Adoption Act s 42(1)(b) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.15 | **Adoption – Invitation to Apply**<br>Invite applications for adoption following an expression of interest. | Adoption Act s 43 | Secretary | X | X | X | X | X | | | | | | | | |
| 21.16 | **Education and Training**<br>Require a prospective adoptive parent to attend adoptive parent education and training course following an expression of interest. | Adoption Reg clause 39(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.17 | **Approval of Adoption Application Form**<br>Approve form of application to adopt. | Adoption Reg clause 40 | Secretary | X | X | X | X[5] | | | | | | | | | |

[3] Limited to Director, Open Adoption and Permanency Services
[4] Limited to Director, Open Adoption and Permanency Services
[5] Limited to Director, Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
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| 21.18 | **Require Information**<br>Require a person to provide information reasonably required in order to assess suitability to adopt. | Adoption Reg clause 41 | Secretary | X | X | X | X | X | | | | | | | | |
| 21.19 | **Approval of Health Statement Forms**<br>Approve form regarding health statement by prospective adoptive parent and form of medical report regarding health of prospective adoptive parent completed by doctor. | Adoption Reg clause 42(1)(a) | Secretary | X | X | X | X[6] | | | | | | | | | |
| 21.20 | **Suitability Checks – Obtain or Conduct Checks**<br>Obtain or conduct suitability checks. | Adoption Reg clause 44(1) | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.21 | **Suitability Checks - Obtain Further Information**<br>Obtain further information in relation to an applicant. | Adoption Reg clause 44(2) | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.22 | **Suitability Checks – Further Checks**<br>Conduct further checks in relation to an applicant. | Adoption Reg clause 44(2) | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.23 | **Suitability Checks – Household Checks**<br>Obtain or conduct suitability checks in respect of a person who resides at the home of an applicant for more than three weeks. | Adoption Reg clause 44(3) | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.24 | **Suitability Checks – 14 and 15 Years**<br>Obtain or conduct a nationwide criminal check of a person who is 14 or 15 years and resides at the applicant's home (other than a child in out-of-home care) for more than 3 weeks. | Adoption Reg clause 44(4) | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.25 | **Suitability Checks – Household Further Checks**<br>Obtain further information or conduct further checks in relation to a person who resides in an applicant's home. | Adoption Reg clause 44(5) | Secretary | X | X | X | X | X | | | | | X | | | |

[6] Limited to Director, Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
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| 21.26 | **Suitability Checks – Other Inquiries**<br>Make such other inquiries with respect to an applicant or a person who resides at the applicant's home. | Adoption Reg clause 44(6) | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.27 | **Suitability Checks – Information from Another Designated Agency**<br>Obtain information from a designated agency or share information obtained in compliance with clause with designated agency. | Adoption Reg clause 44(8) | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.28 | **Publication of Criteria for Assessment**<br>Publish criteria for assessment of prospective adoptive parent(s). | Adoption Reg clause 45 | Secretary | X | X | | | | | | | | | | | |
| 21.29 | **Decline to Assess or Decline to Approve Applicant to Adopt**<br>Decide to decline to assess or decline to approve applicant as suitable to adopt. | Adoption Reg clauses 46(1)(a), (c) | Secretary | X | X | X | X | | | | | | | | | |
| 21.30 | **Approval of Applicant to Adopt**<br>Decide to approve an applicant as suitable to adopt either generally or subject to conditions. | Adoption Reg clause 46(1)(b) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.31 | **Require Details – Application to Adopt**<br>Require details from a principal officer about decisions made in respect to assessment of an application for adoption under clause 46(1). | Adoption Reg clause 46 (7)(b) | Secretary | X | X | X | X[7] | | | | | | | | | |
| 21.32 | **Decision of Adoption Assessment – Notice to Applicant**<br>Advise applicant in writing of decision of assessment for adoption made under clause 46.<br><br>(a) For decline decision. | Adoption Reg clause 47(1) | Secretary | X | X | X | X | | | | | | | | | |
| | (b) For approved decision. | | | X | X | X | X | X | | | | | | | | |

[7] Limited to Director, Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
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| 21.33 | **Adoption Approval – Conditions**<br>Decide to impose conditions on the approval to adopt that:<br>• limit the duration of the approval;<br>• limit the approval to adopt a child from a specified country, specified race, specified sex, or specified age;<br>• require applicant to confirm or update their particulars on a periodic basis or upon request;<br>• require applicant to inform of pregnancy or significant change in circumstances;<br>• require applicant to update or confirm particulars (and to undergo medical examinations and supply copies of documents) as required after four years. | Adoption Reg clause 49; Clause 48(2) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.34 | **Revocation of Approval**<br>Revoke approval of applicant. | Adoption Reg clause 50(1) | Secretary | X | X | X | X | | | | | | | | | |
| **Selection of Authorised Carers as Adoptive Parents** | | | | | | | | | | | | | | | | |
| 21.35 | **Invitation to Submit an Application**<br>Invite an authorised carer of a child in out of home care to submit an application to adopt the child. | Adoption Act s 45D; Adoption Reg clause 52(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.36 | **Approve the Form of Application**<br>Approve the form of the application of authorised carers to adopt. | Adoption Reg clause 52(2) | Secretary | X | X | X | X[8] | | | | | | | | | |
| 21.37 | **Supply Applicants with Information**<br>Supply the authorised carer applicant with information. | Adoption Reg clause 53(1) | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.38 | **Education and Training**<br>Require authorised carer to attend adoptive parent education and training course. | Adoption Reg clause 54 | Secretary | X | X | X | X | X | X | | | | | | | |

[8] Limited to Director, Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 21.39 | **Receipt of Application**<br>Acknowledge the receipt of an application. | Adoption Reg clause 56(1) | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.40 | **Additional Medical Reports**<br>Obtain any additional medical reports in respect of the authorised carer. | Adoption Reg clause 56(2) | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.41 | **Further Information**<br>Require further information to assess suitability of authorised carer applicant. | Adoption Reg clause 57 | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.42 | **Suitability Checks - Obtain or Conduct Checks**<br>Obtain or conduct suitability checks. | Adoption Reg clause 58(1) | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.43 | **Suitability Checks - Obtain Further Information**<br>Obtain further information in relation to an authorised carer. | Adoption Reg clause 58(2) | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.44 | **Suitability Checks – Further Checks**<br>Conduct further checks in relation to an authorised carer. | Adoption Reg clause 58(2) | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.45 | **Suitability Checks – Household**<br>Obtain or conduct suitability checks in respect of a person who resides at the home of an authorised carer for more than three weeks. | Adoption Reg clause 58(3) | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.46 | **Suitability Checks – Household Further Checks**<br>Obtain further information or conduct further checks in relation to a person who resides in an authorised carer's home for more than three weeks. | Adoption Reg clause 58(5) | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.47 | **Suitability Checks – Other Inquiries**<br>Make such other enquiries as considered appropriate with respect to an authorised carer or a person who resides in an authorised carer's home for more than three weeks. | Adoption Reg clause 58(6) | Secretary | X | X | X | X | X | | | | | X | | | |

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
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| 21.48 | **Approval of Authorised Carer as Suitable to Adopt**<br>Approve an authorised carer who has made an application to adopt a child as suitable to adopt the child. | Adoption Reg clause 60(1)(a) | Secretary | X | X | X | X | | | | | | | | | |
| 21.49 | **Approval with Conditions**<br>Approve authorised carer who has made an application to adopt a child as suitable to adopt the child subject to conditions. | Adoption Reg clause 60(1)(a) | Secretary | X | X | X | X | | | | | | | | | |
| 21.50 | **Decline to Approve**<br>Decline to approve an authorised carer who has made an application as suitable to adopt the child. | Adoption Reg clause 60(1)(b) | Secretary | X | X | X | X | | | | | | | | | |
| 21.51 | **Decision of Adoption Assessment – Notice**<br>Advise authorised carer in writing of assessment for adoption made under clause 60.<br><br>(a) For decline decision. | Adoption Reg clause 61(1) | Secretary | X | X | X | X | | | | | | | | | |
| | (b) For approved decision. | | | X | X | X | X | | | | | | | | | |
| 21.52 | **Revocation of Approval**<br>Revoke approval of authorised carer to adopt a child. | Adoption Reg clause 64(1) | Secretary | X | X | X | X | | | | | | | | | |
| 21.53 | **Information for Birth Parents About Authorised Carer**<br>Provide birth parents, upon request, with background information relating to the authorised carer. | Adoption Act s 45G(1) | Secretary | X | X | X | X | X | | | | | X | | | |
| **Adoption Register** | | | | | | | | | | | | | | | | |
| 21.54 | **Register of Approved Applicants**<br>Keep register of approved adoption applicants with the particulars required by clause 65. | Adoption Reg clause 65 | Secretary | X | X | X | X[9] | | | | | | | | | |

[9] Limited to Director, Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
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| 21.55 | **Particulars for Register**<br>Determine other particulars to be recorded on the register. | Adoption Reg clause 65(1)(f) | Secretary | X | X | X | X[10] | | | | | | | | | |
| 21.56 | **Continuing Suitability of Applicant**<br>Form opinion that applicant is no longer suitable to adopt a child because of a change in circumstances. | Adoption Reg clause 66(1)(d) | Secretary | X | X | X | X | | | | | | | | | |
| 21.57 | **Circumstances Causing Removal from Register**<br>Determine other circumstances when removal from the register is to occur. | Adoption Reg clause 66(1)(f) | Secretary | X | X | X | X | | | | | | | | | |
| **Consents to Adoptions, Counselling and Consultation** | | | | | | | | | | | | | | | | |
| 21.58 | **Provision of Mandatory Written Information in Relation to Consent**<br>Provide mandatory written information to the person whose consent to an adoption is needed. | Adoption Act s 59 | Secretary | X | X | X | X | X | X | | | | X | | | |
| 21.59 | **Approval of form of instrument for general consent to adoption**<br>Approve form for instrument for general consent to the adoption of a child. | Adoption Reg clause 80(1) | Secretary | X | X | X | X[11] | | | | | | | | | |
| 21.60 | **Provision of Information when Counselling Refused – Aboriginal Culture**<br>Provide written information on Aboriginal customs and culture if adoption counselling refused. | Adoption Act s 64(1)(b)(i) | Secretary | X | X | X | X | X | X | | | | X | | | |
| 21.61 | **Provision of Information when Counselling Refused – Torres Strait Islander Culture**<br>Provide written information on Torres Strait Islander customs and culture if adoption counselling refused. | Adoption Act s 65(1)(b)(i) | Secretary | X | X | X | X | X | X | | | | X | | | |

[10] Limited to Director, Open Adoption and Permanency Services
[11] Limited to Director, Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
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| 21.62 | **Applicant Seeking Consent Dispense Order**<br>Agree to the applicant for the adoption of a child seeking an order dispensing with consent of a person other than the child, to the adoption. | Adoption Act s 68(d) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.63 | **Approval in Relation to Qualifications as Counsellor**<br>Approve a body as appropriate employer, or approve professional association, when considering a person's qualifications as a counsellor. | Adoption Reg clauses 77(2)(a), (b) | Secretary | X | X | X | X[12] | | | | | | | | | |
| 21.64 | **Register of Counsellors – Establishment**<br>Establish a register of counsellors. | Adoption Reg clause 78 | Secretary | X | X | X | X | X | | | | | | | | |
| 21.65 | **Register of Counsellors – Approve Entry Form**<br>Approve form for entry on register. | Adoption Reg clause 78(4) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.66 | **Training for Registered Counsellor**<br>Decide that a registered counsellor must undergo training and provide notice in writing of the decision. | Adoption Reg clause 78(5) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.67 | **Register of Counsellors – Removal of Name**<br>Remove name from register of counsellors in accordance with the Regulation. | Adoption Reg clause 78(6) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.68 | **Mandatory Information – Approval of Form**<br>Approve form of Mandatory Information. | Adoption Reg clause 79(2) | Secretary | X | X | X | X[13] | | | | | | | | | |
| 21.69 | **Witness Signing Instrument of Consent**<br>Witness the signing of an instrument of consent in NSW. | Adoption Reg clause 81(1)(a)(i) | Secretary | X | X | X | X | X | X | | | | X | | | |
| 21.70 | **Notice of Consent Given – Approval of Form**<br>Approve form of notice that consent had been given. | Adoption Reg clause 83(3)(a) | Secretary | X | X | X | X[14] | | | | | | | | | |

[12] Limited to Director, Open Adoption and Permanency Services
[13] Limited to Director, Open Adoption and Permanency Services
[14] Limited to Director, Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
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| 21.71 | **Approve the form of written information on Aboriginal or Torres Strait Islander customs and culture**<br>Approve the form of written information on Aboriginal or Torres Strait Islander customs and culture and certain other matters referred to in sections 64(1)(b)(i) and 65(1)(b)(i) of the Adoption Act after consultation with an Aboriginal or Torres Strait Islander organisation. | Adoption Reg clause 86 | Secretary | X | X | X | X[15] | | | | | | | | | |
| **Parental Responsibility for Children Awaiting Adoption** | | | | | | | | | | | | | | | | |
| 21.72 | **Exercise of Parental Responsibility**<br>Exercise parental responsibility for child awaiting adoption (for purposes other than section 52 of the Adoption Act):<br>• when satisfied general consent to the adoption has been given; or<br>• the Court has dispensed with the requirement for consent; or<br>• the Court has made an interim order in favour of the Secretary. | Adoption Act s 75(1); s84(2) | Secretary | X | X | X | X[16] | | | | | | | | | X[17] |
| 21.73 | **Consents Held or Dispensed With**<br>Be satisfied all consents held/dispensed with. | Adoption Act s 75(4)(a) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.74 | **Decline of Parental Responsibility**<br>Decide to decline parental responsibility for child within 21 days following the giving of general consent or dispensing with consent. | Adoption Act s 75(5) | Secretary | X | X | X | X | | | | | | | | | |
| 21.75 | **Decline of Parental Responsibility**<br>Give copy of decline of parental responsibility to persons who gave consent. | Adoption Act s 75(6) | Secretary | X | X | X | X | | | | | | | | | |

[15] Limited to Director, Open Adoption and Permanency Services
[16] Limited to Director, Open Adoption and Permanency Services
[17] Limited to Chief Executive Officer, Barnardos Australia

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
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| 21.76 | **Exercise Parental Responsibility – Child from Another State**<br>Exercise parental responsibility for child from another State whose parental responsibility has been accepted. | Adoption Act s 75(7) and (8) | Secretary | X | X | X | X | | | | | | | | | |
| 21.77 | **Renounce Parental Responsibility – Child Present in Another State**<br>Renounce (subject to section 75) parental responsibility for a child present in another State if the criteria set out in section 76(1) is satisfied. | Adoption Act s 76(1) | Secretary | X | X | X | X | | | | | | | | | |
| 21.78 | **Instrument of Renunciation - Forwarding**<br>Forward instrument of renunciation. | Adoption Act s 76(3) | Secretary | X | X | X | X | | | | | | | | | |
| 21.79 | **Exercise Parental Responsibility – Non Citizen Child**<br>Exercise parental responsibility in respect of non-citizen child who is subject to the Commonwealth *Immigration (Guardianship of Children) Act 1946,* on entry to Australia. | Adoption Act s 77(2) | Secretary | X | X | X | X | | | | | | | | | |
| 21.80 | **Secretary's Parental Responsibility – Report to Court**<br>Make report to Court if the Secretary's parental responsibility continues after a period of one year. | Adoption Act s 78(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.81 | **Placement of Child under Secretary's Parental Responsibility**<br>Decide to place a child who is under the Secretary's parental responsibility in the care of any suitable person, and determine the terms and conditions for the child's placement. | Adoption Act s 79(2) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.82 | **Order Terminating Placement**<br>Make an order terminating a child's placement in the care responsibility of a person made pursuant to section 79(2), while the child is awaiting adoption. | Adoption Act s 79(2B) | Secretary | X | X | X | X | | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
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| 21.83 | **Order Directing Return to Care**<br>Make an order in writing directing that a child who has left or been removed from the care of either the Secretary or a person with care responsibility, is to be returned to that care. | Adoption Act s 79A | Secretary | X | X | X | X | | | | | | | | | |
| 21.84 | **Application for Search Warrant**<br>Apply for a search warrant in relation to a child the Secretary has placed in another person's care responsibility. | Adoption Act s 79B(1) | Secretary | X | X | X | X | | | | | | | | | |
| **Preliminary Hearings** | | | | | | | | | | | | | | | | |
| 21.85 | **Preliminary Hearing - Notice**<br>Give notice of preliminary hearing. | Adoption Act s 82 | Secretary | X | X | X | X | X | | | | | | | | |
| 21.86 | **Application for Preliminary Hearing**<br>Decide to apply for a preliminary hearing to be held. | Adoption Reg clause 89 | Secretary | X | X | X | X | X | | | | | | | | |
| **Adoption Orders** | | | | | | | | | | | | | | | | |
| 21.87 | **Give consent to the filing of an application for an Adoption Order**<br><br>(a) Give consent for a prospective adoptive parent or parents to file an application for an Adoption Order with the Court. | Adoption Act s 87(1)(a) | Secretary | X | X | X | X[18] | | | | | | | | | |
| 21.88 | **Apply for an Adoption Order**<br><br>(a) Make an application for an Adoption Order on behalf of the prospective adoptive parents. | Adoption Act s 87(1)(b) | Secretary | X | X | X | X | X[19] | | | | | | | | |

[18] Limited to Director, Open Adoption and Permanency Services
[19] In Districts this delegation is limited to Managers, Client Services

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
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| 21.89 | **Apply for an Adoption Order - Barnardos**<br>Make an application for an Adoption Order on behalf of the prospective adoptive parents pursuant to permanency planning principles and in the capacity of exercising Parental Responsibility for the Minister. | Adoption Act s 87(1)(b) | Secretary | | | | | | | | | | | | | X[20] |
| 21.90 | **Adoption Order – Report to Court**<br>Preparation of report to Court before order made for adoption of child. | Adoption Act s 91(2) | Secretary | X | X | X | X | X | X | | | | X | | | |
| 21.91 | **Adoption Order – Report to Court**<br>Making of report to Court before order made for adoption of child where it is considered appropriate. | Adoption Act s 91(3) | Secretary | X | X | X | X | | | | | | | | | |
| 21.92 | **Adoption Order – Report to Court**<br>Making of report to Court before order made for adoption where the report is requested by the Court. | Adoption Act s 91(4) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.93 | **Approval of approved assessor**<br>Approve an assessor who may provide a report to the Court for the purposes of section 91 of the Adoption Act. | Adoption Act s 91(7) | Secretary | X | X | X | X[21] | | | | | | | | | |
| 21.94 | **Application for Discharge of Adoption – Report to Court**<br>Investigate and report to the Court on application for discharge of adoption. | Adoption Act s 94 | Secretary | X | X | X | X | X | | | | | | | | |
| 21.95 | **Adoption Plan - Notification**<br>Notify person with care responsibility of the terms of the adoption plan. | Adoption Act s 49 | Secretary | X | X | X | X | X | | | | | | | | |
| 21.96 | **Adoption Plan - Registration**<br>Apply to the Court for registration of an adoption plan. | Adoption Act s 50(1) | Secretary | X | X | X | X | X | | | | | | | | |

[20] Restricted to Chief Executive Officer, Barnardos Australia and Principal Officer, Adoptions, Barnardos Australia
[21] Limited to Director, Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| 21.97 | **Adoption Plan - Review**<br>Apply to the Court for the review of an adoption plan. | Adoption Act s 51(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.98 | **Notice of Application for Adoption Order – where child provides sole consent**<br>Give at least 14 days' notice of application for adoption order where the child has given sole consent, to parent or person with parental responsibility. | Adoption Act S 54(1)(c), (3)(a) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.99 | **Application to Dispense with Giving of Notice**<br>Make an application to the Court for an order dispensing with the giving of notice. | Adoption Act s54(3)(b), s88(4) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.100 | **Adoption – Notice to Birth Father**<br>Give notice to birth father of:<br>• adoption application;<br>• any consents given to the adoption;<br>• legal processes for establishing paternity;<br>• his rights as parent in relation to the adoption. | Adoption Act s 56(2) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.101 | **Application for Consent Dispense Order**<br>Apply for order dispensing with consent of person other than child, to the adoption. | Adoption Act s 68(a) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.102 | **Receipt of Notice of Consent Dispense Order**<br>Receive notice regarding consent dispense order. | Adoption Act s 69(4) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.103 | **Notice to Persons Consenting to Adoption**<br>Give notice not less than 7 days before the revocation period ends, to each person (other than the child) who consented to an adoption. | Adoption Act s 74(1) | Secretary | X | X | X | X | X | X | | | | X | | | |
| 21.104 | **Interim Order – Application to the Court**<br>Make an application to the Court for an interim order. | Adoption Act s 84(2) | Secretary | X | X | X | X | X | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
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| 21.105 | **Notice of Application for Adoption Orders**<br>Give at least 14 days' notice of application for order to any person whose consent is required and has not been given, and to any person with whom the child lives or who has parental responsibility for the child (unless the person is the applicant). | Adoption Act s 88(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.106 | **Application for Discharge of Adoption Order**<br>Apply for an order discharging an adoption order, or receive notice of an application for discharge. | Adoption Act s 93 | Secretary | X | X | X | X[22] | | | | | | | | | |
| 21.107 | **Application for Adoption Order – NSW Child in Convention Country**<br>Apply to the Court for an adoption order (or receive application and give notice if required):<br>• for a child from NSW where the prospective adoptive parents are resident in a Convention country, after considering the possibility of placing the child for adoption within Australia. | Adoption Act s 106(1) | Secretary | X | X | X | X[23] | | | | | | | | | |
| | | Clause 14 Hague Regulations | State Central Authority | | X[24] | | X[25] | | | | | | | | | |
| 21.108 | **Application for Adoption Order – Child from Convention Country in NSW**<br>Apply to the Court for an adoption order (or receive application and file statement if required):<br>• for a child from a Convention country where the prospective adoptive parents are resident in NSW. | Adoption Act s 107(1) | Secretary | X | X | X | X[26] | | | | | | | | | |
| | | Clause 15 Hague Regulations | State Central Authority | | X[27] | | X[28] | | | | | | | | | |

[22] Limited to Director, Open Adoption and Permanency Services
[23] Limited to Director, Open Adoption and Permanency Services
[24] Limited to Deputy Secretary, Child Protection and Permanency, District and Youth Justice Services
[25] Limited to Director, Open Adoption and Permanency Services under instrument of authorisation
[26] Limited to Director, Open Adoption and Permanency Services
[27] Limited to Deputy Secretary, Child Protection and Permanency, District and Youth Justice Services
[28] Limited to Director, Open Adoption and Permanency Services under instrument of authorisation

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
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| 21.109 | **Application for Non-Recognition of Adoption**<br>Apply to the Court for a declaration of non-recognition of adoption, and give notice of the application. | Adoption Act s 110(1) | Secretary | X | X | X | X[29] | | | | | | | | | |
| | | Clause 22 Hague Regulations | State Central Authority | | X[30] | | X[31] | | | | | | | | | |
| 21.110 | **Application for Termination of Legal Relationship – Child Resident in Convention Country**<br>Apply to the Court for order terminating legal relationship between a child resident in a Convention country and pre-adoption parents, if law of the Convention country does not terminate this legal relationship before the adoption (or receive application and give notice). | Adoption Act s 111(2) | Secretary | X | X | X | X[32] | | | | | | | | | |
| | | Clause 20 Hague Regulations | State Central Authority | | X[33] | | X[34] | | | | | | | | | |
| 21.111 | **Hearing of Adoption Application – Appearance in Court**<br>Appear in Court at the hearing of any adoption application, and call, examine, and cross examine witnesses. | Adoption Act s 120 | Secretary | X | X | X | X[35] | X | | | | | | | | |
| 21.112 | **Report to Court**<br>Report to Court regarding child's wishes. | Adoption Act s 128(a) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.113 | **Approval of Adoption Plan Review Form**<br>Approve of form for review of Adoption Plan. | Adoption Reg clause 76 | Secretary | X | X | X | X[36] | | | | | | | | | |

[29] Limited to Director, Open Adoption and Permanency Services
[30] Limited to Deputy Secretary, Child Protection and Permanency, District and Youth Justice Services
[31] Limited to Director, Open Adoption and Permanency Services under instrument of authorisation
[32] Limited to Director, Open Adoption and Permanency Services
[33] Limited to Deputy Secretary, Child Protection and Permanency, District and Youth Justice Services
[34] Limited to Director, Open Adoption and Permanency Services under instrument of authorisation
[35] Limited to Director, Open Adoption and Permanency Services
[36] Limited to Director, Open Adoption and Permanency Services

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| **Adoption Information** | | | | | | | | | | | | | | | | |
| **Access to Birth Certificates and Other Information** | | | | | | | | | | | | | | | | |
| 21.114 | **Consent to Release of Adoption Information**<br>Decide to consent to the release of birth certificate, birth record or other prescribed adoption information to adopted person who is under 18, if there is sufficient reason to dispense with the consent of adoptive parents or birth parents. | Adoption Act s 134(3), 133C(3)(b) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.115 | **Provision of Adoption Information to Birth Parents**<br>Provide birth records and other information to birth parents of an adopted person. | Adoption Act s 136(1)(4) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.116 | **Provision of Non-identifying Adoption Information to Birth Parents**<br>Provide adoption information to a birth parents that:<br>(a) does not identify, or could not be used to identify, the adoptive parents;<br>(b) would promote the welfare and best interests of either or both of the parties concerned. | Adoption Act s 136(6)(a)(6)(b) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.117 | **Provision of Adoption Information to Birth Parents (post 2010)**<br>Provide an authority for adoption information to be supplied to the birth parent of an adopted person who is less than 18 years of age. | Adoption Act s 133E(2)(3) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.118 | **Provision of Adoption Information to Birth Parents (post 2010)**<br>Form opinion as to safety, welfare or well-being of the child or adoptive parents, and refuse to issue authority, or issue authority subject to conditions, in relation to the provision of information to a birth parent. | Adoption Act s 133E(4)(5)(6) | Secretary | X | X | X | X | X | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
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| 21.119 | **Discretion to Supply Other Information to Birth Parents (post 2010)**<br>Provide information to a birth parent of an adopted person:<br>(a) that does not identify, or could not be used to identify, the adoptive parents, and<br>(b) would promote the welfare and best interests of any of the parties concerned. | Adoption Act s 133F (3)(a)(b) | Secretary | X | X | X | X | X | | | | | X | | | |
| 21.120 | **Provision of Adoption Information to Non-Adopted Sibling (post 2010)**<br>Provide consent for prescribed information relating to an adopted person to be provided to a non-adopted sibling who is less than 18 years:<br>• if the surviving parents of the non-adopted sibling cannot be found or there is sufficient reason to dispense with their consent<br>Provide authority (or provide subject to conditions) to supply adoption information to a non-adopted sibling who is less than 18 years:<br>• if it does not pose a risk to the safety, welfare, or wellbeing of the adopted child or adoptive parents.<br>Refuse to provide authority if it would pose a risk to the safety, welfare or well-being of the adopted child or adoptive parents. | Adoption Act s 133G (2)(b)(4)(5)(6)(7) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.121 | **Supply or Authorise Supply of Adoption Information to Relative /Spouse**<br>Exercise the discretion to supply or authorise supply of information to relative/spouse after death of adopted person or birth parent:<br>• in accordance with the criteria for supplying adoption information in section 137. | Adoption Act s 137 | Secretary | X | X | X | X | X | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
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| 21.122 | **Supply Adoption Information in Parties' Best Interests**<br>Exercise the discretion to supply (or authorise supply of) adoption information:<br>• if it would promote the welfare and best interests of either or both of the parties concerned<br>• before an entitlement to it arises under the Adoption Act. | Adoption Act s 140 | Secretary | X | X | X | X | X | | | | | | | | |
| 21.123 | **Form of Advance Notice Request**<br>Approve the form in which an advance notice request is to be made to the Secretary. | Adoption Act s 147(2) | Secretary | X | X | X | X[37] | | | | | | | | | |
| 21.124 | **Advance Notice Register - Establishment**<br>Establish and maintain Advance Notice Register. | Adoption Act s 148(1) | Secretary | X | X | X | X[38] | | | | | | | | | |
| 21.125 | **Advance Notice Register - Advice**<br>Advise relevant information source of each entry on Advance Notice Register. | Adoption Act s 148(3) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.126 | **Advance Notice Register – Delay Supplying Information**<br>Delay the supply of personal information until the advance notice period expires or is waived or cancelled in accordance with section 152 of the Adoption Act. | Adoption Act s 149 | Secretary | X | X | X | X | X | | | | | | | | |
| 21.127 | **Adoption Information – Advice on Delay in Supplying**<br>Advise applicant re delay of issue of adoption information. | Adoption Act s 150 | Secretary | X | X | X | X | X | | | | | | | | |
| 21.128 | **Advance Notice Request – Notification to Person Lodging**<br>Notify person who lodged advance notice request of application for supply of personal information. | Adoption Act s 153(1) | Secretary | X | X | X | X | X | X | | | | X | | | |

[37] Limited to Director, Open Adoption and Permanency Services
[38] Limited to Director, Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
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| 21.129 | **Provision of Additional Information**<br>Approve the provision of additional prescribed information in accordance with sections 133C – 133G and 134-137 of the Act. | Adoption Reg clause 104(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.130 | **Intention to Supply Information – Notification to Affected Persons**<br>Notify person of intention to supply information which may affect them and consider any submissions made by them. | Adoption Reg clause 104(2) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.131 | **Intention to Supply Information – Inability to Notify Affected Persons**<br>Form opinion that it is not practical or possible to notify the person affected by the supply of information. | Adoption Reg clause 104(3) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.132 | **Supply of Information – No Detriment to Adopted Person**<br>Form opinion (supported by expert opinion) under conditions described in the Regulation that there is unlikely to be any detriment to adopted person or their family from supply of the amended birth certificate or other prescribed information. | Adoption Reg clause 107(3) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.133 | **Supply of Information – Non Identification**<br>Form opinion (supported by expert opinion):<br>• that supply of prescribed information to a person not entitled to it will not identify person to whom it relates; and<br>• that the supply of information is unlikely to cause detriment to the person or their family. | Adoption Reg clause 107(4) | Secretary | X | X | X | X | X | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 21.134 | **Qualifications of Person Advising on Withholding Information**<br>Form opinion (including obtaining advice from persons with suitable qualifications or experience) as to whether exceptional circumstances exist that make it necessary to refuse to supply a birth certificate or supply of information under section 136A of the Adoption Act. | Adoption Reg clause 108(1), (2)(d) | Secretary | X | X | X | X | | | | | | | | | |
| 21.135 | **Paternity – Provision of Assistance**<br>Provide assistance to information source to determine entitlement to presume paternity. | Adoption Reg clause 110(2) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.136 | **Approval of Release Form**<br>Approve form of a "release". | Adoption Reg clause 112(1) | Secretary | X | X | X | X[39] | | | | | | | | | |
| 21.137 | **Inability to Consent to Release of Information**<br>Form opinion that someone is incapable of giving consent to release information. | Adoption Reg clause 112(2)(c) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.138 | **Intent to Supply Message**<br>Form opinion that the message was intended to be supplied. | Adoption Reg clause 112(3)(a) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.139 | **Issue of Supply Authority**<br>Issue of a Supply Authority. | Adoption Reg clause 114(2) | Secretary | X | X | X | X | X | X[40] | | | | | | | |
| **Advance Notice for Personal Information** | | | | | | | | | | | | | | | | |
| 21.140 | **Advance Notice Request – Waiver or Cancellation**<br>Determine, after relevant consultation, whether circumstances exist to warrant asking a person to waive or cancel their advance notice registration. | Adoption Act s152 | Secretary | X | X | X | X | X | | | | | | | | |

[39] Limited to Director, Open Adoption and Permanency Services
[40] Limited to staff in Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 21.141 | **Advance Notice Waiver Request – Counselling**<br>Arrange for counselling in relation to advance notice waiver request. | Adoption Act s152(3) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.142 | **Supply of Message – Best Interests of Parties**<br>Form opinion that welfare and best interests of one or both parties would be promoted by supplying message. | Adoption Reg clause 112(3)(b) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.143 | **Definition of 'advance notice period' – Extension of time**<br>Extend period of time for advance notice. | Adoption Act s 145(b) Definitions | Secretary | X | X | X | X | X | | | | | | | | |
| 21.144 | **Approve the form of an undertaking**<br>Approve the form of an undertaking for an adopted person to sign who is seeking prescribed information on a putative birth father. | Adoption Reg clause 110(3) | **Secretary** | X | X | X | X[41] | | | | | | | | | |
| **Contact Vetoes** | | | | | | | | | | | | | | | | |
| 21.145 | **Approval of Contact Veto Form**<br>Approve "Contact Veto" form. | Adoption Act s 156(2) | Secretary | X | X | X | X[42] | | | | | | | | | |
| 21.146 | **Contact Veto Register – Establishment**<br>Establish and maintain a Contact Veto Register. | Adoption Act s 157 | Secretary | X | X | X | X[43] | | | | | | | | | |
| 21.147 | **Authority to Supply Adoption Information – Contact Veto Details**<br>Endorse details of contact veto on authority to supply adoption information. | Adoption Act s 158 | Secretary | X | X | X | X | X | X[44] | | | | | | | |

[41] Limited to Director, Open Adoption and Permanency Services
[42] Limited to Director, Open Adoption and Permanency Services
[43] Limited to Director, Open Adoption and Permanency Services
[44] Limited to staff in Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 21.148 | **Contact Veto – Contact, Consultation, Counselling**<br>Exercise the discretion to:<br>• contact the person (who lodged the contact veto) to confirm, cancel or vary contact veto at request of person seeking contact or on Secretary's own initiative only where it would promote the welfare and best interests of the parties;<br>• consult relevant persons or bodies;<br>• arrange for counselling to assist parties concerned in a contact veto. | Adoption Act ss161(1), 161(2), 161(3), 161(4) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.149 | **Application for Adoption Information - Notification to Vetoer**<br>Notify person who has lodged contact veto of application for supply of information. | Adoption Act s 162(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.150 | **Cancellation or Variation of Contact Veto - Notification**<br>Notify person of contact veto cancellation or variation. | Adoption Act s 163 | Secretary | X | X | X | X | X | X | | | | X | | | |
| 21.151 | **Contact Veto – Undertaking Not to Contact**<br>Exercise the discretion, as a condition of the supply of adoption information subject to a contact veto under s140, to require person to sign an undertaking not to contact the vetoer. | Adoption Act s 164(4) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.152 | **Supply Authority – Contact Veto Details**<br>Endorse supply authority with details of a contact veto. | Adoption Reg clause 116 | Secretary | X | X | X | X | X | X[45] | | | | | | | |
| 21.153 | **Approval of Form – Access to Information about Contact Veto**<br>Approve form to access information about a contact veto. | Adoption Reg clause 117(2)(a) | Secretary | X | X | X | X | | | | | | | | | |

[45] Limited to staff in Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 21.154 | **Contact Veto – Identity of Applicant for Information**<br>Be satisfied as to identity of applicant for information about a contact veto. | Adoption Reg clause 117(2)(b) | Secretary | X | X | X | X | X | X[46] | | | | | | | |
| 21.155 | **Contact Veto – Approach to Person Lodging**<br>Form opinion that there are exceptional circumstances to deal with a request under s.161 of the Act, to approach a person who has lodged contact veto within 6 months after veto took effect. | Adoption Reg clause 118 | Secretary | X | X | X | X | X | | | | | | | | |
| **Reunion and Information Register** | | | | | | | | | | | | | | | | |
| 21.156 | **Reunion and Information Register – Maintenance**<br>Maintain Reunion and Information Register. | Adoption Act s 166(1) | Secretary | X | X | X | X[47] | | | | | | | | | |
| 21.157 | **Reunion and Information Register – Approval**<br>Approve form of application for entry in Reunion and Information Register. | Adoption Act s 166(3) | Secretary | X | X | X | X[48] | | | | | | | | | |
| 21.158 | **Reunion and Information Register – Inclusion of Persons**<br>Form opinion whether any person other than the adopted person, or adoptive parent or birth parent ought to have his/her name on Reunion and Information Register. | Adoption Act s 167(1)(d) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.159 | **Reunion and Information Register – Inclusion of Persons aged 12-18**<br>Form opinion as to:<br>• whether special circumstances exist to put adopted person's (aged between 12 and 18 years) name on Reunion and Information Register; and<br>• whether it will promote the welfare and best interests of adopted person to do so. | Adoption Act ss 167(3), 167(4) | Secretary | X | X | X | X | X | | | | | | | | |

[46] Limited to staff in Open Adoption and Permanency Services
[47] Limited to Director, Open Adoption and Permanency Services
[48] Limited to Director, Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 21.160 | **Reunion and Information Register – Adoptive Parent Incapable of Consent**<br>Form opinion that an adoptive parent (of a person under 18) is incapable of giving consent to the entry of that person's name on the Reunion and Information Register. | Adoption Act s 167(5)(c) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.161 | **Reunion and Information Register – Refusal to Enter Name**<br>Exercise the discretion to refuse to enter name or take message for Reunion and Information Register if an opinion is formed that the person is ineligible or that the due application process has not occurred. | Adoption Act s 169 | Secretary | X | X | X | X | | | | | | | | | |
| 21.162 | **Reunion and Information Register – Messages**<br>Exercise the discretion to open, and inspect any message:<br>(1) for an adopted person who is less than 18 years of age (and copy any message)<br>(2) at the request of a person whose name is entered in the register or of the person for whom a message has been left. | Adoption Act s 170(1)(2) | Secretary | X | X | X | X | X | X | | | | | | | |
| 21.163 | **Reunion and Information Register – Delay of Message**<br>Form opinion that the content of a message is distressing and decide to delay delivering the message. | Adoption Act s 171 | Secretary | X | X | X | X | X | | | | | | | | |
| 21.164 | **Reunion and Information Register – Arrangements for Reunion**<br>Exercise the discretion to make arrangements for reunion of registered persons. | Adoption Act s 173(1), (2) | Secretary | X | X | X | X | X | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 21.165 | **Consent of Adoptive Parents to Reunion Where Adopted Person is under 18**<br>Refuse to arrange reunion of adopted person under 18 years unless written consent of adoptive parents or notice given to adoptive parent not less than 90 days before intended reunion. | Adoption Act s 173(3) | Secretary | X | X | X | X | | | | | | | | | |
| 21.166 | **Reunion and Information Register – Notification to Corresponding Person**<br>Notify person of corresponding entry on Reunion and Information Register. | Adoption Act s 173(4) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.167 | **Reunion and Information Register – Location of Persons**<br>Decide to take such action as is reasonable to locate (or if on behalf of adopted person authorise information source to locate), person on behalf of adopted person, birth parent or relative or other person. | Adoption Act ss 174(1), (2),(3), (4)(5) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.168 | **Reunion and Information Register – Delivery of Message**<br>Deliver a message that has been left on Reunion and Information Register. | Adoption Reg clause 121(2),(3), (4) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.169 | **Reunion and Information Register – Inclusion of Document**<br>Decide to approach a person who left a document before 1 September 1996 or take other action to ascertain whether the document was intended to be a message for another party to the adoption. | Adoption Reg clause 122(2) | Secretary | X | X | X | X | X | | | | | | | | |
| **Research Organisations** | | | | | | | | | | | | | | | | |
| 21.170 | **Disclosure of Information for Research Purposes**<br>Enter into arrangements with research organisation for purposes of information disclosure. | Adoption Act s 175A(1) | Secretary | X | X | | | | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 21.171 | **Consultation**<br>Consult with Privacy Commissioner prior to entering into information disclosure arrangements. | Adoption Act s 175A(3) | Secretary | X | X | X | | | | | | | | | | |
| **Miscellaneous** | | | | | | | | | | | | | | | | |
| 21.172 | **Approval of Adoption Advertising**<br>Approve the publication of adoption advertising or news item. | Adoption Act s 178(4) | Secretary | X | X | X | X[49] | | | | | | | | | |
| 21.173 | **Approval of Contact Between Parents**<br>Approve contact by prospective adoptive parent with birth parent. | Adoption Act s 187(2)(b) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.174 | **Provision of Advice or Assistance – Approval of Aboriginal Person**<br>Approve Aboriginal person to provide advice and assistance to Aboriginal families/kinship groups in relation to care options for Aboriginal children. | Adoption Act s 195(1) | Secretary | X | X | X | X[50] | | | | | | | | | |
| 21.175 | **Provision of Advice or Assistance – Approval of Torres Strait Islander Person**<br>Approve a Torres Strait Islander person to provide advice and assistance to Torres Strait Islander families/kinship groups in relation to care options for Torres Strait Islander children. | Adoption Act s 196(1) | Secretary | X | X | X | X[51] | | | | | | | | | |
| 21.176 | **Alternative Address for Notice**<br>Give notice at another address if notice cannot be given at nominated address. | Adoption Act s 197 | Secretary | X | X | X | X | X | | | | | | | | |
| 21.177 | **Translation of Notice**<br>Arrange for translation of notice or other instrument into other language for non-English speaking persons. | Adoption Act s 198(1) | Secretary | X | X | X | X | X | | | | | | | | |

[49] Limited to Director, Open Adoption and Permanency Services
[50] Limited to Director, Open Adoption and Permanency Services
[51] Limited to Director, Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 21.178 | **Adoption Information Entitlement of Disabled Person**<br>Form opinion that a person with a disability may attempt to contact person who lodged a contact veto:<br>• consequently decide to refuse to supply adoption information; and<br>• direct an information source not to supply adoption information which is subject to a contact veto to the person. | Adoption Act s 199(3)(a), (b) | Secretary | X | X | X | X | | | | | | | | | |
| 21.179 | **Authority to Prosecute**<br>Issue written consent for prosecution to commence. | Adoption Act s 203 | Minister | X | X | X | X | | | | | | | | | |
| 21.180 | **Case Records – Maintenance**<br>Maintain case records. | Adoption Reg clause 126(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 21.181 | **Records – Inspection**<br>Inspect case records. | Adoption Reg clause 126(2)(c) | Secretary | X | X | X | X | X | | | | | | | X | |
| 21.182 | **Records Inspection – Authorisation**<br>Authorise person to inspect records. | Adoption Reg clause 126(2)(c) | Secretary | X | X | X | X | | | | | | | | X | |
| 21.183 | **Records Inspection – Proceedings under Act**<br>Inspect any records of any proceedings under the Adoption Act. | Adoption Reg clause 127(b) | Secretary | X | X | X | X | X | | | | | | | X | |
| 21.184 | **Fees – Adoptions**<br>Determine and notify fees in relation to the supply of documents or information or the provision of services in respect of adoptions. | Adoption Act s 200(1), (2), (3) | Secretary | X | X | X | X | | | | | | | | | |
| 21.185 | **Financial Assistance – Decision on Eligibility**<br>Form opinion about classes of children eligible for financial assistance. | Adoption Reg clause 131 | Secretary | X | X | X | X | X | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Financial Delegations** | | | | | | | | | | | | | | | |
| 21.186 | **Waiving of Fees – Adoptions**<br>Exercise the discretion to waive or reduce a client's fees in respect of an application for adoption.<br>• waived amount may be part or all of the applicable fee.<br>Up to a limit of $25,000. | Adoption Act s 200(4) | Secretary | X | X | X | X[52] | | | | | | | | | |
| 21.187 | **Allowances - Adoption**<br>Provide financial assistance, by way of allowance, for a child or young person who has been adopted, or has been placed for adoption.<br>• maximum amount per fortnight<br>• approval within guidelines<br>• approval period not to exceed 12 months<br>• this includes back payments of the allowance up to the specified period as per policy.<br><br>**Note**: Despite the reference to approval within guidelines above, this includes allowances approved out-of-guidelines as per policy.<br><br>(a) Limited to +1 and +2 rates of adoption allowances. | Adoption Act s 201 | Secretary | X | X | X | X | X[53] | | | | | | | | |
| | (b) Limited to standard rates of adoption allowances. | | | X | X | X | X | X[54] | | | | | | | | |

[52] Limited to Director, Open Adoption and Permanency Services
[53] Limited to Manager Client Services, Manager Helpline and Manager Client Services Open Adoption and Permanency Services
[54] Limited to Manager Casework, Manager Helpline and Manager Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 21.188 | **Financial Assistance – Adoption**<br>Approve financial assistance, other than allowances, in relation to a child or young person who has been adopted, or has been placed for adoption.<br>• approval within guidelines<br>• limit applies per approval<br>• this includes back payments of the allowance exceeding the specified period as per policy.<br><br>**Note**: Despite the reference to approval within guidelines above, this includes payments approved out-of-guidelines as per policy.<br><br>(a) Up to a limit of $500,000. | Adoption Act s 201 | Secretary | X | X[55] | | | | | | | | | | | |
| | (b) Up to a limit of $250,000. | | | X | X | X | | | | | | | | | | |
| | (c) Up to a limit of $50,000. | | | X | X | X | X[56] | | | | | | | | | |
| | (d) Up to a limit of $20,000. | | | X | X | X | X[57] | | | | | | | | | |
| | (e) Up to a limit of $5,000. | | | X | X | X | X | X[58] | | | | | | | | |
| | (f) Up to a limit of $1,000. | | | X | X | X | X | X[59] | | | | | | | | |

[55] Limited to Deputy Secretary, Child Protection and Permanency, District and Youth Justice Services
[56] Limited to Director Community Services and other Directors in the District whose functions relate to child protection
[57] Limited to Director, Child and Family, Director, Intensive Support Services and Director, Open Adoption and Permanency Services
[58] Limited to Manager Client Services, Manager Helpline and Manager Client Services Open Adoption and Permanency Services
[59] Limited to Manager Casework, Manager Helpline and Manager Open Adoption and Permanency Services

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 21.189 | **Financial Assistance – Adoption**<br>Approve financial assistance that is out-of-guidelines<br>(a) To a person with whom the child has been placed for adoption, the applicants for an adoption order, or the adoptive parent/s; or<br>(b) To a birth parent/s<br>in relation to a child or young person who has been adopted, or has been placed for adoption.<br>• limit applies per approval<br>(a) Up to a limit of $100,000. | Adoption Act s 201 | Secretary | X | X[60] | | | | | | | | | | | |

[60] Limited to Deputy Secretary, Child Protection and Permanency, Districts and Youth Justice

# SCHEDULE X: Children and Young Persons (Care and Protection) Act

Schedule Guide

- The numbers 1-13 refer to the 13 delegation categories defined in Schedule A.
- An X indicates that the delegation is available to the corresponding delegation category.
- A financial delegation is indicated by a blue shaded delegation cell. Unless otherwise stated, the general financial limits in Schedule B apply.
- An administrative delegation is indicated by a white shaded delegation cell.
- "From" refers to the position from which the power is delegated.
- The term 'Aboriginal' is used in this schedule, the definition of Aboriginal in NSW Department of Communities and Justice ("**DCJ**") is inclusive of Torres Strait Islanders.
- In this Schedule, a reference to "**the Minister**" is to the Minister for Families, Communities and Disability Services.

Applicable legislation ("**Source**"):
*Children and Young Persons (Care and Protection) Act 1998* (NSW) ("**Care Act**")
Children and Young Persons (Care and Protection) Regulation 2012 (NSW) ("**Care Reg**")

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| **PART 1 – ADMINISTRATIVE DELEGATIONS** | | | | | | | | | | | | | | | | |
| | **Aboriginal Children and Young Persons** | | | | | | | | | | | | | | | |
| 22.1 | **Self-Determination**<br>Negotiate and agree with Aboriginal people for the implementation of programs and strategies that promote self-determination as general policy. | Care Act s11(2) | Minister | X | X | X | | | | | | | | | X | |
| 22.2 | **Aboriginal Self-Determination**<br>In a specific case, in line with general policy, negotiate and agree with people for the implementation of programs and strategies that promote self-determination. | Care Act s11(2) | Minister | X | X | X | X | X | | | | | | | X | |
| 22.3 | **Participation in Decision-Making**<br>Approve the participation of Aboriginal people in decision making concerning:<br>• the placement of Aboriginal children and young people;<br>• other significant decisions made under the Care Act that concern their children and young people as general policy. | Care Act s12 | Minister | X | X | X | | | | | | | | | X | |
| 22.4 | **Aboriginal Participation**<br>In a specific case, in line with general policy, approve participation in decision making concerning the placement of Aboriginal children or young people. | Care Act s12 | Minister | X | X | X | X | X | | | | | | | X | |
| 22.5 | **Placement Principles**<br>Approve the placement of an Aboriginal child or young person in an out-of-home care placement *other than* with family, kinship group or other Aboriginal carer, *after* consultation with the child or young person's family, extended family or kinship group and other appropriate Aboriginal organisations. | Care Act ss13(1)(d)(i-ii) | Secretary | X | X | X | | | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 22.6 | **Exercise aspects of the Minister's parental responsibility including:**<br>• changing a case goal plan to adoption for an Aboriginal child or young person;<br>• consenting to a change of name for an Aboriginal child or young person. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | | | | | | | | | |
| 22.7 | **Exercise aspects of the Minister's parental responsibility including:**<br>Consenting to the adoption of an Aboriginal child or young person. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | | | | | | | | | | | | |
| | **Requests for Assistance and Reports** | | | | | | | | | | | | | | | |
| 22.8 | **Request for services**<br>Approve making a request to a government department or agency, or a non-government agency in receipt of government funding, to:<br>• provide services to a child or young person or to his or her family.<br>• rovide prioritised access to services to a child or young person who is at risk of significant harm and to his or her family. | Care Act s17(1), (2) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.9 | **Risk of Significant Harm – Determination**<br>Determine if a child or young person is at risk of significant harm. | Care Act s30(a) | Secretary | X | X | X | X | X | X[1] | | | | | | | |

[1] Limited to Team Leader, Helpline

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 22.10 | **Investigation and Assessment**<br>Make decision, after screening of a report, to take no further action, on the basis of insufficient reason to believe that a child or young person is at risk of significant harm.<br><br>**Notes:**<br>1. Refer to the 'Sibling safety policy'.. In the case of the death of a child the Executive District Director or Director Community Services must approve case closure without undertaking a filed assessment (i.e. no further action) in relation to siblings or other children in the home. | Care Act s30(b) | Secretary | X | X | X | X | X | X[2] | | | | | | | |
| 22.11 | **Section 29 (1A) Reports**<br>Authorisation to issue certificates under section 29(1A) that certain documents are reports. | Care Act s29(1A) | Secretary | X | X | X | X | | | | | | | | | |
| | **Children and Young Persons in Need of Care and Protection** | | | | | | | | | | | | | | | |
| 22.12 | **Taking Action**<br>Determine that a child or young person is in need of care and protection. | Care Act s34(1) | Secretary | X | X | X | X | X | | | | | | | | |

[2] Limited to Team Leader, Helpline

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| 22.13 | **Approval of Action**<br>Approve action to safeguard or promote the safety, welfare and well-being of a child or young person in need of care and protection, including (but not limited to):<br>• provision of support services;<br>• offering alternative dispute resolution;<br>• development of a care plan;<br>• development of a parental responsibility contract;<br>• taking emergency action;<br>• seeking appropriate orders from the Children's Court. | Care Act s34(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.14 | **Approval of No Action**<br>Approve decision to take no action following a determination that a child or young person is in need of care and protection. | Care Act s35(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.15 | **Offer Alternative Dispute Resolution**<br>Offer alternative dispute resolution to the family of a child or young person who is at risk of significant harm, before seeking care orders from the Children's Court. | Care Act s37(1A) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.16 | **Approval to Not Offer Alternative Dispute Resolution in Exceptional Circumstances**<br>Approve not offering alternative dispute resolution to the family of a child or young person if participation would not be appropriate due to exceptional circumstances. | Care Act s37(1B) | Secretary | X | X | X | X | X | | | | | | | | |

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| 22.17 | **Alternative Dispute Resolution During Criminal Proceedings or Police Investigations**<br>• Seek advice from NSW Police Force about the likely effect of alternative dispute resolution processes.<br>• Determine whether it is appropriate to offer alternative dispute resolution after taking this advice into account. | Care Act s37(1C) | Secretary | X | X | X | X | X | | | | | | | | |
| | **Entry to Residential Premises of Prospective Guardians** | | | | | | | | | | | | | | | |
| 22.18 | **Entry to Residential Premises of Prospective Guardians**<br>Entre and inspect residential premises, inspect document or thing and interview the applicant or any other person on the premises for the purpose of assessing the prospective guardian's suitability as a guardian. | Care Act s79E(1) | Secretary | X | X | X | X | X | | | | | X | | | |
| | **Care Responsibility on Death of a Guardian or Carer with Full Parental Responsibility** | | | | | | | | | | | | | | | |
| 22.19 | **Approval of Assessments and Investigations**<br>Approve investigations and assessments to determine the most appropriate care arrangements for a child or young person whose guardian, or carer with full parental responsibility, has died. | Care Act s39A(2) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.20 | **Delegation of Care Responsibility to Relative or Kin, an Authorised Carer or Person Approved by the Children's Guardian**<br>Delegate the Secretary's care responsibility to a relative or kin of the child or young person, an authorised carer or a person approved by the Children's Guardian. | Care Act s39A(3) | Secretary | X | X | X | X | X | | | | | | | | |

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| 22.21 | **Delegation of Care Responsibility to Another Person**<br>Delegate the Secretary's care responsibility on an interim basis to a person other than a relative or kin of the child or young person, an authorised carer or a person approved by the Children's Guardian. | Care Act s39A(4) | Secretary | X | X | X | X | X | | | | | | | | |
| | **Children's Court Proceeding – Emergency Protection and Assessment** | | | | | | | | | | | | | | | |
| 22.22 | **Removal of non-Aboriginal Children**<br>Decide to remove a child or young person:<br>• approve action to remove a child or young person at immediate risk of serious harm; or<br>• for the purpose of section 43(2) and (3) - approve action to remove a child in need of care and protection. | Care Act s 43(1), (2), (3) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.23 | **Removal of an Aboriginal Child or Young Person**<br>Decide to remove an Aboriginal child or young person:<br>• approve action to remove a child or young person at immediate risk of serious harm; or<br>• for the purpose of section 43(2) and (3) – approve action to remove a child in need of care and protection. | Care Act s 43(1), (2), (3) | Secretary | X | X | X | X | | | | | | | | | |
| 22.24 | **Removal of a Child or Young Person**<br>Physical removal of a child or young person from:<br>• a place of risk;<br>• any public place;<br>• premises or place or any such adjacent place used for prostitution or pornographic purposes. | Care Act s 43(1), (2), (3) | Secretary | X | X | X | X | X | X | | | | X | | | |
| 22.25 | **Assumption of Care Responsibility - Aboriginal Children**<br>Decide to assume care responsibility of an Aboriginal child or young person that is at risk of serious harm in hospital or other premises:<br>• approve action to assume care responsibility. | Care Act s44(1) | Secretary | X | X | X | X | | | | | | | | | |

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| 22.26 | **Assumption of Care Responsibility - Non Aboriginal Children**<br>Decide to assume care responsibility of a child or young person that is at risk of serious harm in hospital or other premises:<br>• approve action to assume care responsibility. | Care Act s44(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.27 | **Assumption of Care Responsibility**<br>Assume the care responsibility of a child or young person in hospital or other premises by serving an order in writing on the person who appears to be in charge of the premises. | Care Act s44(1) | Secretary | X | X | X | X | X | X | | | | X | | | |
| 22.28 | **Assumption of Care Responsibility**<br>Sign an order to assume care responsibility of a child or young person in hospital or other premises. | Care Act s44(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.29 | **Application to Children's Court for Care Order**<br>Make application to the Children's Court, after removal or assumption of care responsibility of a child or young person, for one or more of the following:<br>• an emergency care and protection order;<br>• any assessment order;<br>• any other care order. | Care Act s45(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.30 | **Application for Care Order**<br>Determine that application for a care order is not necessary and advise the Children's Court. | Care Act s45(3) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.31 | **Emergency Care and Protection Orders**<br>Make application to the Children's Court for an emergency care and protection order. | Care Act s46(1) | Secretary | X | X | X | X | X | | | | | | | | |

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| 22.32 | **Removal of Child or Young Person Pursuant to Order of Children's Court – Non Aboriginal Children**<br>Cause an application to be made in the Children's Court for an order for the removal of a child or young person whom is the subject of a care application. | Care Act s48 | Secretary | X | X | X | X | X | | | | | | | | |
| 22.33 | **Removal of Child or Young Person Pursuant to Order of Children's Court – Aboriginal Children**<br>Cause an application to be made in the Children's Court for an order for the removal of a child or young person whom is the subject of a care application. | Care Act s48 | Secretary | X | X | X | X | | | | | | | | | |
| 22.34 | **Care Pending Proceedings**<br>Approve place where a child or young person may be kept following removal without warrant (section 43 or 44) or with warrant (section 48 or 233). | Care Act s49(1)(a) | Minister | X | X | X | X | X | | | | | | | | |
| 22.35 | **Delegation of Care Responsibility**<br>Delegate the Secretary's care responsibility to:<br>• a relative of the child or young person, an authorised carer or a person approved by the Children's Guardian;<br>• another person, other than a relative of the Child or young person, an authorised carer or a person approved by the Children's Guardian, on an interim basis. | Care Act ss49(3), (4) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.36 | **Discharge from Secretary's Care Responsibility**<br>Discharge a child or young person from the Secretary's care responsibility, with or without undertakings. | Care Act s50(1) | Secretary | X | X | X | X | X | | | | | | | | |

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| 22.37 | **Provision of Information**<br>Decide to provide information to a parent as to a child's whereabouts, provided that there is no reason to believe it would be prejudicial to the safety, welfare, well-being and interests of the child.<br><br>**Note:** This delegation relates to the duty of the Secretary to give information, where appropriate and in the interests of the child. | Care Act s51(1)(b) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.38 | **Assessment of Person's Capacity for Parental Responsibility**<br>Make application to the Children's Court for an assessment order. | Care Act s55(1) | Secretary | X | X | X | X | X | | | | | | | | |
| | **Children's Court Proceedings – Care Applications** | | | | | | | | | | | | | | | |
| 22.39 | **Applications for Care Orders**<br>Make application to the Children's Court for a care order. | Care Act s61(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.40 | **Application to Vary Care Order Sought**<br>Make application with or without leave to vary an application for a care order. | Care Act s61(3) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.41 | **Dispute Resolution Conferences**<br>Approve or oppose proposed action/decisions made at a dispute resolution conference. | Care Act s65(2A) | Secretary | X | X | X | X | x | | | | | | | | |
| 22.42 | **Dispute Resolution Conferences – Approval of Legal Representation**<br>Determine when legal representation is required at a dispute resolution conference:<br>• approve legal representation. | Care Act s65(3) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.43 | **Leave to Withdraw Care Application**<br>Make application for leave of the Children's Court to withdraw a care application. | Care Act s66(1) | Secretary | X | X | X | X | X | | | | | | | | |

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| 22.44 | **Interim Care Orders**<br>Make application to the Children's Court for an interim order. | Care Act s69(2) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.45 | **Supervision Order – Extension**<br>Make application to the Children's Court for extension of a supervision order. | Care Act s76(6) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.46 | **Supervision Order – Revocation**<br>Make application to the Children's Court to revoke a supervision order. | Care Act s76(7) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.47 | **Supervision**<br>Exercise the functions of the Secretary for the supervision of a child or young person under a supervision order. | Care Act s77(1) | Secretary | X | X | X | X | X | X | | | | X | | | |
| 22.48 | **Supervision Order – Breach**<br>Approve the lodging of a breach of supervision order with the Children's Court. | Care Act s77(2) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.49 | **Application for a Guardianship Order**<br>Consent to the making of an application for a guardianship order.<br><br>**Note:** Except for Aboriginal children placed with a suitable person* which is limited to Executive District Director. | Care Act S79B(1)(a) | Secretary | X | X | X | X | X[3] | | | | | | | | |
| 22.50 | **Application for a Guardianship Order**<br>Consent to the making of an application for a guardianship order. | Care Act S79B (1) (b) and(c) | Secretary | X | X | X | X | X | | | | | | | | |

[3] *Guardians who are not relatives or kin should, where practicable and in the best interests of the child, be Aboriginal people. In exceptional circumstances, guardianship can be considered for Aboriginal children residing in non-Aboriginal placement with the approval of the Executive District Director.

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| 22.51 | **Contact Orders**<br>Consent to supervision of a contact order.<br><br>**Note:** The Children's Court may only make an order that contact be supervised by DCJ with consent. | Care Act s86(2) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.52 | **Application for a Contact Order**<br>Make an application for a contact order. | Care Act s86(1A)(a) s86(1A)(b) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.53 | **Variation of Contact Orders by agreement**<br>Agree to, and sign, a contact variation agreement. | Care Act s86A | Secretary | X | X | X | X | X | | | | | | | | |
| 22.54 | **Rescission and Variation of Care Orders**<br>Make application to the Children's Court for the rescission or variation of a care order (this includes seeking leave of the Children's Court). | Care Act s90(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.55 | **Appeals**<br>Approve filing an appeal against an order (other than an interim order) of the Children's Court.<br><br>**Note:** Any request for approval must be accompanied by an endorsement from Director, Child Protection | Care Act s91 | Secretary | X | X | X | X | | | | | | | | | |
| 22.56 | **Parent Capacity Order**<br>Apply to the Court for a parent capacity order (NB: This is not a care order). | Care Act S91B(a) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.57 | **Parent Capacity Order**<br>Consent to the making of a parent capacity order by consent. | Care Act S91F(1) | Secretary | X | X | X | X | X | | | | | | | | |

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| 22.58 | **Parent Capacity Order**<br>Make an application to vary or revoke a parent capacity order. | Care Act S91H(1)(a) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.59 | **Application for Order for Alternative Parenting Plan**<br>Make application to the Children's Court for an order approving an alternative parenting plan. | Care Act s116(1) | Secretary | X | X | X | X | X | | | | | | | | |
| | **Care Plans and Permanency Plans** | | | | | | | | | | | | | | | |
| 22.60 | **Approve Care Plan**<br>Present a care plan to the Children's Court:<br>• approve/sign care plan. | Care Act s78 | Secretary | X | X | X | X | X | | | | | | | | |
| 22.61 | **Permanency Plan – Restoration**<br>Approve permanency plan involving restoration for submission to the Children's Court. | Care Act s83(2) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.62 | **Approve Permanency Plan – long term care other than Adoption**<br>Approve a permanency plan **not** involving restoration other than adoption:<br>• prepare/recommend permanency plan. | Care Act s83(3) | Secretary | X | X | X | X | X | X | | | | X | | | |
| 22.63 | **Approve Permanency Plan – Adoption**<br>Approve a permanency plan where adoption is the preferred option for the child or young person.<br>**Note:** Except with respect to Aboriginal children or young people. For specific delegation related to Aboriginal children or young people refer to delegation #22.6 and #22.7. | Care Act s83(4) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.64 | **Registration of Certain Alternative Parenting Plans**<br>Make application to the Children's Court for registration of an alternative parenting plan. | Care Act s119 | Secretary | X | X | X | X | X | | | | | | | | |
| 22.65 | **Alternative Parenting Plan**<br>Provide the views of the Secretary regarding the services that need to be provided to the child or young person and his or her family. | Care Reg cl23(2)(b) | Secretary | X | X | X | X | X | X | | | | X | | | |

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| | **Children's Court Proceedings – Court Procedures** | | | | | | | | | | | | | | | |
| 22.66 | **Care Plan – Registration**<br>Make application to the Children's Court for registration of a care plan or a consent order. | Care Act s38 | Secretary | X | X | X | X | X | | | | | | | | |
| 22.67 | **Role of Children's Court Clinic**<br>Agree to appointment of a person, other than the Children's Court Clinic, to prepare and submit an assessment report concerning a child or young person. | Care Act s58(2) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.68 | **Publication of Identifying Information**<br>Consent to the publication or broadcasting of the name or any information, picture or material that is likely to identify a child or young person under the parental responsibility of the Minister who is:<br>• involved or is likely to be involved or mentioned in proceedings before the Children's Court or any non-Court proceedings; or<br>• the subject of a report under sections 24, 25, 27, 120, 121 or 122. | Care Act s105(3)(b)(iii) | Secretary | X | X | X | | | | | | | | | | |
| | **Out of Home Care – Working with Carers** | | | | | | | | | | | | | | | |
| 22.69 | **Authorised Carer – Right to Information**<br>Approve the disclosure by an authorised carer of information provided under section 144(1) as general policy. | Care Act s144(2)(b) | Minister | X | X | X | | | | | | | | | | |
| 22.70 | **Authorised Carer – Right to Information**<br>Approve in a specific case, in line with general policy, the disclosure by an authorised carer of information provided under section 144(1). | Care Act s144(2)(b) | Minister | X | X | X | X | X | | | | | | | | |
| 22.71 | **Parental Responsibility – Delegation to Authorised Carer**<br>Delegate to an authorised carer the exercise of specific aspects of parental responsibility that are held by the Minister for a particular child or young person. | Care Act s249 | Minister | X | X | X | X | | | | | | | | | |

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| | **Out of Home Care – Temporary Care Arrangements** | | | | | | | | | | | | | | | |
| 22.72 | **Temporary Care Arrangements**<br>Make a temporary care arrangement in respect of a child or young person who is in need of care and protection. | Care Act s151(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.73 | **Renewal of Temporary Care Arrangement**<br>Decide to renew a temporary care arrangement after the expiration of 3 months. | Care Act s152(2) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.74 | **Termination of Temporary Care Arrangement**<br>Approve termination of a temporary care arrangement in respect of a child or young person who is no longer in need of care and protection. | Care Act s152(5) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.75 | **Exercise of Care Responsibility – Temporary Care Arrangement**<br>Exercise the Secretary's care responsibility for a child or young person in respect of whom there is a temporary care arrangement in force, subject to this section and the regulations. | Care Act s154(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.76 | **Withholding of Information Concerning Whereabouts**<br>Approve withholding information concerning the child's whereabouts to the child's parents where disclosure would be prejudicial to the safety, welfare and well-being of the child. | Care Act s51s154 (2)(c) | Secretary | X | X | X | X | X | | | | | | | | |
| | **Entry to Residential Premises** | | | | | | | | | | | | | | | |
| 22.77 | **Entry to Residential Premises of Applicants for Authorisation**<br>Enter and inspect residential premises, inspect document or thing and interview the applicant or any other person on the premises for the purposes of authorisation of the applicant as an authorised carer. | Care Act S137A (2) | Secretary | X | X | X | X | X | | | | | X | | | |

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| 22.78 | **Entry to Residential Premises of Authorised carers**<br>Enter and inspect residential premises of an authorised carer to assess their suitability and supervise the placement of the child or young person in their care. | Care Act S137B (2) | Secretary | X | X | X | X | X | | | | | X | | | |
| | **Out of Home Care – Arrangements** | | | | | | | | | | | | | | | |
| 22.79 | **Functions of Secretary – Supervising Person**<br>Exercise the functions of the Secretary as the *supervising person* for a child or young person in out-of-home care. | Care Reg cl29 | Secretary | X | X | X | X | X | X | | | | X | | | |
| | **Out of Home Care – Exercising Parental Responsibility** | | | | | | | | | | | | | | | |
| 22.80 | **Parental Responsibility – Residual**<br>Exercise the functions of parental responsibility for those aspects of parental responsibility allocated to the Minister except as otherwise provided for in this instrument of delegation. This includes, amongst other things:<br>• residence;<br>• contact arrangements;<br>• education and training;<br>• religious upbringing. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |
| 22.81 | **Parental Responsibility**<br>Give consent to or determine the following aspects of Minister's parental responsibility:<br>• enter an apprenticeship. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |
| 22.82 | **Parental Responsibility**<br>Give consent to or determine the following aspects of Minister's parental responsibility:<br>• enlistment in armed forces. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |

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| 22.83 | **Parental Responsibility**<br>Give consent to or determine the following aspects of Minister's parental responsibility:<br>• change of name (except an Aboriginal child or young person). | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |
| 22.84 | **Parental Responsibility**<br>Give consent to or determine the following aspects of Minister's parental responsibility:<br>• adoption (except an Aboriginal child or young person). | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | | | | | | | | | | |
| 22.85 | **Parental Responsibility**<br>Grant permission for the removal of a child or young person from NSW:<br>• to move interstate or overseas for up to 12 months. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | | | | | | | | | |
| 22.86 | **Parental Responsibility**<br>Grant permission for the removal of a child or young person from NSW:<br>• to move interstate or overseas for a period exceeding 12 months | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | | | | | | | | | |
| 22.87 | **Parental Responsibility**<br>Grant permission for the removal of a child or young person from NSW:<br>• to travel interstate or overseas for up to 3 months. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |

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| 22.88 | **Parental Responsibility**<br>Grant permission for the removal of a child or young person from NSW:<br>• to travel interstate or overseas for up to 12 months. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | | | | | | | | | |
| 22.89 | **Parental Responsibility**<br>Grant permission for the removal of a child or young person from NSW:<br>• to travel interstate or overseas for a period exceeding 12 months. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | | | | | | | | | |
| 22.90 | **Parental Responsibility**<br>Exercise aspects of the Minister's parental responsibility involving making application for a passport on behalf of a child or young person. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |
| 22.91 | **Parental Responsibility**<br>Exercise aspects of the Minister's parental responsibility involving granting consent to marriage of a child or young person. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | x | | | | | | | | | |
| 22.92 | **Parental Responsibility**<br>Exercise aspects of the Minister's parental responsibility involving giving consent to placement of a child when there is a case plan for adoption (except for an Aboriginal child or young person). | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |

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| 22.93 | **Parental Responsibility**<br>Exercise aspects of the Minister's parental responsibility including giving consent to the making of an application for adoption by the current carers (except for an Aboriginal child or young person). | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | | | | | | | | | |
| 22.94 | **Parental Responsibility**<br>Obtain the views of the persons who had parental responsibility for the child or young person before an order allocating parental responsibility is sought. | Care Act s79(6) | Minister | X | X | X | X | X | X | X | X | X | X | | | |
| 22.95 | **Parental Responsibility**<br>Register the birth of a child under the parental responsibility of the Minister and obtain a birth certificate for that child. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |
| 22.96 | **Parental Responsibility**<br>Register the death of a child or young person under the parental responsibility of the Minister and obtain a death certificate for that child. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |
| 22.97 | **Parental Responsibility**<br>Establish a Trust Account for a child or young person under the parental responsibility of the Minister. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | | | | | | | | | |
| 22.98 | **Parental Responsibility**<br>Arrange for an advance of funds from a Trust Account for a child or young person under the parental responsibility of the Minister. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| 22.99 | **Parental Responsibility**<br>Enter a bail agreement or lodge a surety on behalf of a child or young person under the parental responsibility of the Minister. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | | | | | | | | | |
| 22.100 | **Parental Responsibility**<br>Payment of fines where a child or young person under the parental responsibility of the Minister is unable or unwilling to pay the fine. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X[4] | X[5] | | | | | | | | |
| 22.101 | **Parental Responsibility**<br>Make application for a child or young person under the parental responsibility of the Minister to make a will. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |
| 22.102 | **Parental Responsibility**<br>Make application for a child or young person under the parental responsibility of the Minister to make a statutory will where the child does not have capacity. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |
| 22.103 | **Parental Responsibility**<br>Make application on behalf of a child or young person under the parental responsibility of the Minister who has been injured in a car accident. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |

[4] For payments of fines in excess of $250
[5] For payments of fines up to $250

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| 22.104 | **Parental Responsibility**<br>Make Victims Compensation application on behalf of a child or young person under the parental responsibility of the Minister. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |
| 22.105 | **Parental Responsibility**<br>Exercise the powers of parental responsibility with respect to a child or young person the subject of the delegation by making an application to and appearing as a delegate at a tribunal, including but not limited to the NSW Civil and Administrative Tribunal ("**NCAT**") (including the Guardianship and Consumer and Commercial Divisions) and the Administrative Appeals Tribunal ("**AAT**") on behalf of a child or young person the subject of the delegation. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |
| 22.106 | **Parental Responsibility**<br>Make Workers Compensation Claim on behalf of a child or young person under the parental responsibility of the Minister.<br><br>**Note:** This does not prevent the child or young person from making their own claim. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |
| 22.107 | **Parental Responsibility**<br>Make a tortious claim on behalf of a child or young person under the parental responsibility of the Minister. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| 22.108 | **Parental Responsibility - Barnardos**<br>Exercise the powers of parental responsibility for the benefit of a child or young person the subject of the delegation, subject to any written direction provided by the DCJ except for the following aspects:<br>• the granting of consent to the marriage of a child or young person;<br>• the granting of permission to remove a child or young person from NSW for the purpose of temporary or permanent residency (as distinct from absence for sporting, educational or recreational purposes);<br>• the making of an application on behalf of a child or young person for a passport;<br>• the granting of consent, or decline to consent, to end of life medical treatment;<br>• the granting of consent to medical treatment involving the termination of a pregnancy, rendering a child or young person infertile or medical treatment involving potential terminal illness;<br>• initiating an application to any court or tribunal or appearing in proceedings in any court or tribunal as a delegate of the Minister or the Secretary (with the exception of making an application for an adoption pursuant to section 87(b) and related applications under the *Adoption Act 2000* in line with permanency planning principles);<br>sub-delegating any function to an authorised carer who cares for a child or young person. | | Minister | | | | | | | | | | | | | X[6] |
| | **Homelessness** | | | | | | | | | | | | | | | |

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| 22.109 | **Homelessness of Children**<br>• Conduct investigation and assessment concerning child.<br>• Provide or arrange for the provision of services for a child. | Care Act s120(2) and (3) | Secretary | X | X | X | X | X | | | | | | | | |
| | **Medical Examination and Treatment** | | | | | | | | | | | | | | | |
| 22.110 | **Aspects of Care Responsibility**<br>Give consent to or determine aspects of the Secretary's care responsibility:<br>• medical and dental treatment, not involving surgery, on the advice of a medical practitioner or dentist;<br>• medical and dental treatment involving surgery that a medical practitioner or dentist certifies in writing needs to be carried out as a matter of urgency (emergency medical treatment). | Care Act s49 | Secretary | X | X | X | X | X | | | | | | | | |
| 22.111 | **Consent to or Determine Aspects of Care Responsibility**<br>Give consent to or determine aspects of the Secretary's care responsibility:<br>• medical and dental treatment involving surgery on the advice of a medical practitioner or dentist. | Care Act s49 | Secretary | X | X | X | X | X[7] | | | | | | | | |

[6] Limited to Chief Executive Officer, Barnardos Australia
[7] Limited to Manager, Client Services

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| 22.112 | **Delegation of Care Responsibility**<br>Delegate care responsibility, including delegation on an interim basis, for aspects of the Secretary's care responsibility:<br>• medical and dental treatment, not involving surgery, on the advice of a medical practitioner or dentist;<br>• medical and dental treatment involving surgery that a medical practitioner or dentist certifies in writing needs to be carried out as a matter of urgency (emergency medical treatment). | Care Act s49 | Secretary | X | X | X | X | X | | | | | | | | |
| 22.113 | **Delegation of Care Responsibility – Surgery**<br>Delegate care responsibility, including delegation on an interim basis, for aspects of the Secretary's care responsibility:<br>• medical and dental treatment involving surgery on the advice of a medical practitioner or dentist. | Care Act s49 | Secretary | X | X | X | X | X | | | | | | | | |
| 22.114 | **Aspects of Parental Responsibility – End of Life Interventions**<br>Give consent to or determine the following aspects of Minister's parental responsibility:<br>• end-of-life medical intervention/decisions (including withdrawal of treatment). | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X[8] | | | | | | | | | | | |
| 22.115 | **Aspects of Parental Responsibility – General Medical Care**<br>Exercise the functions of parental responsibility for the following aspects of parental responsibility allocated to the Minister:<br>• general medical care and surgery involving administration of a local anaesthetic. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X[9] | | | | | | | | |

[8] Limited to the Deputy Secretaries for the Northern, Western and Southern Clusters
[9] Limited to Manager, Client Services

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| 22.116 | **Aspects of Parental Responsibility – Surgery**<br>Give consent to or determine the following aspects of Minister's parental responsibility:<br>• surgery involving administration of a general anaesthetic. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |
| 22.117 | **Aspects of Parental Responsibility – Surgery Causing Infertility and treatment for Gender Dysphoria**<br>Give consent to or determine the following aspects of Minister's parental responsibility:<br>• surgery involving procedures which would render a child or young person infertile.<br>• treatment for Gender Dysphoria (Stages 1, 2 and 3) where there is agreement between the child's treating practitioners, DCJ and the birth parents (i.e. no controversy)<br>• make an application to the Court for authorisation of treatment for Gender Dysphoria (Stages 1, 2 and 3) where there is disagreement or controversy about the treatment. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | | | | | | | | | |
| 22.118 | **Aspects of Parental Responsibility – Termination of Pregnancy**<br>Give consent to or determine the following aspects of Minister's parental responsibility:<br>• termination of pregnancy. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |
| 22.119 | **Aspects of Parental Responsibility – Medical Treatment for Terminal Illness**<br>Give consent to or determine the following aspects of Minister's parental responsibility:<br>• medical treatment for terminal illness or potential terminal illness. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| 22.120 | **Aspects of Parental Responsibility – Placement in Psychiatric Hospital**<br>Give consent to or determine the following aspects of Minister's parental responsibility:<br>• placement in a psychiatric hospital. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |
| 22.121 | **Aspects of Parental responsibility – Treatment in Psychiatric Hospital**<br>Give consent to time limited seclusion, physical restraint, chemical restraint or sedation of a child or young person in a psychiatric hospital. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | | | | | | | | | |
| 22.122 | **Aspects of Parental Responsibility – DNA Testing**<br>Give consent to or determine the following aspects of Minister's parental responsibility :<br>• Deoxyribonucleic Acid ("**DNA**") testing to establish parentage. | Care Act ss79(1)(b), 79(1)(c), 79(1)(e) | Minister | X | X | X | X | X | | | | | | | | |
| 22.123 | **Physical Restraint**<br>Specify procedures that may be followed for the purposes of physical restraint of a child or young person as general policy. | Care Act s158(4) | Secretary | X | X | X | X | | | | | | | | | |
| 22.124 | **Physical Restraint**<br>Determine approved procedures that may be followed for the purposes of physical restraint of a child or young person in a specific case, in line with general policy. | Care Act s158(4) | Secretary | X | X | X | X | | | | | | | | | |
| 22.125 | **Notice of Medical Examination**<br>Serve notice of medical examination upon a person (whether or not a parent of the child) who appears to have the care of the child. | Care Act s173(1) | Secretary | X | X | X | X | X | X | | | | X | | | |

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| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 22.126 | **Functions of Parental Responsibility – Medical Examination**<br>Exercise the functions of parental responsibility for the purpose of enabling a medical examination. | Care Act s173(4)(b) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.127 | **Special Medical Treatment**<br>Grant exemption to administration of a drug being declared to be special medical treatment, as general policy and in a specific case. | Care Acts175 (4A) | Secretary | X | X | X | X | | | | | | | | | |
| | **Offences Involving Children and Young People** | | | | | | | | | | | | | | | |
| 22.128 | **Unauthorised Removal**<br>Grant consent to the discharge of a child (from a hospital or other premises) not in the charge of the child's mother. | Care Act s229(2)(b) | Secretary | X | X | X | X | X[10] | | | | | | | | |
| | **Removal of Persons and Entry of Premises** | | | | | | | | | | | | | | | |
| 22.129 | **Return to Care**<br>Direct that a person under the parental responsibility of the Minister who has left or been removed from the care responsibility of the Minister, be returned to that care responsibility. | Care Act s232 | Minister | X | X | X | X | X | | | | | | | | |
| 22.130 | **Search Warrant**<br>Make application to an authorised justice for a search warrant in relation to a child or young person in need of care and protection. | Care Act s233(1) | Secretary | X | X | X | X | X | X | | | | X | | | |
| 22.131 | **Entry Without Warrant**<br>Approve the entry without warrant into premises. | Care Act s235(2) | Secretary | X | X | X | X | X | | | | | | | X | |
| 22.132 | **Entry Without Warrant**<br>Enter and inspect any premises without a warrant. | Care Act s235(2) | Secretary | X | X | X | X | X | X | | | | X | | X | |

[10] Including Principal Officer of authorised Adoption Agency

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
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| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 22.133 | **Entry with Search Warrant**<br>Make application to an authorised justice for a search warrant to enter and inspect premises for evidence of a contravention of the Care Act or Regulation. | Care Act s237(1) | Secretary | X | X | X | X | X | | | | | | | | |
| | **Transfer of Child Protection Orders and Proceedings** | | | | | | | | | | | | | | | |
| 22.134 | **Transfer of Order**<br>Transfer a home order to a participating State, subject to Division 1 - Administrative transfers (sections 231C – 231F) if the following is satisfied:<br>• a child protection order to the same or similar effect as the home order could be made under the child welfare law of that State;<br>• the home order is not the subject of a District Court appeal;<br>• the interstate officer has consented in writing to the transfer and the terms of the proposed interstate order;<br>• consent of persons required under section 231D has been obtained i.e. parents; any other person who has been granted contact under the order and any person holding sole or joint parental responsibility for the child or young person;<br>• the child or young person has not given written notice opposing the decision to transfer the order and written certification is given that all reasonable efforts were made to ensure the child or young person had an opportunity to seek legal advice about the transfer.<br><br>**Note:** Refer to this section for details about a proposed interstate transfer.<br>This decision is reviewable by NCAT, under section 245 of the Care Act, and NCAT procedures apply. | Care Act s231C | Secretary | X | X | X | X | X | | | | | | | | |

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| 22.135 | **Transfer of Order**<br>Provide notice in writing to the participating State that all reasonable efforts to ensure the young person had opportunity to seek legal advice were taken. | Care Act s231C (1)(e) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.136 | **Conditions of Order**<br>Administrative transfer of NSW child protection order to a participatory state: include any conditions in the child protection order that is of the same type or has a similar effect as the order in the participating state. | Care Act s231C (2) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.137 | **Type of Order**<br>Administrative transfer of NSW child protection order to a participatory state: specify the type and length of the child protection order. | Care Act ss231C (4)(a), (b) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.138 | **Consideration of Transfer of Order**<br>Determine whether to transfer a child protection order to a participating State having regard to:<br>• all matters referred to in section 9;<br>• whether the Secretary or an interstate officer is in the better position to exercise powers and responsibilities under a child protection order;<br>• preference for a child or young person to be subject of a child protection order under the child welfare law of the state where they reside;<br>• any sentencing order under any Act (except a fine) or any criminal proceedings pending against the child or young person in any court. | Care Act s231E | Secretary | X | X | X | X | X | | | | | | | | |

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| 22.139 | **Notice of Order**<br>Serve notice of a decision to transfer a child protection order to a participating State under this Division on the parents; any person having parental responsibility and the child or young person if they are of or above the age of 12 years. Notice of the decision to be served as soon as practicable but no later than 3 working days after making the decision.<br><br>**Note:** Refer to section 231F(2) for additional details to be included in notice to the parent or person having parental responsibility. Section 231F(3) provides for additional details to be included in notice to child or young person. | Care Act s231F (1) | Secretary | X | X | X | X | X | X | | | | X | | | |
| 22.140 | **Judicial Transfer of Child Protection Order to Participating State**<br>Apply to the Children's Court for a judicial transfer order to transfer a child protection order to a participating State, providing the child protection order is not subject to an appeal to the District Court and the relevant interstate officer has consented in writing to the transfer and to the provisions of the proposed interstate transfer.<br><br>**Note:** An updated care plan (if a care plan under section 78 was prepared in relation to the original care order) or a report must be submitted to the Children's Court for consideration of the application (refer to section 231J). | Care Act s231G | Secretary | X | X | X | X | X | | | | | | | | |
| 22.141 | **Appeal Interstate Transfer of Child Protection Order**<br>Lodge an appeal with the District Court against an order of the Children's Court transferring, or refusing to transfer, a child protection order to a participating State. | Care Act s231K | Secretary | X | X | X | X | X | | | | | | | | |

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| 22.142 | **Interstate Transfer of Child Protection Proceedings**<br>Apply to the Children's Court for an order transferring a child protection proceeding pending in the Children's Court to the Children's Court in a participating State. | Care Act s231L | Secretary | X | X | X | X | X | | | | | | | | |
| 22.143 | **Appeal Interstate transfer of Child Protection Proceedings**<br>Lodge an appeal with the District Court against an order of the Children's Court transferring, or refusing to transfer, a child protection proceeding to the Children's Court in a participating State. | Care Act s231O (1) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.144 | **Filing and Registration of interstate Documents – Child Protection Order**<br>File in the Children's Court for registration (as soon as possible), a copy of a child protection order transferred to NSW under an interstate law.<br><br>**Note.** This section subject to limitations specified in section 231P(3). | Care Act s231P (1) | Secretary | X | X | X | X | X | X | | | | X | | | |
| 22.145 | **Filing and Registration of interstate Documents – Child Protection Proceeding**<br>File in the Children's Court for registration (as soon as possible), a copy of an order under an interstate law to transfer a child protection proceeding to NSW, together with a copy of any interim order made in relation to that order.<br><br>**Note:** This section subject to limitations specified in section 231P(3). | Care Act s231P (2) | Secretary | X | X | X | X | X | X | | | | X | | | |
| 22.146 | **Revocation of Registration**<br>Apply to the Children's Court for the revocation of the registration of any interstate document filed under section 231P. | Care Act s231R | Secretary | X | X | X | X | X | | | | | | | | |

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| 22.147 | **Disclosure of Information**<br>To disclose information to an interstate officer considered necessary to exercise functions under a child welfare law or interstate law. | Care Act s231V (1) | Secretary | X | X | X | X | X | X | | | | X | | | |
| 22.148 | **Discretion to Consent or Refuse**<br>Consent or refuse to consent to the transfer to NSW of an interstate child protection order and the terms of the proposed transfer order.<br><br>**Note:** Consent must be given in writing to the interstate officer as evidence of consent to the transfer of an interstate child protection order and the terms of the proposed order. | Care Act s231W (1) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.149 | **Discretion to Consent or Refuse**<br>Consent or refuse to consent to the transfer of a child protection proceeding to the Children's Court in NSW.<br><br>**Note:** Consent must be given in writing to the interstate officer as evidence of consent to the transfer of an interstate child protection proceeding. | Care Act s231W (2) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.150 | **Financial Arrangements**<br>Make financial and other arrangements with an appropriate authority for the care of an interstate ward or a child or young person under the parental responsibility of the Minister.<br><br>**Note:** Approval for provision of financial assistance should be in accordance with Financial Delegations and Financial Guidelines. | Care Act s231Z (1)(a) | Minister | X | X | X | X | X | | | | | | | | |
| 22.151 | **Discretion to Return Ward**<br>Exercise the discretion to return an interstate ward to the care of the appropriate authority. | Care Act s231Z (1)(b) | Minister | X | X | X | X | X | | | | | | | | |

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| 22.152 | **Return of Ward**<br>Return an interstate ward to the care of the appropriate authority, at the request of that authority. | Care Act s231Z (1)(c) | Minister | X | X | X | X | X | | | | | | | | |
| 22.153 | **Accommodation and Care of Ward**<br>Provide for the accommodation, care and maintenance, in accordance with the arrangements referred to in section 231Z(1) of any interstate ward to whom such an arrangement applies. | Care Act s231Z (2) | Minister | X | X | X | X | X | | | | | | | | |
| 22.154 | **Declaration Concerning Parental Responsibility**<br>Declare an interstate ward to be a child or young person under the parental responsibility of the Minister at the request of an appropriate authority. | Care Act s231ZA (1) | Minister | X | X | X | X | X | | | | | | | | |
| 22.155 | **Revocation of Declaration**<br>Revoke a declaration made under this section accepting an interstate ward under the parental responsibility of the Minister in the following circumstances:<br>(a) child protection order is transferred to NSW under this Chapter; or<br>(b) order of a court of competent jurisdiction provides for the future care and protection of the child or young person by a person other than the Minister; or<br>(c) the Minister has reasonable grounds to believe the child or young person has left NSW and will not return. | Care Act s231ZA (2) | Minister | X | X | X | X | X | | | | | | | | |
| | **Parent Responsibility Contract (PRC)** | | | | | | | | | | | | | | | |
| 22.156 | **PRCs**<br>Sign a PRC. | Care Act s38A(2) (b) | Secretary | X | X | X | X | X | | | | | | | | |

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| 22.157 | **Variation of PRC**<br>Vary any of the terms of a parent responsibility contract with the agreement of the other parties to the contract (but not so as to increase the period during which the contract is to be in force). | Care Act s38B(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.158 | **Termination of PRC**<br>Terminate a parent responsibility contract before the expiry of the period specified in the contract for its duration. Termination can be done by filing a contract breach notice with the Children's Court or by causing a termination notice to be served on each other party to the contract. | Care Act s38C(1) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.159 | **PRC - Breach Notice**<br>File a contract breach notice with the Children's Court if a primary care-giver who is a party to the contract has breached a term of the contract and the contract authorises the Secretary to file a contract breach notice for breaches of the kind committed by the primary care-giver.<br><br>**Note:** The filing of a contract breach notice with the Children's Court operates as a care application by the Secretary. See section 61A(1). | Care Act s38E(1)(b) | Secretary | X | X | X | X | X | | | | | | | | |
| | **Provision and Exchange of Information** | | | | | | | | | | | | | | | |
| 22.160 | **Provision and Exchange of Information**<br>Furnish the prescribed body with information relating to the safety, welfare and well-being of a particular child or young person or class of children or young persons. | Care Act s248(1)(a) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.161 | **Provision and Exchange of Information**<br>Direct the prescribed body to furnish information relating to the safety, welfare and well-being of a particular child or young person or class of children or young persons. | Care Act s248(1)(b) | Secretary | X | X | X | X | X | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 22.162 | **Provision and Exchange of Information**<br>Receive from prescribed bodies' information relating to the safety, welfare and well-being of a particular child or young person or class of children or young persons. | Care Act s248(1)(b) | Secretary | X | X | X | X | X | | | | | | | | |
| 22.163 | **Disclosure of Information for Research Purposes**<br>Enter into arrangements with a research organisation for purposes of information disclosure. | Care Act s254A(1) | Secretary | X | X | | | | | | | | | | | |
| 22.164 | **Consultation**<br>Consult with Privacy Commissioner prior to entering into information disclosure arrangements. | Care Act s254(3) | Secretary | X | X | X | | | | | | | | | | |
| **PART 2 – FINANCIAL DELEGATIONS** | | | | | | | | | | | | | | | | |
| 22.165 | **Financial Assistance – Request for Assistance**<br>Approve financial assistance to provide access to appropriate services or other material assistance:<br>• as is necessary in response to requests for assistance; and<br>• whether or not the child or young person is suspected of being in need of care and protection; and<br>• to safeguard or promote the safety, welfare or well-being of the child or young person.<br>• Limit applies per approval.<br><br>(a) up to a limit of $50,000. | Care Act s22 | Secretary | X | X | X | X[11] | | | | | | | | | |
| | (b) up to a limit of $20,000. | | | X | X | X | X[12] | | | | | | | | | |

[11] Limited to Directors Community Services, and other Directors in the Districts whose functions relate to child protection
[12] Limited to Director, Intensive Support Service

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | (c) up to a limit of $5,000. | | | X | X | X | X | X[13] | | | | | | | | |
| | (d) up to a limit of $1,000. | | | X | X | X | X | X[14] | | | | | | | | |
| 22.166 | **Financial Assistance in Circumstances of Serious/Persistent Conflict**<br>Approve financial assistance to provide access to appropriate services or other assistance:<br>• as is necessary in response to requests for assistance where the child or young person's safety, welfare or well-being is in jeopardy; or<br>• if there is serious or persistent conflict with parents; or<br>• if parents are unable to provide adequate supervision.<br>• Limit applies per approval.<br><br>(a) up to a limit of $50,000. | Care Act s113 | Secretary | X | X | X | X[15] | | | | | | | | | |
| | (b) up to a limit of $20,000. | | | X | X | X | X[16] | | | | | | | | | |
| | (c) up to a limit of $5,000. | | | X | X | X | X | X[17] | | | | | | | | |
| | (d) up to a limit of $1,000. | | | X | X | X | X | X[18] | | | | | | | | |

[13] Limited to Manager, Client Services and Manager, Helpline
[14] Limited to Manager, Casework and Team Leader, Helpline
[15] Limited to Director, Community Services
[16] Limited to Director, Intensive Support Services
[17] Limited to Manager, Client Services and Manager, Helpline
[18] Limited to Manager, Casework and Team Leader, Helpline

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 22.167 | **Authorised Carer – Indemnity**<br>Indemnify an authorised carer for any loss or damage caused by a child or young person while in the care of the authorised carer:<br>• in a specific case where indemnity is less than $500.<br>• in a specific case where indemnity is less than $1,000.<br>• in a specific case where indemnity is up to $2000.<br>• in a specific case where indemnity is over $2,000 and under $10,000 (subject to DCJ Financial Procedures Policy).<br>• In a specific case where indemnity is $10,000 and over.<br><br>(a) under $500. | Care Act s147 | Secretary | X | X | X | X | X[19] | | | | | | | | |
| | (b) under $1,000. | | | X | X | X | X[20] | | | | | | | | | |
| | (c) under $2,000. | | | X | X | X | | | | | | | | | | |
| | (d) $2,000 - $10,000. | | | X | X | X | | | | | | | | | | |
| | (e) over $10,000. | | | X | X | X | | | | | | | | | | |

[19] Limited to Manager, Casework
[20] Limited to Manager, Client Services

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 22.168 | **Allowances**<br>Approve expenditure in relation to a child in out-of-home care, in accordance with policy for:<br>• Statutory Care Allowance or Supported Care Allowance payments for a child or young person;<br>• period of approval not to exceed 12 months;<br>• amount approved per fortnight.<br><br>(a) limited to Individual Care Agreement ("**ICA**") Care, Care +1 and Care +2 Allowance. | Care Act s161(1) | Secretary | X | X | X | | | | | | | | | | |
| | (b) limited to Statutory and Supported Care +1 and Care +2 Allowances. | | | X | X | X | X | X[21] | | | | | | | | |
| | (c) limited to Statutory and Supported Care Allowance | | | X | X | X | X | X[22] | | | | | | | | |
| 22.169 | **Allowances**<br>Approve expenditure on other allowance payments, including subsidy or supervisory allowance for a child or young person in out-of-home care:<br>• approval within guidelines;<br>• approval period not to exceed 3 months;<br>• amount approved per fortnight.<br><br>(a) up to $2,000. | Care Act s161(1) | Secretary | X | X | X | | | | | | | | | | |
| | (b) up to $1,000. | | | X | X | X | X[23] | | | | | | | | | |
| | (c) up to $650. | | | X | X | X | X | X[24] | | | | | | | | |

[21] Limited to Manager, Client Services and Manager, Helpline
[22] Limited to Manager, Casework and Team Leader, Helpline
[23] Limited to Director, Community Services, Director, Intensive Support Service and other Directors in the Districts whose functions relate to child protection
[24] Limited to Manager, Client Services and Manager, Helpline

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | (d) up to the equivalent of Statutory Care Allowance. | | | X | X | X | X | X[25] | | | | | | | | |
| 22.170 | **Services or Assistance**<br>Approve the purchase of services or financial assistance, other than allowances and renovations to accommodation, for a child or young person in out-of-home care:<br>• approval within guidelines;<br>• limit applies per approval for an item or service or a connected series of services;<br>• excludes the purchase of ICA accommodation unless the service provider has a current Header Agreement for the provision of such services and the purchase complies with the terms of that Agreement.<br><br>(a) up to a limit of $500,000. | Care Act s161 | Secretary | X | X[26] | X | | | | | | | | | | |
| | (b) up to a limit of $250,000. | | | X | X | X | | | | | | | | | | |
| | (c) up to a limit of $50,000. | | | X | X | X | X[27] | | | | | | | | | |
| | (d) up to a limit of $20,000. | | | X | X | X | X[28] | | | | | | | | | |
| | (e) up to a limit of $5,000. | | | X | X | X | X | X[29] | | | | | | | | |
| | (f) up to a limit of $1,000. | | | X | X | X | X | X[30] | | | | | | | | |

[25] Limited to Manager, Casework and Team Leader, Helpline
[26] Limited to Deputy Secretary - Clusters
[27] Limited to Director, Community Services and other Directors in the District whose functions relate to child protection
[28] Limited to Director, Intensive Support Service
[29] Limited to Manager, Client Services and Manager, Helpline
[30] Limited to Manager, Casework and Team Leader, Helpline

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 22.171 | **Accommodation – Renovations**<br>Approve expenditure of funds for housing renovations for a child or young person in out of home care:<br><br>(a) up to a limit of $250,000. | Care Act s161 | Secretary | X | X[31] | X | | | | | | | | | | |
| | (b) up to a limit of $100,000. | | | X | X | X | | | | | | | | | | |
| 22.172 | **Education**<br>Approve financial assistance* for full-time educational purposes in relation to a person over the age of 18 years but younger than 25 years who was receiving such assistance immediately before they attained the age of 18 years.<br>while the person continues to reside in the home of the person to whom the financial assistance is provided;<br>approval within guidelines;<br>limit applies per approval (based on approved case plan/leaving care plan).<br><br>(a) up to a limit of $100,000. | Care Act s161(3) | Secretary | X | X | X | | | | | | | | | | |
| | (b) up to a limit of $50,000. | | | X | X | X | X[32] | | | | | | | | | |
| | (c) up to a limit of $20,000. | | | X | X | X | X[33] | | | | | | | | | |

[31] Limited to Deputy Secretary - Clusters
*Relevant programs include the Teenage Education Payment and Post Care Education Financial Support
[32] Limited to Director, Community Services and other Directors in the District whose functions relate to child protection
[33] Limited to Director, Intensive Support Services

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | (d) up to a limit of $5,000. | | | X | X | X | X | X[34] | | | | | | | | |
| | (e) up to a limit of $1,000. | | | X | X | X | X | X[35] | | | | | | | | |
| | (f) limited to Post Care Education Support + 1 and Post Care Education Support +2 allowances. | | | X | X | X | X | X[34] | | | | | | | | |
| | (g) limited to Post Care Education Support allowance. | | | X | X | X | X | X[35] | | | | | | | | |
| 22.173 | **After Care 15-25**<br>Approve financial assistance for children of or above 15 years and young people who leave out-of-home care, until they reach the age of 25 years if considered necessary (i.e. After Care allowance and contingency payments):<br>• approval within guidelines;<br>• approval period for After Care allowance payments not to exceed 3 months;<br>• limit applies per approval.<br><br>**Note.**<br>1. Payments may be made until the person reaches the age of 25 years.<br><br>Refer to *Financial support for children and young persons in out-of-home care Guidelines and Policy.*<br><br>(a) up to a limit of $100,000. | Care Act s165 (1) | Secretary | X | X | x | | | | | | | | | | |

[34] Limited to Manager, Client Services
[35] Limited to Manager, Casework

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | (b) up to a limit of $50,000. | | | X | X | X | X[36] | | | | | | | | | |
| | (c) up to a limit of $20,000. | | | X | X | X | X[37] | | | | | | | | | |
| | (d) up to a limit of $5,000. | | | X | X | X | X | X[38] | | | | | | | | |
| | (e) up to a limit of $1,000. | | | X | X | X | X | X[39] | | | | | | | | |
| 22.174 | **After Care 25+**<br>Approve appropriate assistance to a person beyond the age of 25 years:<br><br>up to a limit of $100,000. | Care Act s165 (3) | Secretary | X | X | | | | | | | | | | | |
| 22.175 | **Allowances – guardianship**<br>Approve expenditure in relation to a child under a guardianship order, in accordance with policy for:<br>• Guardianship Allowance payments for a child or young person;<br>• period of approval not to exceed 12 months;<br>• amount approved per fortnight.<br>• This includes back payment of the allowance up to the specified period as per policy.<br><br>(a) limited to the equivalent of ICA Care, Care +1 and Care +2 Allowance | Care Act s79C(1) and (2) | Secretary | X | X | X | | | | | | | | | | |

[36] Limited to Director, Community Services and other Directors in the District whose functions relate to child protection
[37] Limited to Director, Intensive Support Service
[38] Limited to Manager, Client Services and Manager, Helpline
[39] Limited to Casework Manager and Team Leader, Helpline

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | (b) limited to the equivalent of Statutory and Supported Care +1 and Care +2 Allowances | | | X | X | X | X | X[40] | | | | | | | | |
| | (c) limited to the equivalent of Statutory and Supported Care Allowance | | | X | X | X | X | X[41] | | | | | | | | |
| 22.176 | **Services or Assistance – guardianship**<br>Approve the purchase of services or financial assistance, other than allowances, for a child or young person under a guardianship order:<br>• approval within guidelines;<br>• limit applies per approval for an item or service or a connected series of services.<br>• This includes back payment of the allowance up to the specified period as per policy<br><br>(a) up to a limit of $500,000. | Care Act s79C (1) and (2) | Secretary | X | X[42] | X | | | | | | | | | | |
| | (b) up to a limit of $250,000. | | | X | X | X | | | | | | | | | | |
| | (c) up to a limit of $50,000. | | | X | X | X | X[43] | | | | | | | | | |
| | (d) up to a limit of $20,000. | | | X | X | X | X[44] | | | | | | | | | |
| | (e) up to a limit of $5,000. | | | X | X | X | X | X[45] | | | | | | | | |
| | (f) up to a limit of $1,000. | | | X | X | X | X | X[46] | | | | | | | | |

[40] Limited to Manager, Client Services and Manager, Helpline
[41] Limited to Manager, Casework and Team Leader, Helpline
[42] Limited to Deputy Secretary, Child Protection and Permanency, District and Youth Justice Services
[43] Limited to Director, Community Services and other Directors in the District whose functions relate to child protection
[44] Limited to Director, Intensive Support Services
[45] Limited to Manager, Client Services and Manager, Helpline
[46] Limited to Manager, Casework and Manager, Helpline

# SCHEDULE AG: National Disability Insurance Scheme (NSW Enabling) Act

Schedule Guide

- The numbers 1-13 refer to the 13 delegation categories defined in Schedule A.
- An X indicates that the delegation is available to the corresponding delegation category.
- A financial delegation is indicated by a blue shaded delegation cell. Unless otherwise stated, the general financial limits in Schedule B apply.
- An administrative delegation is indicated by a white shaded delegation cell.
- "From" refers to the position from which the power is delegated.

Applicable legislation ("**Source**")
*National Disability Insurance Scheme (NSW Enabling) Act 2013* (NSW) ("**the Act**")

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 28.1 | Execute a transfer agreement for the purposes of an authorised implementation under the Act, as directed and approved by the Minister under section 7 of the Act.<br><br>**Note:**<br>• Subject to conditions[1]<br>• In certain circumstances an authorised implementation requires the approval of the Treasurer. | s 7 | Secretary | X | X | | | | | | | | | | | |

[1] A transfer agreement must not be signed without the prior and specific approval of the Minister to enter into a transfer agreement with a person or organisation (the *transferee*) in respect of defined disability services assets, for the purpose of an authorised implementation under the Act, and the terms and conditions of the transfer.

# SCHEDULE M: Human Resources

Schedule Guide

- The numbers 1-13 refer to the 13 delegation categories defined in Schedule A.
- For the purposes of this Schedule only, Level 6 delegated officers includes all non-executive roles limited to no lower than grades 5/6 with responsibility for the management of an employee.
- An "X" indicates that the delegation is available to the corresponding delegation category.
- A financial delegation is indicated by a blue shaded delegation cell. Unless otherwise stated, the general financial limits in Schedule B apply.
- An administrative delegation is indicated by a white shaded delegation cell.
- "From" refers to the role from which the power is delegated.
- "Line Manager" is the employee to whom the applicant directly reports.
- "HR lead" is the HR contact within your business area, however the lead may determine that consultation may need to extend to central office Human Resources or other business area before advising.

Applicable legislation (**"Source"**):

- *Government Sector Employment Act 2013* (NSW) (**"GSE Act"**)
- Government Sector Employment and Management Regulation 2014 (**"GSE Reg"**)
- Government Sector Employment and Management Rules 2014 (**"GSE Rules"**)
- Manual of Delegations from Treasury 2014 (**"TC14-19 MODT"**).

These delegations are also subject to applicable awards and delegations, including but not limited to:

- *Crown Employees (Public Sector Conditions of Employment) Award 2009 (NSW)* ("**CE(PSCoE) Award**")
- *Crown Employees (Transferred Employees Compensation) Award 2009* (NSW) ("**CE(TEC) Award**")
- *Crown Employees (Correctional Officers, Corrective Services NSW) Award 2007 for Kempsey, Dillwynia and Wellington Correctional Centres*
- *Crown Employees (Correctional Officers, Department of Justice - Corrective Services NSW) Award*
- *Crown Employees (General Managers, Superintendents, Managers Security and Deputy Superintendents, Department of Justice - Corrective Services NSW) Award 2009*
- *Crown Employees (Senior Assistant Superintendents and Assistant Superintendents, Department of Corrective Services) Award 2009*
- *Crown Employees (Education Employees Department of Justice – Corrective Services NSW) Award 2017*
- *Crown Employees (Sheriff's Officers) Award 2007*
  *Crown Employees (Tipstaves to Justices) Award 2007*
  *Crown Employees (Department of Justice (Juvenile Justice) - 38 Hour Week Operational Staff 2015) Reviewed Award*
- 2014 Treasury Circular Manual of Delegations from the Treasury (TC14-19, MODT)
- *Public Sector Employment and Management Act 2002* ("**PSEMA**") (now repealed)
- *Care Worker Employees – Department of Family and Community Services – ADHC (State) Award 2012* ("**CWE Award**").

Applicable Guidance:

- Delegations are to be read in conjunction with Department of Communities and Justice policy and Department of Premier and Cabinet Guidelines
- Premier's Circulars ("**PC**")
- Public Employment Office Circular ("**P**")
- Personnel Handbook ("**PH**")
- Public Service Industrial Relations Guide ("**PSIR**").

**APPENDIX A**
Department of Justice Flexible Working Hours Agreement 2017 ("**FWHA**").

**APPENDIX B** (as listed below but as yet to be added to this document)
Disability Services Care Flexible Working Hours Agreement
Community Services Field Flexible Working Hours Agreement
Community Services Standard Flexible Working Hours Agreement
Community Services Helpline Memorandum of Understanding
NSW Businesslink Flexible Working Hours Agreement
Housing NSW Call Centre Operator Agreement
Housing Working Hours
Housing Enterprise Agreement

| Del # | Powers/Functions | Source* Note: references to update for DOJ awards | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Recreation Leave #(i)** | | | | | | | | | | | | | | | |
| 11.1 | Approve* a request for recreation leave. | | | X | X | X | X | X | X | | | | | | | |
| 11.2 | Approve* an exception to the requirement that at least two consecutive weeks of recreation leave is taken by an employee every 12 months. | CE(PSCoE) Award cl 77 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.3 | Direct employees to take at least 2 weeks leave within<br>(a) 3 months of a notification that accrued recreation leave has reached 6 weeks (or its hourly equivalent).<br>Note: Direction to be made by line manager or more senior manager within the same work flow. | CE(PSCoE) Award cl 77 | Secretary | X | X | X | X | X | X | | | | | | | |
| | (b) 6 weeks of a notification that accrued recreation leave has reached 8 weeks (or its hourly equivalent).<br>Note: Direction to be made by line manager or more senior manager within the same work flow. | CE(PSCoE) Award cl 77 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.4 | Approve* the conservation of accrued leave. | CE(PSCoE) Award cl 77 | Secretary | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

#(i) For Corrective Services NSW (CSNSW) – All recreation delegations must be exercised at least at Level 5 for uniformed roles

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | **Flex Leave** | | | | | | | | | | | | | | | |
| 11.5 | Approve* payment for a flex day accrued and remaining untaken on the last day of service for circumstances that have been negotiated and are other than:<br>• The employee's services being terminated without a period of notice for reasons other than misconduct; or<br>• An application for flex leave being made, but not granted prior to the last day of service. | CE(PSCoE) Award cl 21 | Secretary | X | X | X | X | X | X | | | | | | | |
| | **Extended and Long Service Leave** | | | | | | | | | | | | | | | |
| | Grant employee's extended leave or long service leave (including on a pro-rata basis) in accordance with Schedule 1 of the GSE Regulations<br><br>(a) # (iii) up to 12 months.<br><br>Note: Grant to be made by line manager or more senior manager within the same work flow. | GSE Reg cl16 and GSE Reg Sch 1<br><br>CE(PSCoE) Award cl 70 | | X | X | X | X | X | X | | | | | | | |
| 11.6 | (b) # (iv) over 12 months<br><br>Note: Grant to be made by line manager or more senior manager within the same work flow. | GSE Reg cl16 and GSE Reg Sch 1<br><br>CE(PSCoE) Award cl 70 | | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

#(iii) For Corrective Services NSW (CSNSW) – delegation must be exercised at least at Level 5 for uniformed roles
#(iv) For Corrective Services NSW (CSNSW) – delegation must be exercised at least at Level 4

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | **Payment of Leave for Deceased Estates** | | | | | | | | | | | | | | | |
| 11.7 | Approve* payment of a deceased employee's entitlements to a dependant relative of the employee, where there is no spouse, child or nominated beneficiary. | GSE Reg cl16 and Sch 1<br>PS(CoE) Award cl 77.6<br>PSIR 4.6.2.1-2 | Secretary | X | X | X | X | | | | | | | | | |
| 11.8 | All leave to be paid out to dependants in cases of death<br>(a) Determine who, at the time of an employee's death, if there is no spouse or child, was a dependant relative of the employee for the purposes of the payment of the money value of extended leave not taken or not completed. | GSE Regulation Schedule 1 | Secretary | X | X | X[1] | X[2] | | | | | | | | | |
| | (b) Determine who, at the time of an employee's death if there is no spouse or child, with at least 5 years' service but less than 7 years' service, was a dependant relative of the employee for the purposes of the payment of the money value of extended leave not taken or not completed. | GSE Regulation Schedule 1 | Secretary | X | X | X[1] | X[2] | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

[1] Limited to Executive Director, People
[2] Limited to HR Business Partners

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | **Sick Leave** | | | | | | | | | | | | | | | |
| 11.9 | Authority to grant to the employee any of the employee's forfeited sick leave as sick leave for the absence. | GSE Reg cl32 | Secretary | X | X | X | | | | | | | | | | |
| 11.10 | Approve* sick leave:<br>(a) on full pay | CE(PSCoE) Award cl 79 | Secretary | X | X | X | X | X | X | | | | | | | |
| | (b) without pay, for a period up to 12 months, where the absence of the employee exceeds the full pay entitlement | CE(PSCoE) Award cl 79 | Secretary | X | X | X | X | X | X | | | | | | | |
| | (c) without pay, for a period greater than 12 months, where the absence of the employee exceeds the full pay entitlement | CE(PSCoE) Award cl 79 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.11 | Direct an employee to take sick leave if satisfied that the employee:<br>• is unable to carry out their duties without distress; or<br>• risks further impairment of their health by reporting for duty; or<br>• is a risk to the health, wellbeing or safety of others.<br>(a) in respect of a temporary or short term illness<br><br>Note: Direction to be made by line manager or more senior manager within the same work flow. | CE(PSCoE) Award cl 79 | Secretary | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | (b) in respect of a long term illness or condition #<br><br>Note:<br>1. Prior to utilising delegation 11.12(b) sufficient documentation confirming the condition/ illness is required.<br>2. Direction to be made by line manager or more senior manager within the same work flow. | CE(PSCoE) Award cl 79 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.12 | Direct an employee to participate in a return to work program if the employee has been absent on a long period of sick leave.<br><br>Note:<br>1. Direction to only be made following consultation with the HR lead in your business area.<br>2. Direction to be made by line manager or more senior manager within the same work flow. | CE(PSCoE) Award cl 79 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.13 | Approve* 5 or more days of paid sick leave in the initial 3 months of service, where supported by a medical certificate. | CE(PSCoE) Award cl 79 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.14 | Approve* sick leave for the whole of an absence where a medical certificate has been supplied that only covers the latter part of the absence and grantor is satisfied that the reason for the absence is genuine. | CE(PSCoE) Award cl 80 | Secretary | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

#11.11 (b) For Corrective Services NSW (CSNSW) – delegation must be exercised at least at Level 5

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.15 | Approve* a direction to an employee to produce evidence of illness for an absence of 2 consecutive workings days or less. | CE(PSCoE) Award cl 80 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.16 | Refer evidence of illness provided by a staff member and a staff member's application for leave to an approved medical assessor for advice, after discussion with the staff member. | CE(PSCoE) Award | Secretary | X | X | X | X | | | | | | | | | |
| 11.17 | Determine the nature of leave to be granted to a staff member based on the advice of an approved medical assessor. | CE(PSCoE) Award | Secretary | X | X | X | X | | | | | | | | | |
| 11.18 | Determine that a medical certificate for up to one week furnished by a registered health services provider as set out in the Award, rather than a registered medical practitioner, is acceptable. | CE(PSCoE) Award | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.19# | Accept other forms of evidence to satisfy that a staff member had a genuine illness. | CE(PSCoE) Award | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.20 | Grant additional sick leave to a staff member, in special circumstances, from sick leave accumulated during the staff member's eligible service, where family and community service leave provided in clause 71 is exhausted or is unavailable and the staff member has responsibilities in relation to a category of person set out in clause 81.4. | CE(PSCoE) Award | Secretary | X | X | X | X | | | | | | | | | |
| 11.21 | Require the production of evidence consistent with sub-clause 80.6 in respect of the illness of a person for which additional sick leave is sought following the exhaustion of family and community service leave. | CE(PSCoE) Award | Secretary | X | X | X | X | X | X | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.22 | Approve* sick leave to an employee who is absent on recreation leave or extended leave and provides satisfactory evidence of an illness which occurred during the leave.<br><br>Note:<br>1. For an employee on recreation leave, sick leave is to be granted for the period set out in the evidence of illness.<br>2. For an employee on extended leave, sick leave will only be granted where the period set out in the evidence of illness is for 5 days or more. | CE(PSCoE) Award cl 80 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.23 | Approve* a grant of special sick leave.<br><br>Note:<br>1. Special sick leave may only be granted to long term employees (over 10 years) for occasions of long term illness only, and<br>• the employee has been or will be absent for a period of at least 3 months; and<br>• has exhausted or will exhaust, all normal sick leave entitlements.<br><br>2. Subject to prior consultation with the HR lead in your business area. | PSIR 6.16.11.1 | Secretary | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

#11.19 For Corrective Services NSW (CSNSW) – delegation must be exercised at least at Level 5

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Sick leave – claims other than Workers Compensation** | | | | | | | | | | | | | | | |
| 11.24 | Authority to grant sick leave on full pay to an employee for any injury or illness that gives rise to a claim for damages or to compensation, other than compensation under the *Workers Compensation Act 1987*.<br><br>Note: In accordance with the relevant provisions of the Award. Note: Grant to be made by line manager or more senior manager within the same work flow. | CE(PSCoE) Award cl 83.1 | | X | X | X | X | X | X | | | | | | | |
| | **Carers Leave** | | | | | | | | | | | | | | | |
| | (a) Approve* sick leave to provide care and support to a family member (clause 81.4.2) who is ill.<br><br>Note:<br>1. Only to be granted where Family and Community Services leave is exhausted or unavailable.<br>2. If required the employee must provide evidence consistent with subclause 80.6 to establish the illness of the person concerned. | CE(PSCoE) Award cl 81 (and cl 80.6) | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.25 | (b) Approve* # exemption from providing evidence, per subclause 80.6, where:<br>• leave is requested to care for a family member (clause 81.4.2) who requires regular treatment or has an ongoing illness/condition; and<br>• evidence has previously been supplied confirming reason for leave; and<br>• the current request for leave relies on the same evidence for the same person. | CE(PSCoE) Award cl 81.3 | Secretary | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

#11.25 (b) For Corrective Services NSW (CSNSW) – delegation must be exercised at least at Level 4

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | **Family and Community Services Leave** | | | | | | | | | | | | | | | |
| 11.26 | Approve* the grant of Family and Community Services leave due to:<br>• unplanned and emergency situations, or<br>• employees holding office in Local Government, or<br>• attendance as a competitor in a major amateur sport where the employee is selected to represent Australia or the State. | CE(PSCoE) Award cl 71 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.27 | Approve* additional Family and Community Services leave (where such leave is currently exhausted) if some other emergency arises. | CE(PSCoE) Award cl 71 | Secretary | X | X | X | X | X | | | | | | | | |
| 11.28 | Approve* other forms of leave such as accrued recreation leave, time off in lieu, flex leave and so on for Family and Community Services leave purposes. | CE(PSCoE) Award cl 71 | Secretary | X | X | X | X | X | X | | | | | | | |
| | **Parental Leave** | | | | | | | | | | | | | | | |
| 11.29 | Approve* parental leave to an employee; this includes maternity, adoption, special adoption and "other parent" leave.<br><br>Note: Where maternity or adoption leave does not apply, "other parent" leave may be available. Refer to cl 75.4 for conditions. | CE(PSCoE) Award cl 75 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.30 | Approve* extended period of unpaid parental leave<br><br>Note: Extended unpaid parental leave is for a continuous period of leave not exceeding 12 months (cl 75.9). | CE(PSCoE) Award cl 75 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.31# | Approve* a return from a period of full time parental leave on a part time basis, at the same grade and classification as the employee's former position, until the child reaches school age. | CE(PSCoE) Award cl 75 | Secretary | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

#11.31 For Corrective Services NSW (CSNSW) – delegation must be exercised at least at Level 5 for uniformed roles

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.32 | (a) Approve* alternative duties for a pregnant employee where that employee is having difficulty in performing her normal duties or there is a risk to her health or to her unborn child.# | CE(PSCoE) Award cl 75 | Secretary | X | X | X | X | X | X | | | | | | | |
| | (b) Approve* maternity leave or any available sick leave where alternative duties cannot be provided. | CE(PSCoE) Award cl 75 | Secretary | X | X | X | X | X | X | | | | | | | |
| | **Study Leave** | | | | | | | | | | | | | | | |
| 11.33 | Approve or refuse a grant of study time.<br><br>Note: Approval or refusal to be made by line manager or more senior manager within the same workflow. | CE(PSCoE) Award cl 86 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.34 | Approve* study leave with financial assistance. | CE(PSCoE) Award cl 86 | Secretary | X | X | X | X | X | | | | | | | | |
| | **Special Leave #** | | | | | | | | | | | | | | | |
| 11.35 | Approve* special leave to an employee:<br>• to return home when temporarily living away from home;<br>• who identifies as an Indigenous Australia up to one day special leave per year to enable the employee to participate NAIDOC week;<br>• for examinations limited to 5 days a year;<br>• for jury duty (subject to Award conditions being met);<br>• for up to 1 day for an employee to attend medical examinations and tests required for acceptance as a volunteer part time member of the Australian Defence Forces, or<br>• for other purposes, subject to conditions outlined in the Personnel Handbook. | CE(PSCoE) Award cl 73, 84, 86 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.36 | Grant special leave on full pay to a staff member, subject to the conditions specified in the relevant leave policy at the time the leave is taken. | CECEA 84.1 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.37 | Approve* special leave of up to 10 days per year for training activities principally of benefit to the employee and of indirect benefit to the public service. | CE(PSCoE) Award cl 85 | Secretary | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

#11.32 (a), 11.35 – 11.37 For Corrective Services NSW (CSNSW) – delegation must be exercised at least at Level 5 for uniformed roles

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Domestic Violence** | | | | | | | | | | | | | | | |
| 11.38 | Approve* leave for employees experiencing Domestic Violence, where satisfied, on reasonable grounds, that domestic violence has occurred (evidence to support reasonable grounds include an agreed document issued by the Police Force, a Court, a Doctor, a Domestic Violence Support Service or Lawyer).<br>Note:<br>1. Sick Leave, Family and Community Service leave, Sick Leave to Care for a Family Member (also referred to as Personal/Carers Leave) may be used by employees experiencing domestic violence.<br>2. Where the leave entitlements referred to in point 1 above are exhausted, the employee shall be granted five days.<br>3. Approval for leave to be sought from the employee's line manager, or to an employee more senior than line manager to whom the employee feels comfortable making the request. | NSW TC 14/16<br><br>PSIR 6.18.1 | | X | X | X | X | X | X | | | | | | | |
| 11.39 | Approve, where appropriate, flexible working arrangements subject to operational requirements, including changes to working times and changes to work location, telephone number and email address. | CECEA | | X | X | X | X | X | X | | | | | | | |
| | **Military Leave** | | | | | | | | | | | | | | | |
| 11.40 | Approve* military leave for an employee who is a volunteer part-time member of the Defence Forces. | CE(PSCoE) Award cl 73 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.41 | Approve* Military Leave Top up Pay to an employee who is requested by the Australian Defence Forces to provide additional military services requiring leave in excess of clause 73.3. | CE(PSCoE) Award cl 73 | Secretary | X | X | X | X | X | | | | | | | | |
| 11.42 | Require a staff member, at the expiration of military leave, to provide a certificate of attendance and details of the staff member's, reservist pay signed by the commanding officer or other responsible officer. | CECEA 73.8 | Secretary | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | **Purchased Leave** | | | | | | | | | | | | | | | |
| 11.43# | Approve* Purchase Leave, subject to the requirements of relevant clause in the applicable award. | CE(PSCoE) Award cl 76 | Secretary | X | X | X | X | X | X | | | | | | | |
| | **Transferred Employees Leave** | | | | | | | | | | | | | | | |
| 11.44 | Approve* an extension of special leave (i.e. beyond five working days) to undertake the following activities:<br>• Visit the new location to obtain accommodation.<br>• Prepare and pack personal household effects prior to removal.<br>• Arrange storage.<br>• Travel to the new location for the purpose of commencing duty.<br>• Clean the premises being vacated.<br>• Occupy and settle into the new premises. | CE(TEC) Award cl 6 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.45 | Approve* special leave for an employee who has been transferred to a new location ahead of dependants, to visit such dependants. | CE(PSCoE) Award cl 84 | | X | X | X | X | X | X | | | | | | | |
| | **Leave without pay #** | | | | | | | | | | | | | | | |
| 11.46 | Approve* leave without pay (on a full-time or part-time basis) where good and sufficient reason is shown for a period:<br><br>(a) less than 3 months. | CE(PSCoE) Award cl 72 | Secretary | X | X | X | X | X | X | | | | | | | |
| | (b) 3 month up to 12 months. | CE(PSCoE) Award cl 72 | Secretary | X | X | X | X | X | X | | | | | | | |
| | (c) greater than 12 months. | CE(PSCoE) Award cl 72 | Secretary | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

# 11.43 For Corrective Services NSW (CSNSW) – delegation must be exercised at least at Level 4
# 11.46 For Corrective Services NSW (CSNSW) – LWOP up to 3 months Level 4 uniformed staff, more than 3 months Level 3 for all staff

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.47# | Approve* an employee engaging in employment during a period of leave without pay. | CE(PSCoE) Award cl 72 | Secretary | X | X | X | X | X | | | | | | | | |
| | **Other Leave** | | | | | | | | | | | | | | | |
| 11.48 | Approve* leave (recreation, extended leave to credit, flex or leave without pay) for an employee to allow their observance of any essential religious or essential cultural obligations.<br><br>(a) Approve of the manner in which time off is to be made up by a staff member of any religious faith who takes time off during daily working hours to attend to essential religious obligations. | CE(PSCoE) Award cl 74 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.49 | Authority to grant time off during a working day so that an employee can attend to essential religious obligations of their religious faith.<br><br>Note: Grant to be made by line manager or more senior manager within the same work flow. | CE(PSCoE) Award cl 74 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.50 | Approve* leave or time off for an employee to attend to urgent personal business. A grant of time off must be made up at the earliest opportunity. | CE(PSCoE) Award cl 20 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.51 | Approve* leave or time off for an employee due to late attendance. A grant of time off must be made up at the earliest opportunity. | CE(PSCoE) Award cl 20 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.52 | Agree on a day or days on which a staff member, who has taken time off in circumstances outlined in sub-clauses 20.2 and 20.3 of the Award, may make up the time. | CECEA 20.4 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.53 | Approve* a deduction from the pay of an employee who is absent without reasonable cause. | GSE Reg cl13(3)<br>CE(PSCoE) Award cl 68 | Secretary | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

# 11.47 For Corrective Services NSW (CSNSW) – delegation must be exercised at least at level 3

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.54 | Authority to determine the period of time and manner for a person who, immediately before being employed as a PSSE was employed as a PS non-executive employee, to elect whether to retain their leave entitlements or to be paid a gratuity instead of that leave. | GSE Reg cl 18 | | X | X | X | X | X | | | | | | | | |

**WORKFORCE MANAGEMENT**

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | **Establishment** | | | | | | | | | | | | | | | |
| | **Public Service Senior Executives (PSSE)** | | | | | | | | | | | | | | | |
| 11.55 | Approve the creation of a Public Service Senior Executive role<br>• classification, grading and/or salary level being determined by the Agency's job evaluation process and/or relevant industrial instrument;<br>• subject to the creation being within budget allocation<br>• in accordance with guidelines issued by the DPC or conditions stipulated in the GSE Act. | Secretary Circular 2014/10 | Secretary | X | | | | | | | | | | | | |
| 11.56 | (a) Determine the qualifications necessary for performing the duties of the role in which a person is to be engaged. | GSE Rules 7 (1) | Secretary | X | X | X[3] | X[4] | | | | | | | | | |
| | (b) Determine the time and manner in which a person is to provide evidence of their qualifications which | GSE Rules 7 (2) | Secretary | X | X | X[3] | X[4] | | | | | | | | | |

[3] Limited to Executive Director, People
[4] Limited to Director, Academy and Operational Training, CSNSW and Directors, People Branch

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | have not been provided when conditionally engaged. | | | | | | | | | | | | | | | |
| 11.57 | Determine the security or other clearances necessary for performing the duties of the role in which a person is to be assigned. | GSE Rules 8 (1) | Secretary | X | X | X[5] | | | | | | | | | | |
| 11.58 | (a) Determine the appropriate band for the role of a Public Service Senior Executive<br>Note: Determination to be made having applied the applicable work level standards and having regard to any guidance provided by the Commissioner. | GSE Act s 37 | Secretary | X | X[6] | | | | | | | | | | | |
| | (b) Approve the employment of a Public Service Senior Executive in that role. | GSE Act s 37 | Secretary | X | X | X[7] | | | | | | | | | | |
| 11.59 | Approve the assignment of a Public Service Senior Executive to a role in any Public Service agency in the band which the executive is employed. | GSE Act s 38 | Secretary | X | X | X[8] | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

[5] Limited to Executive Director, People
[6] Limited to Deputy Secretary, Corporate Services
[7] Limited to Executive Director, People
[8] Limited to Executive Director, People

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.60 | Approval to sign the written contract of employment for a Public Service Senior Executive. | GSE Act s39(1) | Secretary | X | | | | | | | | | | | | |
| 11.61 | Approval to delete a Public Service Senior Executive role.<br><br>Note: Determination to be made having applied the applicable work level standards and having regard to any guidance provided by the Commissioner. | GSE Act s37(2) | Secretary | X | X | | | | | | | | | | | |
| 11.62 | Approval to vary a Public Service Senior Executive role.<br><br>Note: Determination to be made having applied the applicable work level standards and having regard to any guidance provided by the Commissioner. | GSE Act s37(2), s38, s39 | Secretary | X | X | | | | | | | | | | | |
| 11.63 | Acting appointments as head of agency (other than Department)<br>Act as the head of the agency if the office of the head is vacant or if the head is unavailable, and no other person has been duly appointed to act as a statutory officer who is the head of that office, with the person while acting having the functions of the head and the acting appointment may be terminated at any time. | GSE Act s29 | Secretary | X | | | | | | | | | | | | |
| 11.64 | Assignment of senior executives to roles in bands across Public Service<br>Consult the head of the agency in assigning a senior executive to a role. | GSE Act s38(3) | Secretary | X | | | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | **Public Service Employees (non PSSE)** | | | | | | | | | | | | | | | |
| 11.65 | **Create** an ongoing or temporary non PSSE role subject to:<br>• classification, grading and/or salary level being determined by the Agency's job evaluation process and/or relevant industrial instrument;<br>• relevant role creation policies and procedures;<br>• subject to the creation being within budget allocation<br>• in accordance with guidelines issued by the DPC or conditions stipulated in the GSE Act.<br><br>Note:<br>1. Approval subject to consultation with the HR lead in your business area<br>2. Approval subject to consultation with Finance.<br>3. This delegation does not extend to approval to fill the role (see delegation 11.52 for ongoing, 11.89 for temporary, and 11.92 for casuals) | GSE Act s45 | Secretary | X | X | X | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | (a) Approve the employment of a Public Service employee (Non-Executive) in an ongoing role. | GSE Act s 45 | Secretary | X | X | X | X | X | | | | | | | | |
| 11.66 | (b) Approve an ongoing appointment to an employee's role, where that employee has been granted leave without pay for more than 12 months.<br><br>Note:<br>1. subject to conditions of the Award<br>2. subject to consultation with the employee granted LWOP<br>3. subject to consultation with the HR lead in your business area | PS(CoE) Award c72.8 | | X | X | X | | | | | | | | | | |
| 11.67# | **Delete** an ongoing or temporary vacant non PSSE role and/or create an equivalent role (same grade and/or salary level) subject to:<br>• relevant role deletion policies and procedures;<br>• consideration of employee impact; and<br>• with neutral budget impact<br>• in accordance with guidelines issued by the DPC/PSC or conditions stipulated in the GSE Act<br><br>Note: Approval subject to prior consultation with the HR lead in your business area | GSE Act s45 | Secretary | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.68# | Approval to **vary** a Public Service employee (Non-Executive) role (e.g. reporting line, status, hours per week, role splitting) provided:<br>• the classification and grading of the role remains unchanged; and<br>• the impact of the change remains within budget allocation<br>Note<br>1. Determination to be made having applied the applicable classification of work and having regard to any guidance provided by the Commissioner.<br>2. Approval subject to consultation with the HR lead in your business area | GSE Act s45 | Secretary | X | X | X | X | | | | | | | | | |
| 11.69# | Approve the **assignment** of a Public Service employee (Non-Executive) to a role within the same division of the Public Service agency in the grade which the non-executive is employed.<br><br>Note: Approval subject to consultation with the HR lead in your business area | GSE Act s46 | Secretary | X | X | X | X | X | | | | | | | | |
| 11.70 | Approve the **assignment** of a Public Service employee (Non-Executive) to a role across divisions (i.e. to a different division) of the Public Service agency in the grade which the non-executive is employed.<br><br>Note: Approval subject to consultation with the HR lead in your business area | GSE Act s46 | Secretary | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.
# 11.67 and 11.68 For Corrective Services NSW (CSNSW) – delegation must be exercised at least at level 3
# 11.69 For Corrective Services NSW (CSNSW) – delegation must be exercised at least at level 3

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.71 | Determine the appropriate classification of work for the role of a Public Service employee (Non-Executive) (whether ongoing or temporary).<br><br>Note:<br>1. Determination to be made having applied the applicable work level standards and having regard to any guidance provided by the Commissioner.<br>2. Approval subject to consultation with the HR lead in your business area. | GSE Act s45 | Secretary | X | X | X | X | | | | | | | | | |
| 11.72# | To approve:<br>(a) re-evaluating an existing non PSSE role;<br>(b) the classification or grade of a non PSSE role following re-evaluation; and<br>(c) changing the name or title of a non PSSE role following re-evaluation.<br><br>Note: Approval subject to consultation with the HR lead in your business area | GSE Act s46 | Secretary | X | X | X | X | X | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

# 11.72 For Corrective Services NSW (CSNSW) – delegation must be exercised at least level 3

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.73 | To approve:<br>(a) the creation of new organisational units in the Department;<br>(b) the deletion or abolition of an existing organisational unit;<br>(c) the renaming of an organisational unit;<br>(d) the movement or transfer within the Department of any organisational unit.<br><br>Note: Approval subject to consultation with the HR lead in your business area. | GSE Act s25(1) | Secretary | X | X | X[9] | | | | | | | | | | |
| | **Role Descriptions** | | | | | | | | | | | | | | | |
| 11.74# | Approve the role description of a:<br><br>(a) Public Service Senior Executive employee | GSE Act s 37 | Secretary | X | X | X[10] | | | | | | | | | | |
| | (b) Public Service non-executive employee<br><br>Note: Approval of (a) and (b) is subject to consultation with the HR lead in your business area | GSE Act s45 | Secretary | X | X | X | X | X | | | | | | | | |
| 11.75# | To approve changes to an existing role description for a:<br>(a) Public Service Senior Executive employee | GSE Act s38(8) | Secretary | X | X | X[11] | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

# 11.74 and 11.75 For Corrective Services NSW (CSNSW) – Non-PSSE – delegation must be exercised at least level 3

[9] Limited to Executive Director, People
[10] Limited to Executive Director, People
[11] Limited to Executive Director, People

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | (b) Public Service non-executive employee<br><br>Note: Approval of (a) and (b) is subject to consultation with the HR lead in your business area | GSE Act s46(4) | Secretary | X | X | X | X | | | | | | | | | |
| | **Recruitment** | | | | | | | | | | | | | | | |
| 11.76 | Approve advertising a vacant role<br><br>(a) PSSE | | Secretary | X | X | | | | | | | | | | | |
| | (b) non PSSE<br><br>on the NSW Government's recruitment website and in such other publications (if any).<br><br>Note:<br>1. This delegation does not extend to approval to fill the role (i.e. this delegation is only to be exercised where there is an approval to fill the role)<br>2. Approval by line manager, or escalated until an appropriately delegated employee can approve. | | Secretary | X | X | X | X | X | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.77# | Approval, during the course of a major restructure, to limit the recruitment action to fill a vacancy in a non-executive role that arises as part of a restructure to candidates:<br>(i) employed in ongoing employment in an affected agency or<br>(j) who have been employed in temporary employment in affected agencies for a period of at least 12 months<br>Note: Approval subject to consultation with the HR lead in your business area. | GSE Rules r23 | Secretary | X | X | X | X | | | | | | | | | |
| 11.78 | Approval of payment of expenses incurred to attend interviews for DCJ roles. | | | X | X | X | X | | | | | | | | | |
| 11.79 | Approve the employment of an eligible person to a suitable role.<br><br>Note:<br>1. Subject to conditions in the GSE Rules<br>2. ***Eligible person*** means any of the following:<br><br>(a) an Aboriginal person or Torres Strait Islander,<br>(b) a person with a disability,<br>(c) a person under the age of 25 years,<br>(d) a person who belongs to a group of persons designated by the Commissioner as being disadvantaged in employment. | GSE Rules r26 | Secretary | X | X | X | X | | | | | | | | | |
| 11.80 | Approve the creation of a talent pool from those who applied to the advertisement for the vacant role. | GSE Rules r19 | Secretary | X | X | X | X | X | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

# 11.77 For Corrective Services NSW (CSNSW) – delegation must be exercised at least level 3

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.81 | (a) To approve the engagement of a person as a:<br>• Cadet<br>• Trainee<br>Note: Approval subject to consultation with the HR lead in your business area | | | X | X | X | X | | | | | | | | | |
| | (b) approve converting the employee to ongoing employment upon successful completion of a<br>• Cadetship<br>• Traineeship<br>And action to appoint the person to a role.<br><br>Note: Approval subject to consultation with the HR lead in your business area | | | X | X | X | | | | | | | | | | |
| 11.82 | To approve the termination of employment of a:<br>• Cadet<br>• Trainee<br>Note: Approval subject to consultation with the HR lead in your business area | | Secretary | X | X | X | | | | | | | | | | |
| | **Ongoing Appointments and Probation** | | | | | | | | | | | | | | | |
| 11.83 | Approval to appoint a person to ongoing employment in the public service for the first time<br>(a) on probation for a period of 6 months or longer | GSE Rules r 5(1) | Secretary | X | X | X | X | X | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.84 | a) Approve a period of probation for a senior executive of no more than 3 months. | GSE Rules 5(2) (a) | Secretary | X | X | X[12] | | | | | | | | | | |
| | b) Confirm a senior executive's employment at any time during or at the end of the probation period. | GSE Rules 5 (2) (a) | Secretary | X | X | X[13] | | | | | | | | | | |
| | c) Terminate a senior executive's employment at any time during or at the end of the probation period. | GSE Rules 5 (2) (ab) | Secretary | X | X | X[14] | | | | | | | | | | |
| 11.85 | Approval to extend a period of probation for a non-Executive employee.<br><br>Note: An extension can be made at any time before the person's appointment is confirmed or annulled but may only be for a maximum period of 12 months | GSE Rules rr 5(3), 5(4) | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.86 | Approve confirmation of an appointment during or after the period of probation | GSE Rules r 5(5) | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.87 | Approve annulment of an appointment during or at the end of a period of probation.<br><br>Note: Subject to consultation with the HR lead in your business area | GSE Rules r 5(5) | Secretary | X | X | X | X | | | | | | | | | |
| 11.88 | Authority to employ a PSEMA non-executive employee in ongoing employment at a higher classification.<br><br>Note: A determination was provided from the Public Service Commissioner on 19 January 2015. | GSE Rules r 20(3) | Secretary | X | X | X[15] | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

[12] Limited to Executive Director, People
[13] Limited to Executive Director, People
[14] Limited to Executive Director, People
[15] Limited to Executive District Directors, Executive Director, People and Assistant Commissioners

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | **Review of a promotion decision** | | | | | | | | | | | | | | | |
| 11.89 | (a) Authority to appoint a public service senior executive to review a promotion decision<br>Note:<br>• A public services senior executive is an officer in category 1-4<br>• The reviewer must not be involved in the selection process to which the decision relates. | GSE Rules r25 | Secretary | X | X | X | X | | | | | | | | | |
| 11.90 | (b) Authority to determine, based on recommendation of the appointed review officer, that the promotion decision be revoked and another selection process be carried out for the role concerned.<br><br>Note: Authority is limited to an employee senior to the reviewer. | GSE Rules r25 | Secretary | X | X | X | X | | | | | | | | | |
| | **Termination** | | | | | | | | | | | | | | | |
| 11.91 | (a) Approve the termination of an ongoing non-executive public service employee (including the preparation and issue of an instrument of termination) for the following reasons:<br>• the employee has failed to meet a condition of engagement as an employee imposed under section 44,<br>• the employee lacks, or has lost, an essential qualification for performing the duties of the role assigned to the employee,<br>• the employee has refused to perform duties to which the employee has been duly assigned,<br>• the employee has abandoned his or her employment,<br>• on any other ground prescribed by the regulations.<br>Note:<br>1. Subject to conditions in the GSE Act<br>2. The employee to whom the termination relates is not to be a direct report of the Executive exercising the approval. | GSE Act s 47(1) | Secretary | X | X | X | X | | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.92 | Authority to take into consideration any submissions made by the ongoing, temporary or casual employee in respect of the proposed termination<br><br>Note: The Executive exercising this authority is to be the same Executive approving the termination (see delegation above) | GSE Rules r14(1)(b) | Secretary | X | X | X | X | | | | | | | | | |
| 11.93 | Authority to terminate the employment of a public service senior executive. | GSE Act s 41 | Secretary | X | | | | | | | | | | | | |
| 11.94 | Authority to provide a written report to the commissioner on the termination of a Public Service Senior Executive.<br><br>Note: Report must satisfy the requirements of GSE rule 42 | GSE Rules r42 | Secretary | X | | | | | | | | | | | | |
| | **Remuneration** | | | | | | | | | | | | | | | |
| 11.95# | Approval of the commencing rates of pay for any ongoing employee and temporary employee:<br><br>(a) At the minimum rates for the role; | GSE Act s52<br><br>TC14-19 MODT Del 2 | Secretary | X | X | X | X | X | | | | | | | | |
| | (b) At above the minimum rate for the role where the higher rate is authorised by an agreement, Determination or Award; or | GSE Act s52<br><br>TC14-19 MODT Del 2 | Secretary | X | X | X | X | X | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

# 11.95 For Corrective Services NSW (CSNSW) –delegation must be exercised at least level 4

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | (c) At any prescribed salary point within the salary range for the role, having regard to:<br>• The applicant's skills, experience and qualifications;<br>• The rate required to attract the applicant; and<br>• The remuneration of existing employees performing similar work<br>Note: Approval subject to consultation with the HR lead in your business area. | GSE Act s52<br>TC14-19 MODT Del 2 | Secretary | X | X | X | X | X | | | | | | | | |
| 11.96 | Approval # of an employee's commencement rate of payment where the employee is transferred or promoted to a higher salary scale, as follows:<br>(a) If the employee's present salary scale coincides with a step on the new scale, and -<br>• The employee has been on that rate for less than 12 months, commencing rate will be at the same step on the new scale (i.e. no change), but with retention of existing increment date; or<br>• The employee has been on that rate for more than 12 months, commencing rate will be the next step on the new scale with increment date to be the anniversary of appointment to the new role. | GSE Act s52<br>TC14-19 MODT Del 2 | Secretary | X | X | X | X | X | | | | | | | | |
| | (b) If the employee's present substantive salary rate does not coincide with a step on the new scale, the employee's commencing salary on the scale will be that immediately above his/her present salary rate. The employee's incremental date will change to the date of appointment to the new role. | GSE Act s52<br>TC14-19 MODT Del 2 | Secretary | X | X | X | X | X | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.97 | Allowance – Job Evaluation<br>Determine the payment of a job evaluation allowance as outlined in Premier's Department Circular 97-35 Implementation of Job Evaluation Outcomes and Premier's Department Circular 98-50 Implementation of Job Evaluation Outcomes only if the conditions specified in Treasury Circular 14/19 are satisfied. | GSE Act | Secretary | X | X | X[16] | | | | | | | | | | |
| 11.98 | Allowance – skill shortage<br>Determine the payment of a skill shortage allowance, as outlined in the Guidelines for the Implementation of Skill Shortage Allowances issued 9 February 1994 where the conditions specified in Treasury Circular 14/19 are satisfied. | GSE Act | Secretary | X | X | X[17] | | | | | | | | | | |
| 11.99 | Allowance for temporary assignments to executive roles<br>(a) Determine that the amount of the allowance to be paid to the executive employee is the difference between the executive's remuneration package and the total amount of the remuneration package of the executive role to which the executive is temporarily assigned and corresponds to a point in the remuneration range for that executive role. | GSE Regulation s21(4) | Secretary | X | X | | | | | | | | | | | |
| | (b) Determine the amount of the allowance to be paid, proportionate to the duties to be performed, to an executive or non-executive employee temporarily assigned to an executive role, before the employee starts the temporary assignment. | GSE Regulation s21(5) | Secretary | X | X | | | | | | | | | | | |

[16] Limited to Executive Director, People
[17] Limited to Executive Director, People
# 11.96 For Corrective Services NSW (CSNSW) – delegation must be exercised at least level 3

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | (c) Determine that an allowance is paid to an executive or non-executive employee for being temporarily assigned to another executive role for a single period of less than 5 working days. | GSE Regulation s21(6) | Secretary | X | X | | | | | | | | | | | |
| 11.100 | Allowances for Public Service senior executives<br><br>Approve a Public Service senior executive being paid travelling, subsistence, reasonable relocation expenses and other allowances for expenses incurred in the discharge of duties as the executive's employer may determine. | GSE Regulation 38 | Secretary | X | | | | | | | | | | | | |
| | **Increments** | | | | | | | | | | | | | | | |
| 11.101 | Approve payment of an increment where:<br><br>(a) performance requirements under the agency's performance management system have been met, and<br>(b) the satisfactory conduct of the employee has been determined.<br><br>Note:<br>1. subject to conditions in the Regulation<br>2. Approval by line manager, or escalated until an appropriately delegated employee can approve. | GSE Reg cl 14 | Secretary | X | X | X | X | X | X | | X | X | | | | |
| 11.102 | Approve deferral of an increment (this includes writing to notify the employee with reasons of the decision)<br><br>Note:<br>1. increment may not be deferred for more than 12 months at any one time<br>2. Approval by line manager, or escalated until an appropriately delegated employee can approve.<br>3. This approval includes the authority to notify the employee in writing of the decision to defer an increment. | GSE Reg cl 14 | Secretary | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | **Vacated roles, retirement and resignations** | | | | | | | | | | | | | | | |
| 11.103 | Authority to cause a person to retire if:<br>(1) the person is found to be unfit to discharge or incapable of discharging their duties, and<br>(2) the **person**'s unfitness or incapacity appears to be of a permanent nature and has not arisen from actual misconduct on the part of the person, or from causes within the **person's** control.<br><br>Note: Approval subject to consultation with the HR lead in your business area | GSE Act s56 | Secretary | X | X | X | X | | | | | | | | | |
| 11.104 | Approve the termination of a non-executive ongoing employee where:<br>(a) the employee is unable to perform the duties of the role assigned to the employee because of physical or mental incapacity or<br>(b) the employee is retired on medical grounds under s56 | GSE Act s47(1)(d), s47(1)(e) | Secretary | X | X | X | X | | | | | | | | | |
| 11.105 | Authority to accept the written and signed resignation of an employee.<br><br>Note: Authority is given to line managers, or escalated until an appropriately delegated employee can approve. | GSE Act s55 | Secretary | X | X | X | X | X | X | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Temporary Employees** | | | | | | | | | | | | | | | |
| 11.106 | Approve employment of temporary employees. | GSE Act s 45 | Secretary | X | X | X | X | X | | | | | | | | |
| 11.107# | Authority to terminate the employment of a temporary employee for reasons other than misconduct (s69) or unsatisfactory performance (s68)<br><br>Note: The delegate must consult with the HR lead in your business area prior to dispensing with the employee. | GSE Act s 47(2)<br><br>GSE Rules R14 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.108 | Approve conversion of a temporary employee (who has been a temporary employee for at least 12 months) to an ongoing employee role at level.<br><br>Note:<br>1. Subject to conditions in the GSE Rules<br>2. Subject to consultation with the HR lead in your business area | GSE Rules r 12(1) | Secretary | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

# 11.107 For Corrective Services NSW (CSNSW) – delegation must be exercised at least level 5, level 4 for rostered staff

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.109 | Approval to make an application to the Public Service Commissioner for a determination that the conversion to ongoing employment at level of an existing temporary employee (or class of existing temporary employees) specified in the determination is not required to comply with sub-rule (2)<br><br>Sub-rule 2 requires that conversion to ongoing employment:<br>• must be based on the results of a comparative assessment after external advertising (whether a previous comparative assessment for the role concerned or a new comparative assessment) and on the employee's most recent performance under the agency's performance management system, and<br>• is subject to the satisfactory conduct of the employee. | GSE Rules r 12(2) | Secretary | X | X[18] | X[19] | | | | | | | | | | |
| 11.110 | Approval to convert a PSEMA temporary employee to ongoing employment.<br><br>Note: A determination was provided from the Public Service Commissioner on 19 January 2015. | GSE Rules r 12(4) | Secretary | X | X | X[20] | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

[18] Limited to Deputy Secretary, Corporate Services
[19] Limited to Executive Director, People
[20] Limited to Executive District / Divisional Directors, Executive Director, People and Assistant Commissioners

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | **Casual Employees** | | | | | | | | | | | | | | | |
| 11.111 | Authority to employ casual employees in accordance with the guidelines issued by the Public Service Commission | | Secretary | X | X | X | X | X | | | | | | | | |
| 11.112# | Authority to terminate the services of a casual employee for reasons other than misconduct (s69) or unsatisfactory performance (s68) | GSE Act s47(2) | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.113 | Agree on the period for which the casual employee will be entitled to not be available to attend work to care for a family member who is sick and requires care and support, or who requires care due to an unexpected emergency, or birth of a child, subject to evidentiary and notice requirements set out in 12.6.4(a) and 12.6.4(b) of the CECEA. | CECEA 12.6.2 | Secretary | X | X | X | X | | | | | | | | | |
| 11.114 | Agree on the period for which the casual employee will be entitled to not be available to attend work upon the death, in Australia, of a family member on production of satisfactory evidence. | CECEA 12.7.2 | Secretary | X | X | X | X | | | | | | | | | |
| | **Management of Conduct and Performance** | | | | | | | | | | | | | | | |
| 11.115 | Authority to dismiss the allegation of misconduct or decide that no further action is to take place after an initial assessment. | GSE Rules r38(2) | Secretary | X | X | X | X | | | | | | | | | |
| 11.116 | Authority to proceed with the process for allegations of misconduct provided that the employee is advised of the details of the allegation of misconduct and that action may be taken under s69(4) of the Act against the employee. | GSE Rules r38(3) | Secretary | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

# 11.112 For Corrective Services (CSNSW) – delegation must be exercised at least level 4 for rostered staff

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.117 | Authority to determine whether to proceed with a matter following receipt and review of the employee's response to an allegation of misconduct. This authority includes providing notice to the employee of the decision made. | GSE Rules r38(5) | Secretary | X | X | X | X | | | | | | | | | |
| 11.118 | Authority to inform the person who made the allegation misconduct that proceedings will not proceed or shall be discontinued. | GSE Rules r38(6) | Secretary | X | X | X | X | | | | | | | | | |
| 11.119 | Authority to conduct such inquiries as appropriate for the purpose of determining whether the misconduct has occurred. | GSE Rules r39(1) | Secretary | X | X | X | X | | | | | | | | | |
| 11.120 | Authority to determine that an employee's performance is unsatisfactory.<br><br>Note: Determination of unsatisfactory performance is to be made in accordance with the agency's performance management system. | GSE Rules r36 | Secretary | X | X | X | X | | | | | | | | | |
| 11.121 | Investigate any persistent failure by a staff member to comply with the hours of duty required to be worked and to take appropriate action. | CECEA 23 | Secretary | X | X | X | X | X | | | | | | | | |
| 11.122 | Authority to consider the response of an employee to a notice advising that the agency is proposing to take specified action under section 68 (2) of the Act. | GSE Rules r36 | Secretary | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.123 | Approve the following actions if the performance of an employee is deemed to be unsatisfactory:<br><br>(a) terminate the employment of the employee (after giving the employee an opportunity to resign) | GSE Act s68(2) s47(2)<br><br>GSE Rules r36 | Secretary | X | X | X | X | | | | | | | | | |
| | (b) reduce the remuneration payable to the employee,<br>(c) reduce the classification or grade of the employee,<br>(d) assign the employee to a different role.<br><br>Note: Approval only to be provided if the conditions in rule 36 have been satisfied. | GSE Act s68(2)<br><br>GSE Rules r36 | Secretary | X | X | X | X | | | | | | | | | |
| 11.124 | Authority to make a finding of misconduct (i.e. to either confirm or dismiss the allegation). | GSE Rules r40(1) | Secretary | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.125 | Authority to take the following action in relation to a finding of misconduct or any such employee is found to have been convicted of a serious offence an employee:<br>(i) Terminate the employment of the employee (without giving the employee an opportunity to resign)<br>(ii) Terminate the employment of the employee (after giving the employee an opportunity to resign)<br>(iii) Impose a fine on the employee (which may be deducted from the remuneration payable to the employee)<br>(iv) Reduce the remuneration payable to the employee<br>(v) Reduce the classification or grade of the employee<br>(vi) Assign the employee to a different role,<br>(vii) Caution or reprimand the employee.<br><br>This authority includes taking into consideration any submissions made by the employee to the allegation made and proposed action.<br><br>Note: ***serious offence*** means an offence punishable by imprisonment for 12 months or more. | GSE Act s69(4) s47(2)<br><br>GSE Rules r40(2) | | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.126 | (a) Authority, where there has been a finding of misconduct in relation to an employee, instead of taking action under s69(4) (delegation 11.103), to require the conduct of the employee to be monitored over a specified period notified to the employee. | GSE Rules r40(3) | Secretary | X | X | X | X | | | | | | | | | |
| | (b) Authority to take action under s69(4) (delegation 11.103) if during the specified period, the delegate is satisfied that the employee has engaged in misconduct of the same or similar kind as the misconduct the subject of the previous finding.<br><br>Note: In that case, the employee is not required to be given an opportunity to make submissions in relation to the action proposed to be taken by the delegate. | GSE Rules r40(4), r40(5) | Secretary | X | X | X | X | | | | | | | | | |
| 11.127 | Authority to keep a written record of the proceedings and action taken in respect of any allegation of misconduct by an employee of the agency. Any personnel file kept by the delegate on such an employee is to include information about any finding of misconduct by the employee that is, in the opinion of the delegate, in the public interest to be included. In forming that opinion, the delegate is to have regard to the nature and seriousness of the misconduct and the need to minimise any unnecessary or prejudicial information being kept on a person's file. | GSE Rules r41 | Secretary | X | X | X | X | X[21] | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

[21] Limited to Managers in Conduct and Professional Standards

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.128 | (a) Approve suspending an employee from duty pending decision in relation to misconduct or a criminal charge or where the ICAC has made a corrupt conduct finding against an employee or is conducting an investigation into the conduct of any such employee that may lead to such a finding (this includes approval to withhold salary for a person suspended from duty). | GSE Act s70 | Secretary | X | X | X | X | | | | | | | | | |
| | (b) Approve removal of the suspension | GSE Act s70(6) | Secretary | X | X | X | X | | | | | | | | | |
| | (c) Approval to pay any remuneration withheld during the period of suspension, or which was withheld but owed before the period of suspension.<br><br>Note: Subject to conditions under the Act. | GSE Act s70(5) | Secretary | X | X | X | X | | | | | | | | | |
| | **Grievance and Dispute Settling Procedures** | | | | | | | | | | | | | | | |
| 11.129 | Authority to provide a written response to the employee member and any other party involved in the grievance, dispute or difficulty, concerning action to be taken, or the reason for not taking action, in relation to the matter that remains unresolved.<br><br>Note: written response to be provided from an employee senior to the employee member concerned. | *PS(CoE) Award* cl 9.7<br><br>*CE(TEC) Award* c19.7 | Secretary | X | X | X | X | X | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.130 | Approve the referral of the grievance, dispute or difficulty to the NSW Industrial Relations Commission where following the procedures outlined in the Award the matter is still unresolved. | *PS(CoE) Award* cl 9.9 *CE(TEC) Award* c19.9 | Secretary | X | X | X[22] | | | | | | | | | | |
| | **Industrial Proceedings** | | | | | | | | | | | | | | | |
| 11.131 | Approval to appear before a competent tribunal having jurisdiction to deal with industrial matters (including negotiations, conferences and inspections) representing the Department as the employer of the public service employee subject to the following:<br>(i) the industrial matter does not involve significant costs as a component of the Department's funds;<br>(ii) no new industrial standards will result from the industrial process, including any impact on existing awards, agreements or determinations;<br>(iii) there will be no potential for flow on to other areas of the Department or the Public Service;<br>(iv) it complies with the relevant Government policy, including Wages Policy; and<br>(v) the matter is clearly identifiable as a local industrial matter.<br><br>Note: Approval subject to consultation with Industrial relations | GSE Act s50<br><br>TC14-19 MODT Del 1 | Secretary | X | X | X | X[23] | X[24] | | | | | | | | |
| 11.132 | Notify the Industrial Relations Secretary of such industrial matters affecting the agency as the Industrial Relations Secretary specifies in a notice given to the head of the agency. | GSE Act 53 (4) | Secretary | X | X | X | X[24] | X[25] | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

[22] Limited to Executive Director, People
[23] Limited to Director, Employee Relations, Safety and Wellbeing, Director HR (Business Partner) CSNSW, and CSNSW Chief of Staff
[24] Limited to employees in Employee Relations, Safety and Wellbeing and HR Business Partner Teams

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | **Excess Employees** | | | | | | | | | | | | | | | |
| 11.133# | Authority to declare a non-executive employee excess to the Department's requirements.<br><br>Note: Approval subject to consultation with the HR lead in your business area. | GSE Act s74(1)<br><br>GSE Rules r 13(1) | Secretary | X | X | X | X | | | | | | | | | |
| 11.134# | Approval of a recommendation to reduce an ongoing employee's salary to the maximum determined to be appropriate to the work performed and to transfer to a vacant role at the salary subject to:<br>• The employee having been formally declared excess and on salary incentives for 3 months;<br>• Redeployment at substantive level not being possible, and<br>• Where an employee is to be redeployed to an ongoing role at a lower grade<br><br>Note: Approval subject to consultation with the HR lead in your business area. | M2011-11 D2011-007 | Secretary | X | X | X | X | | | | | | | | | |
| 11.135# | Authority to dispense with the services of any excess employee, where all practicable steps have been taken to secure the transfer of the excess employee to an ongoing public sector role.<br><br>Note:<br>1. The exercise of this delegation must be in accordance with the *Managing Excess Employees Policy 2011;*<br>2. Approval subject to consultation with the HR lead in your business area. | GSE Act s47(j)<br><br>M2011-11 D2011-007 | Secretary | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

# 11.133 - 11.135 For Corrective Services (CSNSW) – delegation must be exercised at least level 3

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.136 | Approve the issue of a 'notice of forced redundancy' letter<br><br>Note: Delegated to Agency Head by PSC on 21 January 2015 | M2011-11 D2011-007 | Secretary | X | X | X[25] | | | | | | | | | | |
| | **Secondment between departments** | | | | | | | | | | | | | | | |
| 11.137# | Approve employee secondment between Departments for a period not exceeding two years.<br><br>Note: Approval by line manager, or escalated until an appropriately delegated employee can approve. Subject to conditions in the GSE rules (rr31-33) | GSE Rules r31 | Secretary | X | X | X | X | X | | | | | | | | |
| 11.138 | Authority to appoint a senior executive to review a transfer/secondment decision.<br><br>Note:<br>A senior executive is an officer in categories 1-4.<br>The reviewer must not be involved in the decision to transfer or temporarily second the employee to another government sector agency. | GSE Rules r34 | Secretary | X | X | | | | | | | | | | | |
| 11.139 | Authority, with reference to the reviewer's findings, to determine whether or not the transfer or secondment is appropriate and notify the employee concerned in writing of the decision.<br><br>Note: Authority is limited to an employee senior to the Reviewer. | GSE Rules r34 | Secretary | X | X | X | X | | | | | | | | | |

# 11.137 For Corrective Services NSW (CSNSW) – delegation must be exercised at least at level 4

[25] Limited to Executive Director, People

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | **Secondment to staff of political office holders** | | | | | | | | | | | | | | | |
| 11.140# | Approve secondments for DCJ employees to the staff of a political office holder (including the authority to enter into an agreement with the political office holder in respect of the secondment)<br><br>Note:<br>1. Approval by line manager, or escalated until an appropriately delegated employee can approve.<br>2. Political office holder means:<br>A Minister, or The Leader of the Opposition in the Legislative Assembly, or<br>3. The holder of a Parliamentary office in respect of which a determination under section 4 of the *Members of Parliament Staff Act 2013* is in force. | GSE Reg cl35 | Secretary | X | X | X | X | | | | | | | | | |
| | **Secondment Allowance** | | | | | | | | | | | | | | | |
| 11.141 | Approve* payment of a secondment allowance to an employee who is seconded to another public service agency.<br><br>Note:<br>1. Approval is subject to prior consultation with the HR lead in your business area. | GSE Act s64<br><br>GSE Reg | Secretary | X | X | X | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

# 11.140 For Corrective Services NSW (CSNSW) – delegation must be exercised at least level 3

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | **TEMPORARY ASSIGNMENTS** | | | | | | | | | | | | | | | |
| | **Within PSSE bands** | | | | | | | | | | | | | | | |
| 11.142 | Approve a temporary assignment within DCJ for PSS Executives "for up to 12 months" in Function<br><br>Note: Approval by line manager of the executive role | GSE Rules r 11(2) | Secretary | X | X | X | | | | | | | | | | |
| | **Non PSSE to PSSE** | | | | | | | | | | | | | | | |
| 11.143 | Approve a temporary assignment within DCJ<br><br>(a) for non PSSE employee being temporarily assigned to a PSSE role for **less than 3 months**<br><br>Note: Approval by line manager of the executive role | GSE Rules r 11(2) | Secretary | X | X | X | X | | | | | | | | | |
| | (b) for non PSSE employee being temporarily assigned to a PSSE role **for 3-6 months**<br><br>Note: Approval by line manager of the executive role | GSE Rules r 11(2) | Secretary | X | X | X | | | | | | | | | | |
| | (c) for non PSSE employee being temporarily assigned to a PSSE role **for 6-24 months**<br><br>Note:<br>1. Approval by line manager of the executive role<br>2. Approval also requires the employee to undertake a comparative assessment | GSE Rules r 11(2) | Secretary | X | X | X | | | | | | | | | | |
| | **Non PSSE temporary assignments to Non PSSE roles** | | | | | | | | | | | | | | | |
| 11.144 | Approve a temporary assignment within DCJ ('at level' or to a 'higher level') for all other temporary assignments (excluding temporary Assignments of employees between government sector agencies and other relevant bodies (s66 GSE Act)) which are<br>(a) **Up to 6 months** | GSE Rules r 11(2) | Secretary | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | (b) **Between 6-24 months**<br><br>Note: Where the assignment is to an above level role, prior to approval the employee must undertake a comparative assessment | GSE Rules r 11(2) | Secretary | X | X | X | X | X | X | | | | | | | |
| | **All other temporary assignments** | | | | | | | | | | | | | | | |
| 11.145 | Approve assignment of a PSS Executive to temporarily carry out work for another public sector agency on a full-time or part-time basis "for up to 12 months" in Function.<br><br>Note: Approval is also required from the Head of the other agency | GSE Rules r 11(3) | Secretary | X | X | | | | | | | | | | | |
| 11.146 | Approve a temporary assignment of employees between government sector agencies and other relevant bodies. This approval includes making such arrangements as are required for the assignment, and authority to determine that the conditions in the GSE Act are satisfied. | GSE Act s66 | | X | X | X | X | | | | | | | | | |
| | **Terminating a temporary assignment** | | | | | | | | | | | | | | | |
| 11.147 | Approve termination of a temporary assignment at any time<br><br>Note: Employee terminating the employment must be the same level as the delegate who approved the assignment. | GSE Rules r 11(4) | | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | **Employee initiated transfer between Government agencies** | | | | | | | | | | | | | | | |
| 11.148 | Approve the transfer of an employee to another public sector agency, provided each of the following is satisfied:<br>• A request is made in writing by the employee to the head of the agency in which they are employed<br>• Both heads of the public sector agencies or their delegate approve of the transfer. | GSE Rules r29 | Secretary | X | X | X | X | X | | | | | | | | |
| | **Employer initiated transfers between Government agencies** | | | | | | | | | | | | | | | |
| 11.149 | Approve the transfer of an employee to another public sector agency, provided each of the following is satisfied:<br>• Both heads of the public sector agencies approve of the transfer;<br>• The employee is consulted;<br>• The transfer is at the employee's existing level of remuneration, unless the person consents to transfer at a lower level of remuneration. | GSE Rules r29 | Secretary | X | X | X | X | | | | | | | | | |
| 11.150 | To approve the permanent transfer of an employee to another role within the Department and to other Departments, at grade and classification subject to the conditions. | GSE Act S64<br><br>GSE Rules r29 | Secretary | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Health and Safety** | | | | | | | | | | | | | | | |
| 11.151 | (a) Approve a direction for an employee to submit to a medical examination or other health assessment:<br>• If there is documented reason to believe that the employee is not fit for duty<br>• Where the Delegate is concerned about the diagnosis described in the evidence of the employee, after discussion with the employee<br><br>Note:<br><br>1. For the purposes of this delegation, an employee is not fit for duty if the health of the employee<br>• may render the employee a risk to the health and safety of other public service employees or the general public, or<br>• is likely to be seriously affected by the employee remaining on duty or, if the employee is absent from duty, by the employee resuming duty.<br><br>2. Guidance must be sought from the relevant Director HR or Employee Relations, Safety & Wellbeing, Injury Management before utilising this delegation. | GSE Reg cl 15(2) | Secretary | X | X | X | X | X | X | | | | | | | |
| | (b) Approve resumption of duty upon receiving a health assessment that the employee is fit for work.<br><br>Note: Following consultation with the relevant Director HR or Employee Relations, Safety & Wellbeing, Injury Management or WHS Lead in your Business Area as appropriate. | GSE Reg cl 15(4) | Secretary | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | (c) Approve the immediate cessation of work (including a direction to the employee to cease work), including the type of leave (if any) to be granted, where a health assessment finds an employee is not fit for work.<br><br>Note: Following advice from the nominated medical assessor as to duration of leave required. | GSE Reg cl 15(5) cl 15(6) | Secretary | X | X | X | X | X | X | | | | | | | |
| | (d) Approve written direction to the employee to resume duties, following advice of a nominated medical assessor | GSE Reg cl 15(4) | Secretary | X | X | X | X | X | | | | | | | | |
| | (e) Approve provision of information about the duties of the employee's role reasonably required and requested by the health care professional for their assessment.<br><br>Note: following consultation with the employee or their authorised representative. | GSE Reg cl 15(7)<br><br>GSE Rules r 9(4) | Secretary | X | X | X | X | X | | | | | | | | |
| | **Miscellaneous allowances** | | | | | | | | | | | | | | | |
| 11.152 | Approve direction to attend for duty on a public or local holiday. | GSE Reg cl12<br><br>*PS(CoE) Award* cl19 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.153 | Approve direction to an employee to:<br><br>(a) work standard hours and not flexible hours | *PS(CoE) Award cl* 21 | Secretary | X | X | X | X | X | X | | | | | | | |
| | (b) return to working under flexible hours. | | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.154 | Determine and Approve hours of attendance on duty for employee.<br><br>Note: Subject to the CECEA, or subsequent variations to this Award or any superseding Award. | *PS(CoE) Award* cl 11 | Secretary | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.155# | Approve an agreement for an employee to undertake part-time work | *PS(CoE) Award* cl 13 GSE Rules r48(1) | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.156 | Overtime will apply where an employee is directed to work outside the bandwidth, and otherwise in accordance with the relevant flexible working hours agreement. | FWHA | Secretary | X | X | X | X | | | | | | | | | |
| 11.157 | Payment for Overtime or Leave in Lieu<br><br>Grant compensation for directed overtime worked by payment at the appropriate rate or, if the staff member so elects, by the grant of leave in lieu in accordance with 96.2. | CECEA 96.1 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.158 | Approve payment for directed overtime at a staff member's salary or, where applicable, salary and allowance in the nature of salary, where the staff member's salary exceeds the maximum rate for Clerk Grade 8. | CECA | Secretary | X | X | X | X | | | | | | | | | |
| 11.159 | Approve* compensation (being payment or time in lieu) for additional hours worked by a Duty Officer, State Emergency Services during flood alerts on weekends and public holidays | CE(PSCoE) Award cl 97 | Secretary | X | X | X | X | X | | | | | | | | |
| 11.160 | Approve a request by a senior executive to undertake work on a part-time basis. | GSE Rules r48(1) | Secretary | X | X | X | | | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.161 | Allowances for Public Service senior executives<br><br>Approve a Public Service senior executive being paid travelling, subsistence, reasonable relocation expenses and other allowances for expenses incurred in the discharge of duties as the executives employer may determine. | GSE Regulations 38 | Secretary | X | | | | | | | | | | | | |
| 11.162 | Approve the variation of an employee's hours of attendance on a:<br><br>(a) one off or short term basis | *PS(CoE) Award cl 16* | Secretary | X | X | X | X | X | X | | | | | | | |
| | (b) long term basis<br><br>Note: Subject to conditions outlined in the Award | *PS(CoE) Award cl 16* | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.163 | Approve a deduction in salary where an employee is absent from duty without authorised leave or satisfactory explanation.<br><br>Note: Deduction to be equivalent to the period of absence. | GSE Reg cl13(3)<br><br>*PS(CoE) Award* cl 18 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.164 | Approve time off for urgent personal business or late attendance.<br><br>Note: Time off is to be made up at the earliest opportunity. | *PS(CoE) Award* cl 20 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.165 | Approve an employee undertaking other paid work (either secondary employment within the Department or paid outside work).<br><br>Note: Permission is not required for part time or casual employees provided that there is no conflict of interest and the secondary employment does not adversely affect their primary employment with DCJ. | GSE Reg cl 7 | Secretary | X | X | X | X | X | X | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.166 | Above level secondments to Public Service agencies<br><br>Agree to employ a person in ongoing employment who has been seconded above-level to the agency for at least 12 months and with the consent of the employee and subject to subrule 33(4). | GSE Rules 33 (3) | Secretary | X | X | X[26] | | | | | | | | | | |
| 11.167 | Study Assistance<br><br>Determine if a course is relevant to the Department and/or the public service. | CECEA 86.2.1 | Secretary | X | X | X | X | | | | | | | | | |
| 11.168 | Overtime – Meal Allowances<br><br>Require a staff member to provide receipts in support of any claims for additional expenses or when a staff member is required to substantiate the meal expenses claim. | CECEA 94.4 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.169 | Allowance for temporary assignments to higher non-executive roles<br><br>(a) Determine the appropriate point in the salary range of the other non-executive role, taking into account the non-executive employee's capabilities, knowledge and experience, before the employee starts the temporary assignment. | GSE Regulation 20 (2) | Secretary | X | X | X | X | | | | | | | | | |
| | (b) Determine the amount of the allowance to be paid to a Public Service non-executive employee temporarily assigned to another non-executive role, before the employee starts the temporary assignment. | GSE Regulation 20 (3) | Secretary | X | X | X | X | | | | | | | | | |

[26] Limited to Executive Director, People

# 11.155 For Corrective Services NSW (CSNSW) –delegation must be exercised at least level 5 for uniformed staff

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.169 | (c) Determine that an allowance is paid for being temporarily assigned to another non-executive role for a single period of less than 5 working days. | GSE Regulation 20 (4) | Secretary | X | X | X | X | | | | | | | | | |
| 11.170 | Reduce an allowance if it exceeds without good cause any limit for expenses approved in advance. | GSE Regulation | Secretary | X | X | X | | | | | | | | | | |
| 11.171 | Uniforms, Protective Clothing and Laundry Allowance<br>Require or authorise a staff member to wear uniform, protective clothing or other specialised clothing in connection with the performance of official duties. | CECEA 46.1 | Secretary | X | X | X | X | | | | | | | | | |
| 11.172 | Staff Development and Training Activities<br>(a) Determine that a staff development or training related activity is essential for the efficient operation of the Department | CECEA 85.3.1 | Secretary | X | X | X | X | | | | | | | | | |
| | (b) Determine that a staff development or training activity is developmental and of benefit to the NSW public sector. | CECEA 85.3.2 | Secretary | X | X | X | X | | | | | | | | | |
| | (c) Determine that an approval to attend a staff development or training activity, where the activity could not be conducted during the staff member's normal working hours, constitutes a direction to work overtime. | CECEA 85.5.5 | Secretary | X | X | X | X | | | | | | | | | |
| | (d) Determine such other conditions to apply, such as compensatory leave for excess travel or payment of travelling expenses, in relation to activities which are developmental and of benefit to the Department. | CECEA 85.5.4 | Secretary | X | X | X | X | | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.173 | (a) Approve* # expenditure for employee development and training activities considered **essential for the efficient operation of the Department**:<br>• course fees;<br>• all actual necessary expenses (provided that the expenses involved do not form part of the course and are not included in the course fees). | CE(PSCoE) Award cl 85 | Secretary | X | X | X | X | X | X | | | | | | | |
| | (b) Approve* payment of overtime for employee development and training activities considered **essential for the efficient operation of the Department**: where the activity could not be conducted during the employee's normal hours. | CE(PSCoE) Award cl 85 | Secretary | X | X | X | X | X | | | | | | | | |
| 11.174 | Approve* expenditure (payment and reimbursement) for employee development and training activities considered **developmental and of benefit to the NSW public sector**:<br>• course fees;<br>• any actual necessary expenses incurred for travel costs, meals and accommodation (provided that the expenses have not been paid as part of the course fee)<br>• such other conditions or assistance as may be considered appropriate. | CE(PSCoE) Award cl 85 | Secretary | X | X | X | X | X | | | | | | | | |
| 11.175 | Authority to establish a Departmental scholarship to encourage participation in courses or educational programs of particular relevance or value. | | | X | X | | | | | | | | | | | |
| 11.176 | Approve* a scholarship for part time study where the course or educational program is of particular relevance or value to the Department | CE(PSCoE) Award cl 86.23 | Secretary | X | X | X | | | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.177 | To approve:<br>(a) the imposition of a bond on an employee receiving financial assistance, whether via reimbursement of education or associated expenses, or via paid study or special leave or via the Department directly paying education or related expenses;<br>(b) recovery of financial assistance under the bond if the employee fails to complete the bonded service; or<br>(c) writing off any amount owing under the bond. | PH – 6-20.7.7, 6-20.7.8 | | X | X | X | X | | | | | | | | | |
| 11.178 | (a) Approve* compensation to an employee for the damage to or loss of personal property in the course of employment provided that such damage or loss:<br>• Is due to the negligence of the Department, another employee or client, or both, in the performance of their duties; or<br>• Is caused by a defect in an employee's material or equipment; or<br>• Results from an employee's protection of or attempt to protect Departmental property from loss or damage. | CE(PSCoE) Award cl 47 | Secretary | X | X | X | X | X | | | | | | | | |
| | (b) Approve* expenditure for the cost of replacement where the item cannot be repaired or is lost, when there has been damage to or loss of the employee's personal property during the course of employment (as defined in 9.6(a)). | CE(PSCoE) Award cl 47 | Secretary | X | X | X | X | X | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.179 | Approve* an allowance to employees who possess a basic level of competence in a community language and their community language is utilised to assist clients; provided that:<br>• The employee is not employed as an interpreter or translator; or<br>• Employed where particular language skills are an integral part of essential requirements of the position. | CE(PSCoE) Award cl 50 | Secretary | X | X | X | X | X | X | | | X | | | | |
| 11.180 | (a) Approve* appointment as a First Aid Officer. | CE(PSCoE) Award cl 51 | | X | X | X | X | X | X | | | X | | | | |
| | (b) Approve* a first aid allowance to an employee who is appointed as a First Aid Officer, including a pro rata first aid allowance to an employee who is selected to relieve in the First Aid Officer's position when they are absent on leave. | CE(PSCoE) Award cl 51 | Secretary | X | X | X | X | X | X | | | X | | | | |
| | (c) Approve* attendance during normal office hours and payment for training and retraining courses for appointed First Aid Officers or those requested to become First Aid Officer to meet Departmental needs. | CE(PSCoE) Award cl 51 | | X | X | X | X | X | X | | | X | | | | |
| 11.181 | Approve* payment for the actual expenses properly and reasonably incurred by an employee in the performance of official duties, where the allowance was not adequately covered or the allowance was not available. | GSE Reg cl 23 | Secretary | X | X | X | X | X | | | | | | | | |
| 11.182 | Authority to approve, in advance, a limit for the expenses to be covered by an allowance. | GSE Reg cl 23 | Secretary | X | X | X | | | | | | | | | | |

# 11.173 **(a)** For Corrective Services NSW (CSNSW) – delegation must be exercised at least level 5 for uniformed staff

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | **TECA Provisions** | | | | | | | | | | | | | | | |
| 11.183 | **Application**<br>Offer any or all of the benefits available under TECA in writing to a new or existing staff member on recruitment or appointment as part of an attraction and retention measure, where the staff member is otherwise ineligible for the benefits under TECA. | TECA | Secretary | X | X | X | X | | | | | | | | | |
| 11.184 | **Definition**<br>To determine that reimbursement of an expense which is actually incurred by the staff member is reasonable, and for which adequate evidence is produced by the staff member. | TECA | Secretary | X | X | X | X | | | | | | | | | |
| 11.185 | **Notice of Transfer**<br>To give, in writing, as long a period of notice of transfer as is practicable but will not be transferred with less than ten working days' notice in writing except in special or urgent circumstances. | TECA | Secretary | X | X | X | X | | | | | | | | | |
| 11.186 | **Leave**<br>Determine, in consultation with the transferred employee, a time suitable for taking accumulated special leave to return home. | TECA | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.187 | **Temporary Accommodation**<br>(a) Require full particulars to be supplied where the period of four weeks referred to in subclause 8.1 TECA is not sufficient for the transferred employee to obtain suitable permanent accommodation and consider each case on its merits. | TECA | Secretary | X | X | X | X | | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | (b) Discontinue the payment of Temporary Accommodation Benefits where satisfied that a transferred employee has rejected suitable accommodation. | TECA | Secretary | X | X | X | X | | | | | | | | | |
| 11.187 | (c) Require transferred employees to show evidence of difficulties in obtaining cheaper private accommodation, including the provision by a transferred employee of a statutory declaration. | TECA | Secretary | X | X | X | X | | | | | | | | | |
| | (d) Extend, in exceptional circumstances, excess rent payments beyond six months, including in areas where there is an acute shortage of housing of a reasonable standard, and areas experiencing extremely high rents due to conditions which are abnormal compared with those generally in New South Wales. | TECA | Secretary | X | X | X | X | | | | | | | | | |
| 11.188 | Removal and storage expenses<br>(a) Consider cases where the cost of insuring furniture and effects whilst in transit up to an amount of $38,000 is exceeded. | TECA 10.1.3 | Secretary | X | X | X | X | | | | | | | | | |
| | (b) Determine that an advanced payment to cover the whole or part of the removal expenses is not appropriate. | TECA 10.1.4 | Secretary | X | X | X | X | | | | | | | | | |
| | (c) Reimburse the cost of transport and storage if satisfied that a transferred employee is unable to secure suitable accommodation at the new location and allow the cost of insurance of furniture while in storage on the same basis as prescribed in paragraph 10.1.3 of this clause. | TECA 10.2 | Secretary | X | X | X | X | | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.189 | **Depreciation and disturbance allowance**<br>Approve payment of a Depreciation and Disturbance Allowance in accordance with the Award. | TECA 11.1 | Secretary | X | X | X | X | | | | | | | | | |
| 11.190 | **Reimbursement of transaction expenses**<br>Consider payment of transaction expenses on a sale and/or purchase of a residence more than 2 years after relocation, if satisfied there is good reason. The transferred employee must provide full details of why the sale and/or purchase could not be completed within the 2 year period. | TECA 13.7 | Secretary | X | X | X | X | | | | | | | | | |
| 11.191 | **Additional Benefits**<br>Offer additional support or benefits not specifically referred to in this award to assist in the attraction, recruitment or relocation of a staff member to a location subject to approval from the Secretary of Treasury. For example this may include assistance with housing, education or career development expenses. | TECA 16.1 | Secretary | X | X | X[27] | X[28] | | | | | | | | | |
| | **General Human Resources Delegations** | | | | | | | | | | | | | | | |
| 11.192 | Approval to determine the accelerated progression of an employee through the increment scale for the position occupied by the employee.<br><br>Note:<br>1. Approval subject to consultation with the HR lead in your business area<br>2. Subject to conditions in the Regulation<br>3. The does not apply to PSSE | GSE Reg cl 14 | Secretary | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

[27] Limited to Executive Director, People
[28] Limited to Director, Talent Acquisition

## GENERAL

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.193 | Restructures:<br>Approval for Restructure Management Plans (RMP) for major organisational change:<br>• Subject to consultation and engagement with People<br>• In accordance with Public Sector Change Management Guidelines | DPC Agency Change Management Guidelines (D2011-014) | Secretary | X | | | | | | | | | | | | |
| 11.194 | Authority to:<br>1. Develop policies and guidelines on Work Health and Safety and Injury Management.<br>2. Establish agreed Health and Safety Committee consultative arrangements in Government organisations and or/work premises.<br>3. Identify and implement safe systems of work, safe work practices, safe working environments and appropriate risk management strategies.<br>4. Determine the level of responsibility within a Government organisation to achieve their health and safety obligations.<br>5. Identify training strategies for staff members, as appropriate, to assist in the recognition, elimination or control of workplace hazards and the prevention of work related injury or illness.<br>6. Develop strategies to assist the injury management of injured staff members.<br>7. Develop strategies to ensure a bullying and harassment-free workplace. | CE(PSCoE) Award cl 8.1 and 8.3 | | X | X | X[29] | X[30] | X[31] | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

[29] Limited to Executive Director, People
[30] Limited to the relevant Director HR or Director, Employee Relations, Safety and Wellbeing
[31] Limited to Manager, Work Health & Safety or Manager, Injury Management

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.195 | Authority to arrange two way or one way exchanges with other organisations both public and private, if the Department or staff member will benefit from additional training and development in carrying out the Department's business. | CE(PSCoE) Award cl 42 | Secretary | X | X | X | X | | | | | | | | | |
| | **Home Office** | | | | | | | | | | | | | | | |
| 11.196 | Authority to direct a staff member to use a spare room at their home as an office where there is no office in a particular location and it is impractical to provide one.<br><br>Note: A home office ergonomic inspection or ergonomic self-assessment has to be undertaken prior to authority being given to work from home. | CE(PSCoE) Award cl 43.1 | | X | X | X | X | X | X | | | | | | | |
| 11.197 | Approve* payment of an allowance and provision of furniture, telephone and other equipment as required, if no Departmental office is available in a particular location, and where an employee has been authorised to use a room at their home as an office. | CE(PSCoE) Award cl 43 | Secretary | X | X | X | X | X | | | | | | | | |
| 11.198 | Authority to negotiate with a staff member to work from home on a short term or longer term basis when a Department office already exists in a particular location.<br><br>Note:<br>1. No allowance is payable in respect of a home office in this instance<br>2. A home office ergonomic inspection or ergonomic self-assessment has to be undertaken prior to authority being given to work from home. | CE(PSCoE) Award cl 43.2 | | X | X | X | X | | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | **Trade Union Delegates** | | | | | | | | | | | | | | | |
| 11.199 | Authority to provide accredited trade union delegates with reasonable access to the following facilities for authorised Association activities:<br>a) telephone and email<br>b) notice board for materials authorised by the Association<br>c) workplace conference or meeting facilities. | CE(PSCoE) Award cl 58 | | X | X | X | X | X | X | | | | | | | |
| 11.200 | Conditions Applying to On Loan Arrangements<br>(a) Negotiate with the relevant union the financial arrangements when a staff member is placed "on loan" to the Association. | CECEA 56.1.6 (c) | Secretary | X | X | X[32] | X[33] | | | | | | | | | |
| | (b) Extend an "on loan" arrangement where the relevant union has made an approach in writing for an extension of time well in advance of the expiration of the current period of the loan arrangement. | CECEA 56.1.8 | Secretary | X | X | X[33] | X[34] | | | | | | | | | |
| 11.201 | Responsibilities of the Trade Union<br><br>Request written confirmation about an accredited trade union delegate's attendance/participation in a trade union activity. | CECEA 60.1.1 | Secretary | X | X | X | X | | | | | | | | | |
| 11.202# | Authority to provide a trade union delegate undertaking Association activities with leave, allowances etc as defined in clause 61. | CE(PSCoE) Award cl 61 | | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve

# 11.202 For Corrective Services NSW (CSNSW) – delegation must be exercised at least level 5 for uniformed staff

[32] Limited to Executive Director, People
[33] Limited to Directors, People

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Workers Compensation** | | | | | | | | | | | | | | | |
| 11.203 | Authority to:<br>• advise staff members of their rights under the *Workers Compensation Act* 1987;<br>• provide advice in the lodging of any claim;<br>• provide assistance to the staff member or their representative in the lodging of any claim, and<br>• ensure that, once received, a staff member's workers compensation claim is lodged with the insurer within the statutory period prescribed by the legislation. | CE(PSCoE) Award cl 82.1, 82.3 and 82.4 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.204 | Authority to grant:<br>• sick leave on full pay;<br>• sick leave without pay;<br>• accrued recreation leave or extended leave (at the staff member's election), pending the determination of a workers compensation clam and provided there is an acceptable medical certificate. | CE(PSCoE) Award cl 82.5 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.205 | To approve re-crediting a staff member's sick leave if liability for the workers compensation is accepted. | CE(PSCoE) Award cl 82 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.206 | Authority to grant sick leave where a staff member has been absent but notifies that they do not intend to make a workers compensation claim. | CE(PSCoE) Award cl 82.8 | Secretary | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.207 | Authority to provide a staff member with employment which meets the terms and conditions specified in the medical certificate issued under the *Workers Compensation* Act and the *Workplace Injury Management and Workers Compensation Act.* | CE(PSCoE) Award cl 82.10 | Secretary | X | X | X | X | X | X | | | | | | | |
| | **Miscellaneous** | | | | | | | | | | | | | | | |
| 11.208 | Authority to determine the employment of a recommended applicant following a positive employment screening or probity check | | Secretary | X | X | X | | | | | | | | | | |
| 11.209 | Authority, upon notice of the bankruptcy of an employee, to request the provision of information, within a specific time frame which details the composition, arrangement and assignment of the bankruptcy. | GSE Reg cl 10(1) | Secretary | X | X | X | X | | | | | | | | | |
| 11.210 | Authority to require, as a condition of the engagement of a person in a financial management role in DCJ, that the person declare before the person is engaged in that role, whether or not the person has at any time been declared bankrupt or made a composition, arrangement or assignment for the benefit of the person's creditors. | GSE Reg cl 10(3) | Secretary | X | X | X | X | X | | | | | | | | |
| 11.211 | To approve work experience placements in Departmental premises subject to necessary insurance coverage and existing policy and procedural guidelines. | | | X | X | X | X | X | X | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.212 | (a) Approval to pay an allowance for the increased cost of living and the climatic conditions in a remote area, where the staff member is:<br>• Indefinitely stationed and living in a remote area (as defined by the Award) or,<br>• Not indefinitely stationed in a remote area but because of the difficulty in obtaining suitable accommodation compelled to live in a remote area (as defined by the Award)<br>(b) Approval to pay an allowance to assist staff members who is indefinitely stationed in a remote area of the State of New South Wales situated to the west of the 144th meridian of longitude or such other area to the west of the 145th meridian of longitude as determined by the DPE; and proceeds on recreation leave to any place which is at least 480 kilometres by the nearest practicable route from the staff member's work location in that area.<br>Note:<br>1. the allowance can only be paid once in any period of 12 months<br>2. the allowance does not apply to staff members who have less than three years service and who, at the date of engagement, were resident in the defined area. | PS(CoE) Award cl 39 and 40 | | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.213 | Approve novated leases for motor vehicles for and on behalf of DCJ with obligations restricted to deducting lease payments from the Lessee's salary whilst the Lessee is employed by DCJ.<br><br>Note: Subject to prior consultation with Salary Packaging Team, Director, Payroll Services and Manager, Packaging and Benefits. | TD 524.01 | | X | X | X | X | X | | | | | | | | |
| 11.214 | Approve* a Motor Vehicle Garaging Allowance for employees required to provide suitable weather protection for a DCJ owned or leased vehicle. | CE(PSCoE) Award cl 48 | Secretary | X | X | X | X | | | | | | | | | |
| 11.215 | Authority to integrate workforce diversity into workforce planning and ensure that obligations under the GSE Rules are complied with. | GSE Act s63 | Secretary | X | X | X | X | X | | | | | | | | |
| 11.216 | Authority to develop and implement a performance management system with respect to employees of the agency. | GSE Act s67 | Secretary | X | X[34] | | | | | | | | | | | |
| 11.217 | Determine in conjunction with the head of another government sector agency that a person employed in 2 or more government sector agencies be regarded as employed in one of those agencies for any conditions of employment purposes. | GSE Act s65 | Secretary | X | X | X | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

[34] Limited to Deputy Secretary, Corporate Services

**ANNEXURE A – Department of Justice Flexible Working Hours Agreement 2017 (FWHA)**

| Del # | Powers/Functions | Source | From | Delegate 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.218 | Actual Working hours and patterns of work<br>Determine the actual working hours and patterns of work in line with operational needs of the Department or a section of the Department for the purposes of the FWHA. | FWHA (2) | Secretary | X | X | X | X | | | | | | | | | |
| 11.219 | Commencement and cessation of work<br>Direct employees not to start work before a certain time, or not to finish work after a certain time (within the bandwidth) where work is not required to be performed at those times, or where the hours are presenting a WHS risk. | FWHA (4.2, 6.3, 12.7) | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.220 | Standard Working Hours<br>Direct employee/s to work standard hours because:<br>- working of flexible hours does not suit operational requirements of the Department.<br>- the employee is not observing the terms of the FWHA. | FWHA (6) | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.221 | Shift Work<br>Negotiate individual alternative arrangements where current or proposed shift arrangements are incompatible with a staff member's family, religious or community responsibilities. | CECEA 87.9 | Secretary | X | X | X | X | | | | | | | | | |
| 11.222 | Work Arrangements for Business Units or Work Areas<br>Approve/vary specific work arrangements that will apply to business unit(s) within area of responsibility, subject to operational requirements. Work arrangements may include:<br>- Core times (normal, floating & Sheriff's)<br>- Standard hours<br>- Non-standard hours | FWHA (2,5,6,7) | Secretary | X | X | X | X | X | | | | | | | | |

| Del # | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.223 | Work Arrangements for Individual Employees<br>Approve and/or vary specific work arrangements requested by an individual employee (to assist in balancing personal or family responsibilities), subject to operational requirements. Work arrangements may include:<br>- Core times (normal, floating & Sheriff's)<br>- Standard hours<br>- Non-standard hours | FWHA (2,5,6,7, 18.5) | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.224 | Suspension of Flexible Working Hours Arrangements: Emergency Response<br>Determine temporary suspension period(s) of flexible working hours arrangements (for part or all Departmental employees) during emergency response and recovery operations.<br>Determine work arrangements that will apply during this period (standard hours or rostered shifts arrangements). | FWHA (8) | Secretary | X | X | | | | | | | | | | | |

| | Powers/Functions | Source | From | Delegate | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 11.225 | Excess Hours in Exceptional Circumstances<br>Approve an employee to accrue flex hours in excess of the stipulated 42 hours in a settlement period due to "*exceptional circumstances*". | FWHA (10.7) | Secretary | X | X | X | X | | | | | | | | | |
| 11.226 | Meal Breaks<br>Determine span of hours for meal breaks. | FWHA (21.8, 9.3) | Secretary | X | X | X | X | | | | | | | | | |
| 11.227 | Meal Breaks<br>Schedule meal breaks for individual employees or business unit to suit operational requirements / ensure continuity of service delivery.<br>Ensure employees take a meal break as required.<br>Approve or decline request to extend a lunch break beyond 1 hour (up to maximum 2.5 hours). | FWHA (3.15, 6.2 & 9 CSCEA (15 | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.228 | Additional Day Flex Leave on Separation from the Department<br>Approve additional day flex leave to enable employee to reduce credit hours balance to zero prior to last day of service | FWHA (16) | Secretary | X | X | X | X | X | X | | | | | | | |
| 11.229 | Notice to Terminate FWHA<br>Authority to terminate the FWHA (by giving 12 months' notice or 3 months as a result of Machinery of Government changes). | FWHA (20) Secretary | Secretary | X | X[35] | | | | | | | | | | | |
| 11.230 | Negotiations for a new FWHA<br>Create a working party to commence negotiations with the unions for a new FWHA. | FWHA (20) | Secretary | X | X | X | | | | | | | | | | |

[35] Limited to Deputy Secretary, Corporate Services

B

## Annexure B
## Instruments for revocation

This page and the following documents from Annexure B:

1. Instrument from Minister FACS relating to Schedule E and I
2. Instrument from Minister FACS relating to Schedule G
3. Instrument from Minister FACS relating to Schedule L
4. Instrument from Secretary relating to Schedule N

# INSTRUMENT OF DELEGATION

***Community Welfare Act 1987***
***Public Finance and Audit Act 1983***

To the extent that I am able, I PRU GOWARD MP, being the Minister of the Crown in and for the State of New South Wales with power to delegate under the following Acts:

- Section 5 of the *Community Welfare Act 1987*
- Section 12A of the *Public Finance and Audit Act 1983*

the Regulations and the general law of the State of New South Wales, delegate the exercise and performance of those functions, authorities, duties and powers in the attached Schedules A, B, E, I and R to the employee or employees identified in that Schedule and/or Schedule A up to the general financial limits prescribed in Schedule B (unless otherwise expressly limited).

The Schedules to this Instrument are:

| | |
|---|---|
| Schedule A: | Categories of Delegated Employees |
| Schedule B: | General Financial Limits for Delegated Employees |
| Schedule E: | Purchasing Card (P-Card) |
| Schedule I: | Expenses – Goods and Services |
| Schedule R: | *Community Welfare Act 1987* |

Each delegation is subject to the conditions that:

(i) it will be exercised subject to such administrative instructions as the Secretary may give from time to time;

(ii) any matter which involves a substantial departure from policy shall be submitted for consideration by the Minister;

(iii) it shall be exercised in accordance with such duties required by the *Government Sector Employment Act 2013* and the *Public Finance and Audit Act 1983*.

Earlier endorsed Schedules A, B, E, I and R are revoked and the attached schedules of delegation are provided in their place.

In this Instrument:

'Employee' means the holder of a specified office, and/or
(i) a person acting in that office and/or
(ii) any supervising employee senior to that person; and/or
(iii) an employee who, as a next senior employee present responsible to the holder of the office, is allocated by the holder of the office responsibility for

the duties of the office during a temporary absence from duty of the holder of the office.

This instrument takes effect from the date of signing.

.....

Pru Goward MP
Minister for Family and Community Services
Date signed: 22/6/ 2017

A

# INSTRUMENT OF DELEGATION

***Public Finance and Audit Act 1983***

To the extent that I am able, I BRADLEY RONALD HAZZARD MP, being the Minister of the Crown in and for the State of New South Wales with power to delegate under the following Acts:

- s 12 of the *Public Finance and Audit Act 1983*

the Regulations and the general law of the State of New South Wales, delegate the exercise and performance of those functions, authorities, duties and powers in the attached Schedules A, C and G to the employee or employees identified in that Schedule and/or Schedule A up to the general financial limits prescribed in Schedule B (unless otherwise expressly limited).

The Schedules to this Instrument are:

| | |
|---|---|
| Schedule A: | Categories of Delegated Employees |
| Schedule B: | General Financial Limits for Delegated Employees |
| Schedule C: | Delegations within Specific Financial Limits |
| Schedule G: | Business Services |

Each delegation is subject to the conditions that:

(i) it will be exercised subject to such administrative instructions as the Secretary may give from time to time;

(ii) any matter which involves a substantial departure from policy shall be submitted for consideration by the Minister;

(iii) it shall be exercised in accordance with such duties required by the *Government Sector Employment Act 2013* and the *Public Finance and Audit Act 1983*.

Earlier endorsed Schedules A, C and G are revoked and the attached schedules of delegation are provided in their place.

In this Instrument:

'Employee' means the holder of a specified office, and/or
(i) a person acting in that office and/or
(ii) any supervising employee senior to that person; and/or
(iii) an employee who, as a next senior employee present responsible to the holder of the office, is allocated by the holder of the office responsibility for the duties of the office during a temporary absence from duty of the holder of the office.

This instrument takes effect from 6 June 2016.

.....

Minister

Date: 16. 6. 16

# INSTRUMENT OF DELEGATION

***Public Finance and Audit Act 1983* (NSW)**
***Public Authorities Financial Arrangement Act 1987* (NSW)**
***Aboriginal Housing Act 1998* (NSW)**
***Adoption Act 2000* (NSW)**
***Children and Young Persons (Care and Protection) Act 1998* (NSW)**
***Community Welfare Act 1987* (NSW)**
***Family Law Act 1975 (Cth)***
***Housing Act 1998* (NSW)**
***Public Sector Employment and Management Act 2002* (NSW)**

To the extent that I am able, I PRU GOWARD MP, being the Minister of the Crown in and for the State of New South Wales with power to delegate under the following Acts:

- s 12A of the *Public Finance and Audit Act*
- s 206 *Adoption Act*
- s 249 Children and Young Persons (Care and Protection) Act
- s 5 *Community Welfare Act*
- s 162 *Public Sector Employment and Management Act*

the Regulations and the general law of the State of New South Wales, delegate the exercise and performance of those functions, authorities, duties and powers in the attached Schedules C-J, L, M, R, W, X, Y, AB and AC to the officer or officers identified in Schedule A up to the general financial limits prescribed in Schedule B (unless otherwise expressly limited).

The Schedules to this Instrument are:

| | |
|---|---|
| Schedule A: | Categories of Delegated Officers |
| Schedule B: | General Financial Limits for Delegated Officers |
| Schedule C: | Delegations with Specific Financial limits |
| Schedule D: | Delegations in respect of Motor Vehicles |
| Schedule E: | Delegations in respect of Purchasing Cards |
| Schedule F: | Delegations in respect of FACS Property |
| Schedule H: | Delegations in respect of Procurement: Contractors and Consultants |
| Schedule I: | Delegations in respect of Expenses: Goods and Services |
| Schedule J: | Delegations in respect of Travel |
| Schedule L: | s13 payments and certification of Invoices |
| Schedule M: | Delegations in respect of Human Resources |
| Schedule R: | Delegations under the *Community Welfare Act 1987* |
| Schedule W: | Delegations under the *Adoption Act 2000* |
| Schedule X: | Delegations under the *Children and Young Persons (Care and Protection) Act 1998* |
| Schedule Y: | Delegations under the *Family Law Act 1975 (Cth)* |
| Schedule AB: | Delegations under the *Housing Act 1998* |
| Schedule AC: | Delegations under the *Aboriginal Housing Act 1998* |

Each delegation is subject to the conditions that:

(i) it will be exercised subject to any policies, guidelines or procedures issued by the Director-General (or authorised/delegated officer) from time to time;

(ii) any matter which involves a substantial departure from policy shall be submitted for consideration by the Minister;

(iii) For grants funding to non-government organisations, the General Financial limit applies to the funding for an individual non-government organisation whether it is part of a decision affecting that non-government organisation alone or non-government organisations generally;

(iv) it shall be exercised in accordance with such duties required by the *Public Sector Employment and Management Act 2002* and the *Public Finance and Audit Act 1983*.

Any previous delegations given by the Minister to officers within the Department of Family and Community Services are revoked.

In this Instrument:

'Officer' means the holder of a specified office, and/or
(i) a person acting in that office and/or
(ii) any supervising officer senior to that person; and/or
(iii) an officer who, as a next senior officer present responsible to the holder of the office, is allocated by the holder of the office responsibility for the duties of the office during a temporary absence from duty of the holder of the office.

This instrument takes effect from 5 August 2013.

P Howard
.....

Minister
<date>

# INSTRUMENT OF DELEGATION

***Public Finance and Audit Act 1983***

To the extent that I am able, I MICHAEL COUTTS-TROTTER, Secretary of the Department of Family and Community Services, NSW with power to delegate under the general law of the State of New South Wales, delegate the exercise and performance of those functions, authorities, duties and powers in the attached Schedules G, M and N to the employee or employees identified in Schedule A up to the general financial limits prescribed in Schedule B (unless otherwise expressly limited).

The Schedules to this Instrument are:

| | |
|---|---|
| Schedule A: | Categories of Delegated Employees |
| Schedule B: | General Financial Limits for Delegated Employees |
| Schedule G: | Business Services |
| Schedule M: | Human Resources |
| Schedule N: | Administrative Delegations |

Each delegation is subject to the conditions that:

(i) it will be exercised subject to such administrative instructions as the Secretary may give from time to time;

(ii) any matter which involves a substantial departure from policy shall be submitted for consideration by the Minister;

(iii) it shall be exercised in accordance with such duties required by the *Government Sector Employment Act 2013* and the *Public Finance and Audit Act 1983*.

Earlier endorsed Schedules G, M and N are revoked and the attached schedules of delegation are provided in their place.

In this Instrument:

'Employee' means the holder of a specified office, and/or
(i) a person acting in that office and/or
(ii) any supervising employee senior to that person; and/or
(iii) an employee who, as a next senior employee present responsible to the holder of the office, is allocated by the holder of the office responsibility for the duties of the office during a temporary absence from duty of the holder of the office.

This instrument takes effect from 6 June 2016.

.....

Michael Coutts-Trotter
Secretary
Department of Family and Community Services

C

## Annexure C

This page and the following documents from Annexure C:

1. FACS Schedule K
2. FACS Schedule M
3. DOJ Human Resources Delegations and related Instrument
4. Instrument from Secretary FACS relating to Schedule K and M
5. FACS Schedule S – Disability Inclusion Act
6. Instrument from Secretary related to Schedule S
7. FACS Schedule AB – Family and Community Housing
8. Instrument from Minister relating to Schedule AB

# Schedule K – Allowances
## Effective from 14 March 2017

Schedule Guide
The numbers 1-14 refer to the 14 delegation categories defined in Schedule A
An X indicates that the delegation is available to the corresponding delegation category.
A financial delegation is indicated by a blue shaded delegation cell. Unless otherwise stated, the general financial limits in Schedule B apply.
An administrative delegation is indicated by a white shaded delegation cell.
"From" refers to the position from which the power is delegated.
*Approval by Line Manager: Approval by the officer to whom the applicant directly reports.

Applicable legislation, awards and delegations ("Source"):
*Government Sector Employment Act 2013* ("GSE Act")
*Government Sector Employment Regulation 2014* ("GSE Reg")
*Government Sector Employment Rules 2014* ("GSE Rules")
Manual of Delegations from Treasury 2014 ("TC14-19 MODT")
*Crown Employees (Public Sector Conditions of Employment) Award 2009* (NSW) ("CE(PSCoE) Award")
*Crown Employees (Transferred Employees Compensation) Award 2009* (NSW) ("CE(TEC) Award")
*Care Worker Employees – Department of Family and Community Services – ADHC (State) Award 2012* ("CWE Award")

Applicable Guidance:
Delegations are to be read in conjunction with FACS policy and Department of Premier and Cabinet Guidelines
Premier's Circulars ("PC")
Personnel Handbook ("PH")
An applicant may not approve their own expenditure (i.e. an applicant can not approve their own allowance).

| Del # | Power/Function | Source | | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Temporary assignment allowance** | | | | | | | | | | | | | | | | | |
| 9.1 | Approve* payment of an allowance to a non-executive employee for a temporary assignment (whole or proportionate) to a higher non-executive role for a period of 5 ordinary working days or more. | GSE Reg cl20(1) | | Secretary | X | X | X | X | X | X | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 9.2 | Approve* payment of an allowance to a non-executive employee for a temporary assignment to a higher non-executive role for a period of less than 5 working days. | GSE Reg cl20(4) | | Secretary | X | X | X | X | X | | | | | | | | | |
| 9.3 | Approve* payment of an allowance to a non-executive employee for a temporary assignment to an executive role, or an executive employee temporarily assigned to a higher executive role.<br><br>Note<br>1. Approval to be provided by an Executive in the next senior band to the band of the temporary assignment. | GSE Reg cl21 | | | X | X | X | | | | | | | | | | | |
| | **Secondment Allowance** | | | | | | | | | | | | | | | | | |
| 9.4 | Approve* payment of a secondment allowance to an employee who is seconded to another public service agency.<br><br>Note<br>1. Approval is subject to prior consultation with HR. | GSE Act s64<br><br>GSE Reg cl 22 | | Secretary | X | X | X | | | | | | | | | | | |
| | **Home Office** | | | | | | | | | | | | | | | | | |
| 9.5 | Approve* payment of an allowance and provision of furniture, telephone and other equipment as required, where an employee has been authorised to use a room at their home as an office. | CE(PSCoE) Award<br><br>cl 43 | | Secretary | X | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Uniforms** | | | | | | | | | | | | | | | | | |
| 9.6 | Approve* direction to an employee to wear protective clothing or safety equipment. | CE(PSCoE) Award cl 46<br><br>PH 5-4.2.2 5-4-2.3,7-19 | | | X | X | X | X | X | X | | X | X | X | | | | |
| 9.7 | (a) Approve* provision of a uniform and an allowance when an employee is required to wear a uniform, protective clothing or other specialised clothing in connection with their official duties. | CE(PSCoE) Award cl 46 | | Secretary | X | X | X | X | X | X | | | | | | | | |
| | (b) Approve* expenditure to maintain a uniform required for an employees official duties. | CE(PSCoE) Award cl 46 | | Secretary | X | X | X | X | X | X | | | | | | | | |
| | (c) Approve* reimbursement to an employee who provides their own uniform, protective clothing or other specialised uniform. | CE(PSCoE) Award cl 46<br><br>CWE Award Cl 29 | | Secretary | X | X | X | X | X | X | | | | | | | | |
| | **Damage to Personal Property** | | | | | | | | | | | | | | | | | |
| 9.8 | (a) Approve* compensation to an employee for the damage to or loss of personal property in the course of employment provided that such damage or loss:<br>• Is due to the negligence of the Department, another employee or client, or both, in the performance of their duties; or<br>• Is caused by a defect in an employee's material or equipment; or<br>• Results from an employee's protection of or attempt to protect Departmental property from loss or damage. | CE(PSCoE) Award cl 47 | | Secretary | X | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | (b) Approve* expenditure for the cost of replacement where the item cannot be repaired or is lost, when there has been damage to or loss of the employee's personal property during the course of employment (as defined in 9.6(a)). | CE(PSCoE) Award cl 47 | | Secretary | X | X | X | X | X | | | | | | | | | |
| | **Motor Vehicles** | | | | | | | | | | | | | | | | | |
| 9.9 | Approve* a Motor Vehicle Garaging Allowance for employees required to provide suitable weather protection for a FACS owned or leased vehicle. | CE(PSCoE) Award cl 48 | | Secretary | X | X | X | X | | | | | | | | | | |
| | **Employee Payments** | | | | | | | | | | | | | | | | | |
| 9.10 | Approve* an allowance to employees who possess a basic level of competence in a community language and their community language is utilised to assist clients; provided that:<br>• The employee is not employed as an interpreter or translator; or<br>• Employed where particular language skills are an integral part of essential requirements of the position. | CE(PSCoE) Award cl 50 | | Secretary | X | X | X | X | X | X | | | X | | | | | |
| 9.11 | (a) Approve* appointment as a First Aid Officer. | CE(PSCoE) Award cl 51 | | | X | X | X | X | X | X | | | X | | | | | |
| | (b) Approve* a first aid allowance to an employee who is appointed as a First Aid Officer, including a pro rata first aid allowance to an employee who is selected to relieve in the First Aid Officer's position when they are absent on leave. | CE(PSCoE) Award cl 51 | | Secretary | X | X | X | X | X | X | | | X | | | | | |
| | (c) Approve* attendance during normal office hours and payment for training and retraining courses for appointed First Aid Officers or those requested to become First Aid Officer to meet Departmental needs. | CE(PSCoE) Award cl 51 | | | X | X | X | X | X | X | | | X | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 9.12 | (a) Approve* expenditure for employee development and training activities considered **essential for the efficient operation of the Department:**<br>• course fees;<br>• all actual necessary expenses (provided that the expenses involved do not form part of the course and are not included in the course fees). | CE(PSCoE) Award cl 85 | | Secretary | X | X | X | X | X | X | | | | | | | | |
| | (b) Approve* payment of overtime for employee development and training activities considered **essential for the efficient operation of the Department:** where the activity could not be conducted during the employee's normal hours. | CE(PSCoE) Award cl 85 | | Secretary | X | X | X | X | X | | | | | | | | | |
| 9.13 | Approve* expenditure (payment and reimbursement) for employee development and training activities considered **developmental and of benefit to the NSW public sector:**<br>• course fees;<br>• any actual necessary expenses incurred for travel costs, meals and accommodation (provided that the expenses have not been paid as part of the course fee)<br>• such other conditions or assistance as may be considered appropriate. | CE(PSCoE) Award cl 85 | | Secretary | X | X | X | X | X | | | | | | | | | |
| 9.14 | Authority to establish a Departmental scholarship to encourage participation in courses or educational programmes of particular relevance or value. | | | | X | X | | | | | | | | | | | | |
| 9.15 | Approve* a scholarship for part time study where the course or educational programme is of particular relevance or value to the Department. | CE(PSCoE) Award cl 86.23 | | Secretary | X | X | X | | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 9.16 | To approve:<br>(a) the imposition of a bond on an employee receiving financial assistance, whether via reimbursement of education or associated expenses, or via paid study or special leave or via the Department directly paying education or related expenses;<br>(b) recovery of financial assistance under the bond if the employee fails to complete the bonded service; or<br>(c) writing off any amount owing under the bond. | PH – 6-20.7.7, 6-20.7.8 | | | X | X | X | X | | | | | | | | | | |
| | **Overtime** | | | | | | | | | | | | | | | | | |
| 9.17 | Direct, or approve* a direction for, an employee to work overtime in accordance with the conditions outlined in the applicable Award. | CE(PSCoE) Award cl 3.42<br><br>CWE Award cl 25 | | Secretary | X | X | X | X | X | X | | | X | | | | | |
| 9.18 | Approve* payment of overtime worked (by shift and/or day employees):<br>• At the employee's salary, or where applicable, salary and allowance in the nature of salary; or<br>• If the employee so elects, by the grant of leave in lieu. | CE(PSCoE) Award cl 89 ,90, 95 and 96<br><br>CWE Award cl 25 | | Secretary | X | X | X | X | X | X | | | X | | | | | |
| 9.19 | Approve* payment of an on call allowance to an employee directed by the Department to be on call or on standby for a possible recall to duty outside the employee's working hours. | CE(PSCoE) Award cl 92 | | Secretary | X | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 9.20 | (a) Approve* payment of a meal allowance to an employee directed to work overtime, where an adequate meal was not provided by the Department and the employee properly and reasonably incurred expenditure in obtaining the meal and overtime is not being taken in respect of the time taken for a meal break. | CE(PSCoE) Award cl 94<br><br>CWE Award cl 25(E) | | Secretary | X | X | X | X | X | | | | | | | | | |
| | (b) Approve* the reimbursement of the actual expenses incurred for the cost of a meal if the allowance payable is insufficient. | CE(PSCoE) Award cl 94 | | Secretary | X | X | X | X | X | | | | | | | | | |
| | **State Emergency Service** | | | | | | | | | | | | | | | | | |
| 9.21 | Approve* compensation (being payment or time in lieu) for additional hours worked by a Duty Officer, State Emergency Services during flood alerts on weekends and public holidays | CE(PSCoE) Award cl 97 | | Secretary | X | X | X | X | X | | | | | | | | | |
| | **Transferred Employees** | | | | | | | | | | | | | | | | | |
| 9.22 | Approve* payment of an allowance and expenses to transferred employees per conditions in the Award. | CE(TEC) Award cl 7-16 | | Secretary | X | X | X | | | | | | | | | | | |
| | **Job Evaluation Allowance** | | | | | | | | | | | | | | | | | |
| 9.23 | Approve* payment of a job evaluation allowance provided that:<br>• The work has not changed substantially;<br>• Job evaluation using one of the three accredited systems of HAY, OCR or CED results in the work being evaluated at the higher level;<br>• The existing occupant of the position was appointed following a process of competitive merit selection (albeit to the pre-job evaluation level); and<br>• The existing occupant of the position is performing the job satisfactorily.<br><br>Note:<br>1. Prior endorsement required from ED, HR FACS. | GSE Act S52<br><br>TC 14/19 MODT Del 4<br><br>P C1997-35<br>P C1998-50 | | Secretary | X | X | X | | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Skills Shortage Allowance** | | | | | | | | | | | | | | | | | |
| 9.24 | Approve* payment of a skills shortage allowance, provided that:<br>• There is strong evidence of difficulty in either attraction or retention which has a significant disruptive effect on service delivery.<br>• The allowance is for positions at or above Clerk Grade 12 or equivalent but is not payable to Senior Officers.<br>The maximum allowance payable is $13,000 per annum. | GSE Act s52<br><br>TC 14/19 MODT Del 3 | | Secretary | X | X | X | | | | | | | | | | | |
| | **Other Allowances** | | | | | | | | | | | | | | | | | |
| 9.25 | Approve* payment for the actual expenses properly and reasonably incurred by an employee in the performance of official duties, where the allowance was not adequately covered or the allowance was not available. | GSE Reg cl 23 | | Secretary | X | X | X | X | X | | | | | | | | | |
| 9.26 | Authority to approve, in advance, a limit for the expenses to be covered by an allowance. | | GSE Reg cl 23 | Secretary | X | X | X | | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

## Former FACS Schedule M – Human Resources



**Schedule M – Human Resources**
**Effective from 26 April 2017**

Schedule Guide
The numbers 1-14 refer to the 14 delegation categories defined in Schedule A
An X indicates that the delegation is available to the corresponding delegation category.
A financial delegation is indicated by a blue shaded delegation cell. Unless otherwise stated, the general financial limits in Schedule B apply.
An administrative delegation is indicated by a white shaded delegation cell.
"From" refers to the role from which the power is delegated.
Line Manager: The employee to whom the applicant directly reports.
HR lead is the HR contact within your business area, however the lead may determine that consultation may need to extend to central office Human Resources or other business area before advising.

Applicable legislation, awards and delegations ("Source"):
*Government Sector Employment Act 2013* ("GSE Act")
*Government Sector Employment and Management Regulation 2014* ("GSE Reg")
*Government Sector Employment and Management Rules 2014* ("GSE Rules")
*Crown Employees (Public Sector Conditions of Employment) Award 2009* (NSW) ("CE(PSCoE) Award")
*Crown Employees (Transferred Employees Compensation) Award 2009* (NSW) ("CE(TEC) Award")
*Crown Employees (Home Care Service of New South Wales – Administrative Staff) Award 2012* ("CE(HC) Award")
*Care Worker Employees – Department of Family and Community Services – ADHC (State) Award 2012* ("CWE Award")
2014 Treasury Circular Manual of Delegations from the Treasury (TC14-19, MODT)
*Public Sector Employment and Management Act 2002 ("PSEMA")* Now Repealed.

Applicable Guidance:
Delegations are to be read in conjunction with FACS policy and Department of Premier and Cabinet Guidelines
Premier's Circulars ("PC")
Public Employment Office Circular ("P")
Personnel Handbook ("PH")

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

## LEAVE

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Recreation Leave** | | | | | | | | | | | | | | | | |
| 11.1 | Approve* a request for recreation leave. | | | X | X | X | X | X | X | | X | X | | | | | |
| 11.2 | Approve* an exception to the requirement that at least two consecutive weeks of recreation leave is taken by an employee every 12 months. | CE(PSCoE) Award cl 77 | Secretary | X | X | X | X | | | | | | | | | | |
| 11.3 | Direct employees to take at least 2 weeks leave within<br><br>(a) 3 months of a notification that accrued recreation leave has reached 6 weeks (or its hourly equivalent).<br><br>Note: Direction to be made by line manager or more senior manager within the same work flow. | CE(PSCoE) Award cl 77 | Secretary | X | X | X | X | X | X | | | | | | | | |
| | (b) 6 weeks of a notification that accrued recreation leave has reached 8 weeks (or its hourly equivalent).<br><br>Note: Direction to be made by line manager or more senior manager within the same work flow. | CE(PSCoE) Award cl 77 | Secretary | X | X | X | X | X | X | | | | | | | | |
| 11.4 | Approve* the conservation of accrued leave. | CE(PSCoE) Award cl 77 | Secretary | X | X | X | | | | | | | | | | | |
| 11.5 | Approval* to require an employee transferring from a NSW Public Service organisation to take payment for recreation leave in excess of 35 days. | PH 3-17.3.4 | | X | X | X | X | | | | | | | | | | |
| 11.6 | Authority to approve* the transfer of funds for accrued leave entitlements between government sector agencies<br>Note: Approval to be made by line manager or more senior manager within the same work flow. | GSE Reg cl29<br><br>PH 3-17.3.3 | | X | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Flex Leave** | | | | | | | | | | | | | | | | |
| 11.7 | Approve* payment for a flex day accrued and remaining untaken on the last day of service for circumstances that have been negotiated and are other than:<br>• The employee's services being terminated without a period of notice for reasons other than misconduct; or<br>• an application for flex leave being made, but not granted prior to the last day of service. | CE(PSCoE) Award cl 21 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| | **Extended and Long Service Leave** | | | | | | | | | | | | | | | | |
| 11.8 | Grant employee's extended leave or long service leave (including on a pro-rata basis) in accordance with Schedule 1 of the GSE Regulations<br><br>(a) up to 12 months.<br><br>Note:<br>1. Grant to be made by line manager or more senior manager within the same work flow. | GSE Reg cl16 and GSE Reg Sch 1<br><br>CE(PSCoE) Award cl 70<br><br>CE(HC) Award cl 29 | | X | X | X | X | X | X | | X | X | | | | | |
| | (b) over 12 months<br><br>Note:<br>1. Grant to be made by line manager or more senior manager within the same work flow. | GSE Reg cl16 and GSE Reg Sch 1<br><br>CE(PSCoE) Award cl 70<br><br>CE(HC) Award cl 29 | | X | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **Payment of Leave for Deceased Estates** | | | | | | | | | | | | | | | | |
| 11.9 | (a) Approve* payment of a deceased employee's entitlements to a dependant relative of the employee, where there is no spouse or child or nominated beneficiary. | PSEMA s55 (sch 3)<br><br>PS(CoE) Award cl 77.6<br><br>TD 602.01<br><br>PH 4.3-3 | Minister | X | X | X | X | | | | | | | | | | |
| | (b) Approve* payment of funeral expenses from a deceased employee's entitlements (to a person not identified in (a)) who made payment of the funeral expenses.<br><br>Note:<br>1. Payments are not to be paid to a <u>funeral director</u> without a written request from the executor or following a grant of probate or letters of administration from the NSW Supreme Court.<br>2. Payments are not to be made to <u>an individual</u> unless they have provided a statutory declaration confirming their payment of the funeral expenses and receipts proving payment of the funeral expenses.<br>3. Before making any payment under this delegation enquiries should be made as to what approaches have been made for payment of funeral expenses in accordance with Section 122(5) of the Stamp Duties Act, from any assets of the deceased which are held in a savings bank account or an insurance company.<br>4. Payment under this delegation is discretionary. | TD 602.02 | Minister | X | X | X | X | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **Sick Leave** | | | | | | | | | | | | | | | | |
| 11.10 | Authority to grant to the employee any of the employee's forfeited sick leave as sick leave for the absence. | GSE Reg cl32 | Secretary | X | X | X | | | | | | | | | | | |
| 11.11 | Approve* sick leave:<br>(a) on full pay | CE(PSCoE) Award cl 79 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| | (b) without pay, for a period up to 12 months, where the absence of the employee exceeds the full pay entitlement | CE(PSCoE) Award cl 79 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| | (c) without pay, for a period greater than 12 months, where the absence of the employee exceeds the full pay entitlement | CE(PSCoE) Award cl 79 | Secretary | X | X | X | X | X | | | | | | | | | |
| 11.12 | Direct an employee to take sick leave if satisfied that the employee:<br>• is unable to carry out their duties without distress; or<br>• risks further impairment of their health by reporting for duty; or<br>• is a risk to the health, wellbeing or safety of others.<br>(a) in respect of a temporary or short term illness<br><br>Note: Direction to be made by line manager or more senior manager within the same work flow. | CE(PSCoE) Award cl 79 | Secretary | X | X | X | X | X | X | | | X | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | (b) in respect of a long term illness or condition<br><br>Note:<br>1. Prior to utilising delegation 11.12(b) sufficient documentation confirming the condition/ illness is required.<br>2. Direction to by made by line manager or more senior manager within the same work flow. | CE(PSCoE) Award cl 79 | Secretary | X | X | X | X | X | X | | | | | | | | |
| 11.13 | Direct an employee to participate in a return to work program if the employee has been absent on a long period of sick leave.<br><br>Note:<br>1. Direction only to made following consultation with the HR lead in your business area.<br>2. Direction to by made by line manager or more senior manager within the same work flow. | CE(PSCoE) Award cl 79<br><br>CE(HC) Award cl 30(vii) | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.14 | Approve* 5 or more days of paid sick leave in the initial 3 months of service, where supported by a medical certificate. | CE(PSCoE) Award cl 79<br><br>CE(HC) Award cl 31(i) | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.15 | Approve* sick leave for the whole of an absence where a medical certificate has been supplied that only covers the latter part of the absence and grantor is satisfied that the reason for the absence is genuine. | CE(PSCoE) Award cl 80<br><br>CE(HC) Award cl 31(ii) | Secretary | X | X | X | X | X | X | | X | X | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| 11.16 | Approve* a direction to an employee to produce evidence of illness for an absence of 2 consecutive workings days or less. | CE(PSCoE) Award cl 80<br><br>CE(HC) Award cl 31(iii) | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.17 | Approve* sick leave to an employee who is absent on recreation leave or extended leave and provides satisfactory evidence of an illness which occurred during the leave.<br><br>Note:<br>1. For an employee on recreation leave, sick leave is to be granted for the period set out in the evidence of illness.<br>2. For an employee on extended leave, sick leave will only be granted where the period set out in the evidence of illness is for 5 days or more. | CE(PSCoE) Award cl 80<br><br>CE(HC) Award cl 30(vi) | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.18 | Approve* a grant of special sick leave<br><br>Note:<br>1. Special sick leave may only be granted to long term employees (over 10 years) for occasions of long term illness only, and<br>• the employee has been or will be absent for a period of at least 3 months; and<br>• has exhausted or will exhaust, all normal sick leave entitlements.<br>2. Subject to prior consultation with the HR lead in your business area. | PH 6-17.12.1 | Secretary | X | X | X | X | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **Sick leave – claims other than Workers Compensation** | | | | | | | | | | | | | | | | |
| 11.19 | Authority to grant sick leave on full pay to an employee for any injury or illness that gives rise to a claim for damages or to compensation, other than compensation under the *Workers Compensation Act 1987*.<br><br>Note:<br>1. In accordance with the relevant provisions of the Award. Note: Grant to by made by line manager or more senior manager within the same work flow. | CE(PSCoE) Award cl 83.1 | | X | X | X | X | X | X | | X | X | | | | | |
| | **Carers Leave** | | | | | | | | | | | | | | | | |
| 11.20 | Approve* sick leave to provide care and support to a family member (clause 81.4.2) who is ill.<br><br>Note:<br>1. Only to be granted where Family and Community Services leave is exhausted or unavailable.<br>2. If required the employee must provide evidence consistent with subclause 80.6 to establish the illness of the person concerned. | CE(PSCoE) Award cl 81 (and cl 80.6)<br><br>CWE Award cl 35 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| | (b) Approve* exemption from providing evidence, per subclause 80.6, where:<br>• leave is requested to care for a family member (clause 81.4.2) who requires regular treatment or has an ongoing illness/condition; and<br>• evidence has previously been supplied confirming reason for leave; and<br>• the current request for leave relies on the same evidence for the same person. | CE(PSCoE) Award cl 81.3 | Secretary | X | X | X | X | X | X | | X | X | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **Family and Community Services Leave** | | | | | | | | | | | | | | | | |
| 11.21 | Approve* the grant of Family and Community Services leave due to:<br>• unplanned and emergency situations, or<br>• employees holding office in Local Government, or<br>• attendance as a competitor in a major amateur sport where the employee is selected to represent Australia or the State. | CE(PSCoE) Award cl 71<br><br>CWE Award cl 35D | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.22 | Approve* additional Family and Community Services leave (where such leave is currently exhausted) if some other emergency arises. | CE(PSCoE) Award cl 71 | Secretary | X | X | X | X | X | | | | | | | | | |
| 11.23 | Approve* other forms of leave such as accrued recreation leave, time off in lieu, flex leave and so on for Family and Community Services leave purposes. | CE(PSCoE) Award cl 71 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| | **Parental Leave** | | | | | | | | | | | | | | | | |
| 11.24 | Approve* parental leave to an employee; this includes maternity, adoption, special adoption and "other parent" leave.<br><br>Note: Where maternity or adoption leave does not apply, "other parent" leave may be available. Refer to cl 75.4 for conditions. | CE(PSCoE) Award cl 75 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.25 | Approve* extended period of unpaid parental leave<br><br>Note: Extended unpaid parental leave is for a continuous period of leave not exceeding 12 months (cl 75.9). | CE(PSCoE) Award cl 75 | Secretary | X | X | X | X | | | | | | | | | | |
| 11.26 | Approve* a return from a period of full time parental leave on a part time basis, at the same grade and classification as the employee's former position until the child reaches school age. | CE(PSCoE) Award cl 75 | Secretary | X | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| 11.27 | (a) Approve* alternative duties for a pregnant employee where that employee is having difficulty in performing her normal duties or there is a risk to her health or to her unborn child. | CE(PSCoE) Award cl 75 | Secretary | X | X | X | X | X | | | | | | | | | |
| | (b) Approve* maternity leave or any available sick leave where alternative duties can not be provided. | CE(PSCoE) Award cl 75 | Secretary | X | X | X | X | X | | | | | | | | | |
| | **Study Leave** | | | | | | | | | | | | | | | | |
| 11.28 | Approve or refuse a grant of study time.<br><br>Note: Approval or refusal to by made by line manager or more senior manager within the same work flow. | CE(PSCoE) Award cl 86<br><br>CE(HC) Award cl 36<br><br>CWE Award cl 37 | Secretary | X | X | X | X | X | | | | | | | | | |
| 11.29 | Approve* study leave with financial assistance. | CE(PSCoE) Award cl 86 | Secretary | X | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **Special Leave** | | | | | | | | | | | | | | | | |
| 11.30 | Approve* special leave to an employee:<br>• to return home when temporarily living away from home;<br>• who identifies as an Indigenous Australia up to one day special leave per year to enable the employee to participate NAIDOC week;<br>• for examinations limited to 5 days a year;<br>• for jury duty (subject to Award conditions being met);<br>• for up to 1 day for an employee to attend medical examinations and tests required for acceptance as a volunteer part time member of the Australian Defence Forces, or<br>• for other purposes, subject to conditions outlined in the Personnel Handbook. | CE(PSCoE) Award cl 73, 84, 86<br><br>CE(HC) Award cl 35 (for jury service only)<br><br>CWE Award cl 37 (for jury service and military examinations) | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.31 | Approve* special leave of up to 10 days per year for training activities principally of benefit to the employee and of indirect benefit to the public service. | CE(PSCoE) Award cl 85 | Secretary | X | X | X | X | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **Domestic Violence** | | | | | | | | | | | | | | | | |
| 11.32 | Approve* leave for employees experiencing Domestic Violence, where satisfied, on reasonable grounds, that domestic violence has occurred (evidence to support reasonable grounds include an agreed document issued by the Police Force, a Court, a Doctor, a Domestic Violence Support Service or Lawyer).<br><br>Note:<br>1. Sick Leave, Family and Community Service leave, Sick Leave to Care for a Family Member (also referred to as Personal/Carers Leave) may be used by employees experiencing domestic violence.<br>2. Where the leave entitlements referred to in point 1 above are exhausted, the employee shall be granted five days.<br>3. Approval for leave to be sought from the employee's line manager, or to an employee more senior than line manager to whom the employee feels comfortable making the request. | NSW TC 14/16<br><br>PH 6-19<br><br>CE(HC) Award cl 36A | | X | X | X | X | X | X | | X | X | | | | | |
| | **Military Leave** | | | | | | | | | | | | | | | | |
| 11.33 | Approve* military leave for an employee who is a volunteer part-time member of the Defence forces. | CE(PSCoE) Award cl 73<br><br>CWE Award cl 37 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.34 | Approve* Military Leave Top up Pay to an employee who is requested by the Australian Defence Forces to provide additional military services requiring leave in excess of clause 73.3. | CE(PSCoE) Award cl 73 | Secretary | X | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **Purchased Leave** | | | | | | | | | | | | | | | | |
| 11.35 | Approve* Purchase Leave, subject to the requirements of relevant clause in the applicable award. | CE(PSCoE) Award cl 76<br><br>CE(HC) Award cl 28 | Secretary | X | X | X | X | | | | | | | | | | |
| | **Transferred Employees Leave** | | | | | | | | | | | | | | | | |
| 11.36 | Approve* an extension of special leave (i.e. beyond five working days) to undertake the following activities:<br>• Visit the new location to obtain accommodation.<br>• Prepare and pack personal household effects prior to removal.<br>• Arrange storage.<br>• Travel to the new location for the purpose of commencing duty.<br>• Clean the premises being vacated.<br>• Occupy and settle into the new premises. | CE(TEC) Award cl 6 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.37 | Approve* special leave for an employee who has been transferred to a new location ahead of dependants, to visit such dependants. | CE(PSCoE) Award cl 84 | | X | X | X | X | X | X | | X | X | | | | | |
| | **Leave without pay** | | | | | | | | | | | | | | | | |
| 11.38 | Approve* leave without pay (on a full-time or part-time basis) where good and sufficient reason is shown for a period:<br><br>(a) less than 3 month. | CE(PSCoE) Award cl 72 | Secretary | X | X | X | X | X | X | | | X | | | | | |
| | (b) 3 month up to 12months. | CE(PSCoE) Award cl 72 | Secretary | X | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | (c) greater than 12 months. | CE(PSCoE) Award cl 72 | Secretary | X | X | X | X | | | | | | | | | | |
| 11.39 | Approve* an employee engaging in employment during a period of leave without pay. | CE(PSCoE) Award cl 72 | Secretary | X | X | X | X | X | | | | | | | | | |
| | **Other Leave** | | | | | | | | | | | | | | | | |
| 11.40 | Approve* leave (recreation, extended leave to credit, flex or leave without pay) for an employee to allow their observance of any essential religious or essential cultural obligations. | CE(PSCoE) Award cl 74 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.41 | Authority to grant time off during a working day so that an employee can attend to essential religious obligations of their religious faith.<br><br>Note: Grant to by made by line manager or more senior manager within the same work flow. | CE(PSCoE) Award cl 74 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.42 | Approve* leave or time off for an employee to attend to urgent personal business. A grant of time off must be made up at the earliest opportunity. | CE(PSCoE) Award cl 20 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.43 | Approve* leave or time off for an employee due to late attendance. A grant of time off must be made up at the earliest opportunity. | CE(PSCoE) Award cl 20 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.44 | Approve* a deduction from the pay of an employee who is absent without reasonable cause. | GSE Reg cl13(3)<br><br>CE(PSCoE) Award cl 68 | Secretary | X | X | X | X | X | X | | X | X | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| 11.45 | Authority to determine the period of time and manner for a person who, immediately before being employed as a PSSE was employed as a PS non-executive employee, to elect whether to retain their leave entitlements or to be paid a gratuity instead of that leave. | GSE Reg cl 18 | | X | X | X | | | | | | | | | | | |

## WORKFORCE MANAGEMENT

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **Establishment** | | | | | | | | | | | | | | | | |
| | **Public Service Senior Executives (PSSE)** | | | | | | | | | | | | | | | | |
| 11.46 | (a) Determine the appropriate band for the role of a Public Service Senior Executive.<br>Note:<br>1. Determination to be made having applied the applicable work level standards and having regard to any guidance provided by the Commissioner. | GSE Act s 37 | Secretary | X | X[1] | | | | | | | | | | | | |
| | (b) Approve the employment of a Public Service Senior Executive in that role. | GSE Act s 37 | Secretary | X | X | X[2] | | | | | | | | | | | |
| 11.47 | Approve the assignment of a Public Service Senior Executive to a role in any Public Service agency in the band which the executive is employed. | GSE Act s 38 | Secretary | X | X | X[3] | | | | | | | | | | | |

[1] Limited to the Deputy Secretary, Corporate Services
[2] Limited to the Executive Director, Human Resources
[3] Limited to the Executive Director, Human Resources
*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| 11.48 | Approval to sign the written contract of employment for a Public Service Senior Executive | GSE Act s39(1) | Secretary | X | X | | | | | | | | | | | | |
| 11.49 | Approval to delete a Public Service Senior Executive role<br><br>Note<br>1. Determination to be made having applied the applicable work level standards and having regard to any guidance provided by the Commissioner. | GSE Act s37(2) | Secretary | X | X | | | | | | | | | | | | |
| 11.50 | Approval to vary a Public Service Senior Executive role<br><br>Note<br>1. Determination to be made having applied the applicable work level standards and having regard to any guidance provided by the Commissioner. | GSE Act s37(2), s38, s39 | Secretary | X | X | | | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **Public Service Employees (non PSSE)** | | | | | | | | | | | | | | | | |
| 11.51 | Create an ongoing or temporary non PSSE role subject to:<br>• classification, grading and/or salary level being determined by the Agency's job evaluation process and/or relevant industrial instrument;<br>• relevant role creation policies and procedures;<br>• subject to the creation being within budget allocation<br>• in accordance with guidelines issued by the DPC or conditions stipulated in the GSE Act.<br><br>Note:<br>1. Approval subject to consultation with the HR lead in your business area<br>2. Approval subject to consultation with Finance.<br>3. This delegation does not extend to approval to fill the role (see delegation 11.52 for ongoing, 11.89 for temporary, and 11.92 for casuals) | GSE Act s45 | Secretary | X | X | X | | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | (a) Approve the employment of a Public Service employee (Non Executive) in a **frontline** ongoing role. | GSE Act s 45 | Secretary | X | X | X | X | X[4] | | | | | | | | | |
| | (b) Approve the employment of a Public Service employee (Non Executive) in a **non- frontline** ongoing role. | GSE Act s 45 | Secretary | X | X | X[5] | | | | | | | | | | | |
| 11.52 | (c) Approve an ongoing appointment to an employee's role, where that employee has been granted leave without pay for more than 12 months.<br><br>Note:<br>1. subject to conditions of the Award<br>2. subject to approval from the employee granted LWOP<br>3. subject to consultation with the HR lead in your business area | PS(CoE) Award c72.8 | | X | X | X[6] | | | | | | | | | | | |
| 11.53 | Delete an ongoing or temporary vacant non PSSE role and/or create an equivalent role (same grade and/or salary level) subject to:<br>• relevant role deletion policies and procedures;<br>• consideration of employee impact; and<br>• with neutral budget impact<br>• in accordance with guidelines issued by the DPC/PSC or conditions stipulated in the GSE Act<br>Note:<br>1. Approval subject to prior consultation with the HR lead in your business area | GSE Act s45 | Secretary | X | X | X | | | | | | | | | | | |

[4] Limited to employees in the District
[5] Limited to Executive District Directors, Executive Director Disability Operations
[6] Limited to Executive District Directors, Executive Director Disability Operations
*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.54 | Approval to vary a Public Service employee (Non Executive) role<br>(e.g. reporting line, status, hours per week, role splitting) provided:<br>• the classification and grading of the role remains unchanged; and<br>• the impact of the change remains within budget allocation<br>Note<br>1. Determination to be made having applied the applicable classification of work and having regard to any guidance provided by the Commissioner.<br>2. Approval subject to consultation with the HR lead in your business area | GSE Act s45 | Secretary | X | X | X | | | | | | | | | | | |
| 11.55 | Approve the **assignment** of a Public Service employee (Non Executive) to a role <u>within the same division</u> of the Public Service agency in the grade which the non-executive is employed.<br><br>Note:<br>1. Approval subject to consultation with the HR lead in your business area | GSE Act s46 | Secretary | X | X | X | X [7] | X [8] | | | | | | | | | |
| | Approve the **assignment** of a Public Service employee (Non Executive) to a role <u>across divisions</u> (i.e. to a different division) of the Public Service agency in the grade which the non-executive is employed.<br><br>Note:<br>1. Approval subject to consultation with the HR lead in your business area | GSE Act s46 | Secretary | X | X | X | | | | | | | | | | | |

[7] Limited to Directors s within Districts, including Directors Disability Operations
[8] Limited to Employees within Districts
*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.56 | Determine the appropriate classification of work for the role of a Public Service employee (Non Executive) (whether ongoing or temporary).<br><br>Note:<br>1. Determination to be made having applied the applicable work level standards and having regard to any guidance provided by the Commissioner.<br>2. Approval subject to consultation with the HR lead in your business area | GSE Act s45 | Secretary | X | X | X [9] | | | | | | | | | | | |
| 11.57 | To approve:<br>(a) re-evaluating an existing non PSSE role;<br>(b) the classification or grade of a non PSSE role following re-evaluation; and<br>(c) changing the name or title of a non PSSE role following re-evaluation.<br><br>Note:<br>1. Approval subject to consultation with the HR lead in your business area | GSE Act s46 | Secretary | X | X | X [10] | | | | | | | | | | | |

[9] Limited to Executive Director, Human Resources
[10] Limited to the Executive Director, Human Resources
*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.58 | To approve:<br>(a) the creation of new organisational units in the Department;<br>(b) the deletion or abolition of an existing organisational unit;<br>(c) the renaming of an organisational unit;<br>(d) the movement or transfer within the Department of any organisational unit.<br><br>Note:<br>1. Approval subject to consultation with the HR lead in your business area | GSE Act s25(1) | Secretary | X | X | X [11] | | | | | | | | | | | |
| | **Role Descriptions** | | | | | | | | | | | | | | | | |
| 11.59 | Approve the role description of a:<br><br>(a) Public Service Senior Executive employee | GSE Act s 37 | Secretary | X | X | X [12] | | | | | | | | | | | |
| | (b) Public Service non-executive employee<br><br>Note<br>1. Approval of (a) and (b) is subject to consultation with the HR lead in your business area | GSE Act s45 | Secretary | X | X | X [13] | | | | | | | | | | | |
| 11.60 | To approve changes to an existing role description for a:<br>(a) Public Service Senior Executive employee | GSE Act s38(8) | Secretary | X | X | X [14] | | | | | | | | | | | |

[11] Limited to the Executive Director, Human Resources
[12] Limited to the Executive Director, Human Resources
[13] Limited to the Executive Director, Human Resources
[14] Limited to the Executive Director, Human Resources
*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | (b) Public Service non-executive employee<br><br>Note:<br>1. Approval of (a) and (b) is subject to consultation with the HR lead in your business area | GSE Act s46(4) | Secretary | X | X | X [15] | | | | | | | | | | | |
| | **Recruitment** | | | | | | | | | | | | | | | | |
| 11.61 | Approve advertising a vacant role<br><br>(a) PSSE | | Secretary | X | X | | | | | | | | | | | | |
| | (b) non PSSE<br><br>on the NSW Government's recruitment website and in such other publications (if any).<br><br>Note:<br>1. This delegation does not extend to approval to fill the role (i.e. this delegation is only to be exercised where there is an approval to fill the role)<br>2. Approval by line manager, or escalated until an appropriately delegated employee can approve. | | Secretary | X | X | X | X | X | | | | | | | | | |

[15] Limited to the Executive Director, Human Resources

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.62 | Approval, during the course of a major restructure to limit the recruitment action to fill a vacancy in a non-executive role that arises as part of a restructure to candidates:<br>(i) employed in ongoing employment in an affected agency or<br>(j) who have been employed in temporary employment in affected agencies for a period of at least 12 months<br><br>Note:<br>1. Approval subject to consultation with the HR lead in your business area | GSE Rules r23 | Secretary | X | X | | | | | | | | | | | | |
| 11.63 | Authority to approve or not approve selection committee recommendations | PH 2-16.3 | Secretary | X | X | X | X [16] | X [17] | | | | | | | | | |
| 11.64 | Approval of payment of expenses incurred to attend interviews for FACS roles | | | X | X | X | X | | | | | | | | | | |

[16] Limited to Directors in the District, including Directors Disability Operations
[17] Limited to employees in District
*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.65 | To approve:<br>(a) including a statement in a job advertisement that assistance with interview travel expenses or removal expenses (or both) may be considered;<br>(b) payment of removal expenses;<br>(c) payment of removal and relocation assistance even if the job advertisement did not include a statement about possible assistance, provided that:<br>• it can be established that the proposed appointee falls within the classification of employees in extremely short supply<br>• the role is of a senior administrative nature with salary greater than maximum clerk, grade 12 and the selection panel considers that this is warranted<br>• the advertisement for the role specifies that fares for the appointee and approved dependants will be met. In these circumstances, a contribution towards removal expenses can also be made. | PH<br>2-13.11<br>2-16.9.4<br>2-16.9.5<br>2-16.9.6 | | X | X | X | | | | | | | | | | | |
| 11.66 | Approve the employment of an eligible person to a suitable role<br>Note:<br>1. Subject to conditions in the GSE Rules<br>2. *eligible person* means any of the following:<br>(a) an Aboriginal person or Torres Strait Islander,<br>(b) a person with a disability,<br>(c) a person under the age of 25 years,<br>(d) a person who belongs to a group of persons designated by the Commissioner as being disadvantaged in employment. | GSE Rules r26 | Secretary | X | X | X[18] | | | | | | | | | | | |
| 11.67 | Approve the creation of a talent pool from those who applied to the advertisement for the vacant role. | GSE Rules r19 | Secretary | X | X | X | X | X | | | | | | | | | |

[18] Limited to Executive Directors in ADHC, AHO, Corporate Services, Programs and Service Design and Strategic Reform and Policy

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.68 | (a) To approve the engagement of a person as a:<br>• Cadet<br>• Trainee<br>Note:<br>1. Approval subject to consultation with the HR lead in your business area | | | X | X | X | X | | | | | | | | | | |
| | (b) approve converting the employee to ongoing employment upon successful completion of a<br>• cadetship<br>• Traineeship<br>and action to appoint the person to a role.<br>Note:<br>1. Approval subject to consultation with the HR lead in your business area | | | X | X | X | | | | | | | | | | | |
| 11.69 | To approve the termination of employment of a:<br>• Cadet<br>• Trainee<br>Note:<br>1. Approval subject to consultation with the HR lead in your business area | | Secretary | X | X | X | | | | | | | | | | | |
| | **Ongoing Appointments and Probation** | | | | | | | | | | | | | | | | |
| 11.70 | Approval to appoint a person to ongoing employment in the public service for the first time<br>(a) on probation for a period of 6 months or longer | GSE Rules r 5(1) | Secretary | X | X | X | X | X | | | | | | | | | |
| | (b) on probation for a period of up to 3 months for PSS Executives | GSE Rules r 5(1) | Secretary | X | X | X [19] | | | | | | | | | | | |
| | (c) on a probation of 3 months<br>Note: 11.68(c) is restricted to Home Care, ADHC | CWE Award cl 9F | Secretary | X | X | X | X | X | | | | | | | | | |

[19] Limited to the Executive Director, Human Resources

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.71 | Approval to extend a period of probation for a non-Executive employee<br><br>Note:<br>1. An extension can be made at any time before the person's appointment is confirmed or annulled but may only be for a maximum period of 12 months | GSE Rules rr 5(3), 5(4) | Secretary | X | X | X | X | | | | | | | | | | |
| 11.72 | Approve confirmation of an appointment during or after the period of probation | GSE Rules r 5(5) | Secretary | X | X | X | X | X | | | | | | | | | |
| 11.73 | Approve annulment of an appointment during or at the end of a period of probation.<br>Note:<br>1. Subject to consultation with the HR lead in your business area | GSE Rules r 5(5) | Secretary | X | X | X | | | | | | | | | | | |
| 11.74 | Authority to employ a PSEMA non-executive employee in ongoing employment at a higher classification.<br><br>Note:<br>1. A determination was provided from the Public Service Commissioner on 19 January 2015. | GSE Rules r 20(3) | Secretary | X | X | X[20] | | | | | | | | | | | |
| | **Review of a promotion decision** | | | | | | | | | | | | | | | | |
| 11.75 | (a) Authority to appoint a public service senior executive to review a promotion decision<br><br>Note:<br>1. A public service senior executive is an officer in categories 1-4<br>2. the reviewer must not be involved in the selection process to which the decision relates | GSE Rules r25 | Secretary | X | X | | | | | | | | | | | | |

[20] Limited to Executive District Directors, Executive Directors Disability Operations, Executive DirectorAHO and the Executive DirectorHuman Resources

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.76 | (b) Authority to determine, based on recommendation of the appointed review officer, that the promotion decision be revoked and another selection process be carried out for the role concerned.<br><br>Note:<br>Authority is limited to an employee senior to the reviewer. | GSE Rules r25 | Secretary | X | X | | | | | | | | | | | | |
| | **Termination** | | | | | | | | | | | | | | | | |
| 11.77 | (a) Approve the termination of an ongoing non-executive public service employee (including the preparation and issue of an instrument of termination) for the following reasons:<br>• the employee has failed to meet a condition of engagement as an employee imposed under section 44,<br>• the employee lacks, or has lost, an essential qualification for performing the duties of the role assigned to the employee,<br>• the employee has refused to perform duties to which the employee has been duly assigned,<br>• the employee has abandoned his or her employment,<br>• on any other ground prescribed by the regulations.<br><br>Note:<br>1. subject to conditions in the GSE Act<br>2. The employee to whom the termination relates is not to be a direct report of the Executive exercising the approval. | GSE Act s 47(1) | Secretary | X | X | X | | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.78 | Authority to take into consideration any submissions made by the ongoing, temporary or casual employee in respect of the proposed termination<br><br>Note:<br>1. The Executive exercising this authority is to be the same Executive approving the termination (see delegation above) | GSE Rules r14(1)(b) | Secretary | X | X | X | | | | | | | | | | | |
| 11.79 | Authority to terminate the employment of a public service senior executive. | GSE Act s 41 | Secretary | X | | | | | | | | | | | | | |
| 11.80 | Authority to provide a written report to the commissioner on the termination of a Public Service Senior Executive.<br><br>Note:<br>1. Report must satisfy the requirements of GSE rule 42 | GSE Rules r42 | Secretary | X | | | | | | | | | | | | | |
| | **Remuneration** | | | | | | | | | | | | | | | | |
| 11.81 | Approval of the commencing rates of pay for any ongoing employee and temporary employee:<br><br>(a) At the minimum rates for the role; | GSE Act s52<br><br>TC14-19 MODT Del 2<br><br>CE(HC) Award cl 15 | Secretary | X | X | X | X | X | | | | | | | | | |
| | (b) At above the minimum rate for the role where the higher rate is authorised by an agreement, Determination or Award; or | GSE Act s52<br><br>TC14-19 MODT Del 2 | Secretary | X | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | (c) At any prescribed salary point within the salary range for the role, having regard to:<br>• The applicant's skills, experience and qualifications;<br>• The rate required to attract the applicant; and<br>• The remuneration of existing employees performing similar work<br>Note:<br>1. Approval subject to consultation with the HR lead in your business area | GSE Act s52<br><br>TC14-19 MODT Del 2<br><br>CE(HC) Award cl 15 | Secretary | X | X | X | | | | | | | | | | | |
| 11.82 | Approval of an employee's commencement rate of payment where the employee is transferred or promoted to a higher salary scale, as follows:<br><br>(a) If the employee's present salary scale coincides with a step on the new scale, and -<br>• The employee has been on that rate for less than 12 months, commencing rate will be at the same step on the new scale (i.e. no change), but with retention of existing increment date; or<br>• The employee has been on that rate for more than 12 months, commencing rate will be the next step on the new scale with increment date to be the anniversary of appointment to the new role; | GSE Act s52<br><br>TC14-19 MODT Del 2 | Secretary | X | X | X | X | X | | | | | | | | | |
| | (b) If the employee's present substantiative salary rate does not coincide with a step on the new scale, the employee's commencing salary on the scale will be that immediately above his/her present salary rate. The employee's incremental date will change to the date of appointment to the new role. | GSE Act s52<br><br>TC14-19 MODT Del 2 | Secretary | X | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Increments** | | | | | | | | | | | | | | | | |
| 11.83 | Approve payment of an increment where:<br><br>(a) performance requirements under the agency's performance management system have been met, and<br>(b) the satisfactory conduct of the employee has been determined.<br><br>Note:<br>1. subject to conditions in the Regulation<br>2. Approval by line manager, or escalated until an appropriately delegated employee can approve. | GSE Reg cl 14<br><br>CE(HC) Award cl 16 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.84 | Approve deferral of an increment (this includes writing to notify the employee with reasons of the decision)<br><br>Note:<br>1. increment may not be deferred for more than 12 months at any one time<br>2. Approval by line manager, or escalated until an appropriately delegated employee can approve.<br>3. This approval includes the authority to notify the employee in writing of the decision to defer an increment. | GSE Reg cl 14<br><br>CE(HC) Award cl 16 | Secretary | X | X | X | X | X | | | | | | | | | |
| 11.85 | Authority not to pay an employee who has resigned from the service any increment that was deferred because of unsatisfactorily service or excessive use of sick leave.<br><br>Note:<br>1. Approval subject to consultation with the HR lead in your business area | PH 5-2.10.10 | | X | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Vacated roles, retirement and resignations** | | | | | | | | | | | | | | | | |
| 11.86 | Authority to cause a person to retire if:<br>(1) the person is found to be unfit to discharge or incapable of discharging their duties, and<br>(2) the person's unfitness or incapacity appears to be of a permanent nature and has not arisen from actual misconduct on the part of the person, or from causes within the person's control.<br><br>Note:<br>1. Approval subject to consultation with the HR lead in your business area | GSE Act s56 | Secretary | X | X | X | | | | | | | | | | | |
| 11.87 | Approve the termination of a non-executive ongoing employee where:<br>(a) the employee is unable to perform the duties of the role assigned to the employee because of physical or mental incapacity or<br>(b) the employee is retired on medical grounds under s56 | GSE Act s47(1)(d), s47(1)(e) | Secretary | X | X | X | | | | | | | | | | | |
| 11.88 | Authority to accept the written and signed resignation of an employee.<br><br>Note: Authority is given to line managers, or escalated until an appropriately delegated employee can approve. | GSE Act s55 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| | **Temporary Employees** | | | | | | | | | | | | | | | | |
| 11.89 | Approve employment of temporary employees.<br>**(a) Frontline** | GSE Act s 45 | Secretary | X | X | X | X | X | | | | | | | | | |
| | **(b) Non frontline**<br><br>Note:<br>1. Approval by line manager, or escalated until an appropriately delegated employee can approve. | GSE Act s 45 | Secretary | X | X | X [21] | | | | | | | | | | | |

[21] Limited to Executive District Directors, Executive Directors Disability Operations

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.90 | Authority to terminate the employment of a temporary employee for reasons other than misconduct (s69) or unsatisfactory performance (s68)<br><br>Note:<br>1. The delegate must consult with the HR lead in your business area prior to dispensing with the employee. | GSE Act s 47(2)<br><br>GSE Rules R14 | Secretary | X | X | X | X | X | | | | | | | | | |
| 11.91 | Approve conversion of a temporary employee (who has been a temporary employee for at least 12 months) to an ongoing employee role at level<br><br>(a) for **Frontline** employees<br><br>Note:<br>1. Subject to conditions in the GSE Rules<br>2. subject to consultation with the HR lead in your business area | GSE Rules r 12(1) | Secretary | X | X | X | X | | | | | | | | | | |
| | (b) For **non- frontline** employees<br><br>Note:<br>1. Subject to conditions in the GSE Rules<br>2. subject to consultation with the HR lead in your business area | GSE Rules r 12(1) | Secretary | X | X | X[22] | | | | | | | | | | | |

[22] Limited to Executive District Directors, Executive Directors Disability Operations

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.92 | Approval to make an application to the Public Service Commissioner for a determination that the conversion to ongoing employment at level of an existing temporary employee (or class of existing temporary employees) specified in the determination is not required to comply with sub-rule (2)<br><br>Sub-rule 2 requires that conversion to ongoing employment:<br>• must be based on the results of a comparative assessment after external advertising (whether a previous comparative assessment for the role concerned or a new comparative assessment) and on the employee's most recent performance under the agency's performance management system, and<br>• is subject to the satisfactory conduct of the employee. | GSE Rules r 12(2) | Secretary | X | X[23] | X[24] | | | | | | | | | | | |
| 11.93 | Approval to convert a PSEMA temporary employee to ongoing employment.<br><br>Note:<br>1. A determination was provided from the Public Service Commissioner on 19 January 2015. | GSE Rules r 12(4) | Secretary | X | X | X[25] | | | | | | | | | | | |

[23] Limited to the Deputy Secretary, Corporate Services
[24] Limited to the Executive Director, Human Resources
[25] Limited to Executive District Directors, Executive Directors Disability Operations, Executive DirectorAHO and the Executive Director, Human Resources
*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.94 | Approval to extend the period of employment of a PSEMA temporary employee without a capability assessment.<br>Note:<br>1. Subject to conditions in the GSE Rules<br>2. A Determination was provided from the Public Service Commissioner on 19 January 2015 | GSE Rules r 22D(3) | Secretary | X | X | X [26] | | | | | | | | | | | |
| | **Casual Employees** | | | | | | | | | | | | | | | | |
| 11.95 | Authority to employ casual employees in accordance with the guidelines issued by the Public Service Commission<br>(a) for frontline roles | | Secretary | X | X | X | X | X | | | | | | | | | |
| | (b) for non frontline roles | | Secretary | X | X | X [27] | | | | | | | | | | | |
| 11.96 | Authority to terminate the services of a casual employee for reasons other than misconduct (s69) or unsatisfactory performance (s68) | GSE Act s47(2) | Secretary | X | X | X | X | X | | | | | | | | | |
| | **Contingent Workforce – Labour Hire Agency Contractors** | | | | | | | | | | | | | | | | |
| 11.97 | (a) To approve the engagement of a temporary agency contractor & associated costs for **frontline employees**<br><br>Note:<br>1. provided that there is compliance with procurement rules<br>2. Approval by line manager, or escalated until an appropriately delegated employee can approve. | PFA s 12 | Minister | X | X | X | X | X | X | . | X | X | | | | | |

[26] Limited to Executive District Directors, Executive Directors Disability Operations, Executive Director AHO and the Executive Director, Human Resources
[27] Limited to Executive District Directors, Executive Directors Disability Operations
*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | (b) To approve the engagement of a temporary agency contractor & associated costs for **non frontline** employees<br><br>Note:<br>1. provided that there is compliance with procurement rules<br>2. Approval by line manager, or escalated until an appropriately delegated employee can approve. | | | X | X | X [28] | | | | | | | | | | | |
| | (c) To execute or sign any contract or agreement relating to the engagement of a pre-qualification scheme contractor, if approval to engage the contractor has been granted by a person with the appropriate delegation | | | X | X | X | X | X | X | | X | X | | | | | |
| | **Management of Conduct and Performance** | | | | | | | | | | | | | | | | |
| 11.98 | Authority to dismiss the allegation of misconduct or decide that no further action is to take place after an initial assessment. | GSE Rules r38(2) | Secretary | X | X | | X [29] | X [30] | | | | | | | | | |
| 11.99 | Authority to proceed with the process for allegations of misconduct provided that the employee is advised of the details of the allegation of misconduct and that action may be taken under s69(4) of the Act against the employee. | GSE Rules r38(3) | Secretary | X | X | X [31] | | | | | | | | | | | |

[28] Limited to Executive District Directors, Executive Directors Disability Operations, Chief Information Officer* (*Authority restricted to approved ICT projects), Executive Directors in Corporate Services, Chief Financial Officer, and General Counsel
[29] Limited to Director, Professional Conduct, Ethics and Performance
[30] Limited to Managers in Professional Conduct, Ethics and Performance
[31] Limited to Executive Director in ADHC and PSD, Executive District Directors, Executive Directors Disability Operations, Executive Director, Human Resources
*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.100 | Authority to determine whether to proceed with a matter following receipt and review of the employee's response to an allegation of misconduct. This authority includes providing notice to the employee of the decision made. | GSE Rules r38(5) | Secretary | X | X | X [32] | | | | | | | | | | | |
| 11.101 | Authority to inform the person who made the allegation misconduct that proceedings will not proceed or shall be discontinued. | GSE Rules r38(6) | Secretary | X | X | X [33] | | | | | | | | | | | |
| 11.102 | Authority to conduct such inquiries as appropriate for the purpose of determining whether the misconduct has occurred. | GSE Rules r39(1) | Secretary | X | X | X [34] | | | | | | | | | | | |
| 11.103 | Authority to determine that an employee's performance is unsatisfactory.<br><br>Note:<br>Determination of unsatisfactory performance is to be made in accordance with the agency's performance management system. | GSE Rules r36 | Secretary | X | X | X [35] | | | | | | | | | | | |
| 11.104 | Authority to consider the response of an employee to a notice advising that the agency is proposing to take specified action under section 68 (2) of the Act | GSE Rules r36 | Secretary | X | X | X [36] | | | | | | | | | | | |

[32] Limited to Executive Director in ADHC and PSD, Executive District Directors, Executive Directors Disability Operations, Executive Director, Human Resources
[33] Limited to Executive Director in ADHC and PSD, Executive District Directors, Executive Directors Disability Operations, Executive Director, Human Resources
[34] Limited to Executive Director in ADHC and PSD, Executive District Directors, Executive Directors Disability Operations, Executive Director, Human Resources
[35] Limited to Executive Director in ADHC and PSD, Executive District Directors, Executive Directors Disability Operations, Executive Director, Human Resources
[36] Limited to Executive Director in ADHC and PSD, Executive District Directors, Executive Directors Disability Operations, Executive Director, Human Resources
*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.105 | Approve the following actions if the performance of an employee is deemed to be unsatisfactory:<br>(a) terminate the employment of the employee (after giving the employee an opportunity to resign) | GSE Act s68(2) s47(2)<br><br>GSE Rules r36 | Secretary | X | X | X [37] | | | | | | | | | | | |
| | (b) reduce the remuneration payable to the employee,<br>(c) reduce the classification or grade of the employee,<br>(d) assign the employee to a different role.<br><br>Note:<br>Approval only to be provided if the conditions in rule 36 have been satisfied. | GSE Act s68(2)<br><br>GSE Rules r36 | Secretary | X | X | X [38] | | | | | | | | | | | |
| 11.106 | Authority to make a finding of misconduct (i.e. to either confirm or dismiss the allegation). | GSE Rules r40(1) | Secretary | X | X | X [39] | | | | | | | | | | | |

[37] Limited to Executive Director in ADHC and PSD, Executive District Directors, Executive Directors Disability Operations, Executive Director, Human Resources

[38] Limited to Executive Director in ADHC and PSD, Executive District Directors, Executive Directors Disability Operations, Executive Director, Human Resources

[39] Limited to Executive Director in ADHC and PSD, Executive District Directors, Executive Directors Disability Operations, Executive Director, Human Resources

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.107 | Authority to take the following action in relation to a finding of misconduct or any such employee is found to have been convicted of a serious office an employee:<br>(i) Terminate the employment of the employee (without giving the employee an opportunity to resign)<br>(ii) Terminate the employment of the employee (after giving the employee an opportunity to resign)<br>(iii) Impose a fine on the employee (which may be deducted from the remuneration payable to the employee)<br>(iv) Reduce the remuneration payable to the employee<br>(v) Reduce the classification or grade of the employee<br>(vi) Assign the employee to a different role,<br>(vii) caution or reprimand the employee.<br><br>This authority includes taking into consideration any submissions made by the employee to the allegation made and proposed action.<br><br>Note:<br>*serious offence* means an offence punishable by imprisonment for 12 months or more | GSE Act s69(4) s47(2)<br><br>GSE Rules r40(2) | | X | X | X [49] | | | | | | | | | | |

[49] Limited to Executive Director in ADHC and PSD, Executive District Directors, Executive Directors Disability Operations, Executive Director, Human Resources

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.108 | (a) Authority, where there has been a finding of misconduct in relation to an employee, instead of taking action under s69(4) (delegation 11.103), to require the conduct of the employee to be monitored over a specified period notified to the employee. | GSE Rules r40(3) | Secretary | X | X | X [41] | | | | | | | | | | | |
| | (b) Authority to take action under s69(4) (delegation 11.103) if during the specified period, the delegate is satisfied that the employee has engaged in misconduct of the same or similar kind as the misconduct the subject of the previous finding.<br><br>Note:<br>In that case, the employee is not required to be given an opportunity to make submissions in relation to the action proposed to be taken by the delegate. | GSE Rules r40(4), r40(5) | Secretary | X | X | X [42] | | | | | | | | | | | |
| 11.109 | Authority to keep a written record of the proceedings and action taken in respect of any allegation of misconduct by an employee of the agency. Any personnel file kept by the delegate on such an employee is to include information about any finding of misconduct by the employee that is, in the opinion of the delegate, in the public interest to be included. In forming that opinion, the delegate is to have regard to the nature and seriousness of the misconduct and the need to minimise any unnecessary or prejudicial information being kept on a person's file. | GSE Rules r41 | Secretary | X | X | | X [43] | X [44] | | | | | | | | | |

[41] Limited to Executive Director in ADHC and PSD, Executive District Directors, Executive Directors Disability Operations, Executive Director, Human Resources

[42] Limited to Executive Director in ADHC and PSD, Executive District Directors, Executive Directors Disability Operations, Executive Director, Human Resources

[43] Limited to Director, Professional Conduct, Ethics and Performance

[44] Limited to Managers in Professional Conduct, Ethics and Performance

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.110 | (a) Approve suspending an employee from duty pending decision in relation to misconduct or a criminal charge or where the ICAC has made a corrupt conduct finding against an employee or is conducting an investigation into the conduct of any such employee that may lead to such a finding (this includes approval to withhold salary for a person suspended from duty). | GSE Act s70 | Secretary | X | X | X [45] | | | | | | | | | | | |
| | (b) Approve removal of the suspension | GSE Act s70(6) | Secretary | X | X | X [46] | | | | | | | | | | | |
| | (c) approval to pay any remuneration withheld during the period of suspension, or which was withheld but owed before the period of suspension.<br>Note:<br>Subject to conditions under the Act. | GSE Act s70(5) | Secretary | X | X | X [47] | | | | | | | | | | | |
| | **Grievance and Dispute Settling Procedures** | | | | | | | | | | | | | | | | |
| 11.111 | Authority to provide a written response to the employee member and any other party involved in the grievance, dispute or difficulty, concerning action to be taken, or the reason for not taking action, in relation to the matter that remains unresolved.<br><br>Note:<br>1. written response to be provided from an employee senior to the employee member concerned | *PS(CoE) Award* cl 9.7<br><br>*CE(TEC) Award* c19.7 | Secretary | X | X | X | X | X | | | | | | | | | |

[45] Limited to Executive Director in ADHC and PSD, Executive District Directors, Executive Directors Disability Operations, Executive Director, Human Resources

[46] Limited to Executive Director in ADHC and PSD, Executive District Directors, Executive Directors Disability Operations, Executive Director, Human Resources

[47] Limited to Executive Director in ADHC and PSD, Executive District Directors, Executive Directors Disability Operations, Executive Director, Human Resources

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.112 | Approve the referral of the grievance, dispute or difficulty to the NSW Industrial Relations Commission where following the procedures outlined in the Award the matter is still unresolved. | *PS(CoE) Award* cl 9.9<br><br>*CE(TEC) Award* c19.9 | Secretary | X | X | X[48] | | | | | | | | | | | |
| | **Industrial Proceedings** | | | | | | | | | | | | | | | | |
| 11.113 | Approval to appear before a competent tribunal having jurisdiction to deal with industrial matters (including negotiations, conferences and inspections) representing the Department as the employer of the public service employee subject to the following:<br>(i) the industrial matter does not involve significant costs as a component of the Department's funds;<br>(ii) no new industrial standards will result from the industrial process, including any impact on existing awards, agreements or determinations;<br>(iii) there will be no potential for flow on to other areas of the Department or the Public Service;<br>(iv) complies with the relevant Government policy, including Wages Policy; and<br>(v) the matter is clearly identifiable as a local industrial matter.<br><br>Note:<br>1. Approval subject to consultation with Industrial relations | GSE Act s50<br><br>TC14-19 MODT Del 1 | Secretary | X | X | X | X[49] | X[50] | | | | | | | | | |

[48] Limited to Executive Director, Human Resources
[49] Limited to the Director, Employee Relations, Safety & Wellbeing
[50] Limited to employees in Employee Relations, Safety & Wellbeing
*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Excess Employees** | | | | | | | | | | | | | | | | |
| 11.114 | Authority to declare a non-executive employee excess to the Department's requirements.<br><br>Note:<br>1. Approval subject to consultation with the HR lead in your business area | GSE Act s74(1)<br><br>GSE Rules r 13(1) | Secretary | X | X | X [51] | | | | | | | | | | | |
| 11.115 | Approval of a recommendation to reduce an ongoing employee's salary to the maximum determined to be appropriate to the work performed and to transfer to a vacant role at the salary subject to:<br>• The employee having been formally declared excess and on salary incentives for 3 months;<br>• Redeployment at substantive level not being possible, and<br>• Where an employee is to be redeployed to an ongoing role at a lower grade<br>Note:<br>1. Approval subject to consultation with the HR lead in your business area | M2011-11<br>D2011-007 | Secretary | X | X | | | | | | | | | | | | |
| 11.116 | Authority to dispense with the services of any excess employee, where all practicable steps have been taken to secure the transfer of the excess employee to an ongoing public sector role.<br><br>Note:<br>1.The exercise of this delegation must be in accordance with the *Managing Excess Employees Policy 2011*<br>2. Approval subject to consultation with the HR lead in your business area | GSE Act s47(j)<br><br>M2011-11<br>D2011-007<br><br>CE(HC) Award cl 12 | Secretary | X | X | | | | | | | | | | | | |

[51] Limited to the Executive Director, Human Resources

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.117 | Approve the issue of a 'notice of forced redundancy' letter<br>Note:<br>1. Delegated to Agency Head by PSC on 21 January 2015 | M2011-11<br>D2011-007 | Secretary | X | | | | | | | | | | | | | |
| | **Secondment between departments** | | | | | | | | | | | | | | | | |
| 11.118 | Approve employee secondment between Departments for a period not exceeding two years.<br><br>Note:<br>1. Approval by line manager, or escalated until an appropriately delegated employee can approve.<br>2. Subject to conditions in the GSE rules (rr31-33) | GSE Rules r31 | Secretary | X | X | X | X | X | | | | | | | | | |
| 11.119 | Authority to appoint a senior executive to review a transfer/secondment decision<br><br>Note:<br>1. A senior executive is an officer in categories 1-4<br>The reviewer must not be involved in the decision to transfer or temporarily second the employee to another government sector agency | GSE Rules r34 | Secretary | X | X | | | | | | | | | | | | |
| 11.120 | Authority, with reference to the reviewer's findings, to determine whether or not the transfer or secondment is appropriate and notify the employee concerned in writing of the decision.<br><br>Note:<br>1. Authority is limited to an employee senior to the reviewer. | GSE Rules r34 | Secretary | X | X | | | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Secondment to staff of political office holders** | | | | | | | | | | | | | | | | |
| 11.121 | Approve secondments for FACS employees to the staff of a political office holder (including the authority to enter into an agreement with the political office holder in respect of the secondment)<br>Note:<br>1. Approval by line manager, or escalated until an appropriately delegated employee can approve.<br>2. Political office holder means:<br>A Minister, or<br>The Leader of the Opposition in the Legislative Assembly, or<br>3. The holder of a Parliamentary office in respect of which a determination under section 4 of the *Members of Parliament Staff Act 2013* is in force | GSE Reg cl35 | Secretary | X | X | X | X | X | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **TEMPORARY ASSIGNMENTS** | | | | | | | | | | | | | | | | |
| | **Within PSSE bands** | | | | | | | | | | | | | | | | |
| 11.122 | Approve a temporary assignment within FACS for PSS Executives<br><br>Note:<br>1. Approval by line manager of the executive role | GSE Rules r 11(2) | Secretary | X | X | X | | | | | | | | | | | |
| | **Non PSSE to PSSE** | | | | | | | | | | | | | | | | |
| 11.123 | Approve a temporary assignment within FACS<br><br>(a) for non PSSE employee being temporarily assigned to a PSSE role for **less than 3 months**<br><br>Note:<br>1. Approval by line manager of the executive role | GSE Rules r 11(2) | Secretary | X | X | X | X | | | | | | | | | | |
| | (b) for non PSSE employee being temporarily assigned to a PSSE role **for 3 -6 months**<br>Note:<br>1. Approval by line manager of the executive role | GSE Rules r 11(2) | Secretary | X | X | X [52] | | | | | | | | | | | |
| | (c) for non PSSE employee being temporarily assigned to a PSSE role **for 6 -24 months**<br>Note:<br>1. Approval by line manager of the executive role<br>2. Approval also requires the employee to undertake a comparative assessment | GSE Rules r 11(2) | Secretary | X | X | X [53] | | | | | | | | | | | |
| | **Non PSSE temporary assignments to non-frontline Non PSSE roles** | | | | | | | | | | | | | | | | |

[52] Limited to Executive District Directors,Executive Directors Disability Operations,
[53] Limited to Executive District Directors,Executive Directors Disability Operations,
*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.124 | Approve a temporary assignment within FACS ('at level' or to a 'higher level') for all other temporary assignments (excluding temporary Assignments of employees between government sector agencies and other relevant bodies (s66 GSE Act)) which are<br>(a) **less than 3 months** where the assignment is to a **non-frontline** role<br>Note:<br>1. Approval by line manager of the role or escalated until an appropriately delegated employee can approve | GSE Rules r 11(2) | Secretary | X | X | X | X | X | | | | | | | | | |
| | (b) Between **3-6 months** where the assignment is to a **non-frontline** role | GSE Rules r 11(2) | Secretary | X | X | X[54] | | | | | | | | | | | |
| | (c) Between **6-24 months** where the assignment is to a **non-frontline** role<br>Note:<br>1. Where the assignment is to an above level role, prior to approval the employee must undertake a comparative assessment.<br>2. | GSE Rules r 11(2) | Secretary | X | X | X[55] | | | | | | | | | | | |
| | **Non PSSE temporary assignments to Non PSSE Frontline roles** | | | | | | | | | | | | | | | | |
| 11.125 | Approve a temporary assignment within FACS ('at level' or to a 'higher level') for all other temporary assignments (excluding temporary Assignments of employees between government sector agencies and other relevant bodies (s66 GSE Act)) which are<br>(a) **Up to 6 months** for a **frontline** role | GSE Rules r 11(2) | Secretary | X | X | X | X | X | | | | | | | | | |

[54] Limited to Executive District Directors, Executive Directors Disability Operations,
[55] Limited to Executive District Directors, Executive Directors Disability Operations,
*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | (b) Between **6-24 months** where the assignment is to a **frontline** role<br>Note:<br>1. Where the assignment is to an above level role, prior to approval the employee must undertake a comparative assessment | GSE Rules r 11(2) | Secretary | X | X | X | X | X | | | | | | | | | |
| | **All other temporary assignments** | | | | | | | | | | | | | | | | |
| 11.126 | Approve assignment of a PSS Executive to temporarily carry out work for another public sector agency on a full-time or part-time basis.<br><br>Note:<br>1. Approval is also required from the Head of the other agency | GSE Rules r 11(3) | Secretary | X | X | | | | | | | | | | | | |
| 11.127 | Approve a temporary assignment of employees between government sector agencies and other relevant bodies. This approval includes making such arrangements are required for the assignment, and authority to determine that the conditions in the GSE Act are satisfied. | GSE Act s66 | | X | X | X [56] | | | | | | | | | | | |
| | **Terminating a temporary assignment** | | | | | | | | | | | | | | | | |
| 11.128 | Approve termination of a temporary assignment at any time<br><br>Note:<br>1. Employee terminating the employment must be the same level as the delegate who approved the assignment | GSE Rules r 11(4) | | X | X | X | X | X | | | | | | | | | |

[56] Limited to Executive District Directors, Executive Directors Disability Operations

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **Cross Agency Employment** | | | | | | | | | | | | | | | | |
| 11.129 | To approve a person being employed in two or more public sector agencies (whether those agencies are Public Service agencies, other agencies or a combination of Public Service agencies and other agencies) and approve the determination of the designated employer for the purposes of the conditions of employment of the person. | GSE Act s65<br><br>PH – 3-3.3<br>PH – Appendix 3C | Secretary | X | X | X | | | | | | | | | | | |
| | **Employee initiated transfer between Government agencies** | | | | | | | | | | | | | | | | |
| 11.130 | Approve the transfer a employee to another public sector agency, provided each of the following is satisfied:<br>• A request is made in writing by the employee to the head of the agency in which they are employed<br>• Both heads of the public sector agencies or their delegate approve of the transfer | GSE Rules r29 | Secretary | X | X | X | | | | | | | | | | | |
| | **Employer initiated transfers between Government agencies** | | | | | | | | | | | | | | | | |
| 11.131 | Approve the transfer a employee to another public sector agency, provided each of the following is satisfied:<br>• Both heads of the public sector agencies approve of the transfer;<br>• The employee is consulted;<br>• The transfer is at the employee's existing level of remuneration, unless the person consents to transfer at a lower level of remuneration | GSE Rules r29 | Secretary | X | X | X | X | | | | | | | | | | |
| 11.132 | To approve the permanent transfer of an employee to another role within the Department, at grade and classification subject to the conditions | GSE Act S64<br><br>GSE Rules r29 | Secretary | X | X | X | X | | | | | | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **Health and Safety** | | | | | | | | | | | | | | | | |
| 11.133 | (a) Approve a direction for an employee to submit to a medical examination or other health assessment :<br>• If there is documented reason to believe that the employee is not fit for duty<br>• Where the Delegate is concerned about the diagnosis described in the evidence of the employee, after discussion with the employee<br><br>Note:<br>1. For the purposes of this delegation, an employee is not fit for duty if the health of the employee<br>• may render the employee a risk to the health and safety of other public service employees or the general public, or<br>• is likely to be seriously affected by the employee remaining on duty or, if the employee is absent from duty, by the employee resuming duty.<br>2. Guidance must be sought from Employee Relations, Safety & Wellbeing, Injury Management before utilising this delegation. | GSE Reg cl 15(2)<br><br>CE(HC) Award cl 31(iv) | Secretary | X | X | X | | | | | | | | | | | |
| | (b) Approve resumption of duty upon receiving a health assessment that the employee is fit for work.<br><br>Note:<br>1. Following consultation with Employee Relations, Safety & Wellbeing, Injury Management or WHS Lead in your Business Area as appropriate. | GSE Reg cl 15(4) | Secretary | X | X | X | X | X | X | | X | X | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | (c) Approve the immediate cessation of work (including a direction to the employee to cease work), including the type of leave (if any) to be granted, where a health assessment finds an employee is not fit for work.<br><br>Note:<br>1. Following advice from the nominated medical assessor as to duration of leave required. | GSE Reg cl 15(5) cl 15(6) | Secretary | X | X | X | X | | | | | | | | | | |
| | (d) Approve written direction to the employee to resume duties, following advice of a nominated medical assessor | GSE Reg cl 15(4) | Secretary | X | X | X | X | | | | | | | | | | |
| | (e) Approve provision of information about the duties of the employee's role reasonably required and requested by the health care professional for their assessment.<br><br>Note:<br>1. following consultation with the employee or their authorised representative | GSE Reg cl 15(7)<br><br>GSE Rules r 9(4) | Secretary | X | X | X | X | | | | | | | | | | |
| | **Miscellaneous provisions** | | | | | | | | | | | | | | | | |
| 11.134 | Approve direction to attend for duty on a public or local holiday. | GSE Reg cl12<br><br>*PS(CoE) Award* cl19 | Secretary | X | X | X | X | X | | | X | X | | | | | |
| 11.135 | Approve direction to a employee to:<br>(a) work standard hours and not flexible hours | *PS(CoE) Award cl* 21 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| | (b) return to working under flexible hours. | | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.136 | Determine and Approve hours of attendance on duty for employee.<br><br>Note:<br>1. Subject to the CECEA, or subsequent variations to this Award or any superseding Award. | *PS(CoE) Award* cl 11<br><br>PH 6-2.2.1 and 6-2.2.2 | Secretary | X | X | X | X | X | X | | X | X | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.137 | Approve an agreement for an employee to undertake part-time work | *PS(CoE) Award* cl 13 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.138 | Approve the variation of an employee's hours of attendance on a:<br>(a) one off or short term basis | *PS(CoE) Award cl 16* | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| | (b) long term basis<br>Note:<br>1. subject to conditions outlined in the Award | *PS(CoE) Award cl 16* | Secretary | X | X | X | X | | | | | | | | | | |
| 11.139 | Approve a deduction in salary where an employee is absent from duty without authorised leave or satisfactory explanation.<br><br>Note:<br>1. Deduction to be equivalent to the period of absence | GSE Reg cl13(3)<br><br>*PS(CoE) Award* cl 18 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.140 | Approve time off for urgent personal business or late attendance.<br>Note:<br>1.Time off is to be made up at the earliest opportunity. | *PS(CoE) Award* cl 20 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.141 | Approve an employee undertaking other paid work (either secondary employment within the Department or paid outside work).<br><br>Note:<br>1. Permission is not required for part time or casual employees provided that there is no conflict of interest and the secondary employment does not adversely affect their primary employment with FACS. | GSE Reg cl 7 | Secretary | X | X | X | X | X | X | | X | X | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

## GENERAL

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **General Human Resources Delegations** | | | | | | | | | | | | | | | | |
| 11.142 | Approval to determine the accelerated progression of an employee through the increment scale for the position occupied by the employee<br><br>Note:<br>1. Approval subject to consultation with the HR lead in your business area<br>2. Subject to conditions in the Regulation.<br>3. This does not apply to PSSE | GSE Reg cl 14 | Secretary | X | X | X [57] | | | | | | | | | | | |
| 11.143 | Authority to:<br>1. develop policies and guidelines on Work Health and Safety and Injury Management.<br>2. establish agreed Health and Safety Committee consultative arrangements in Government organisations and or/work premises.<br>3. identify and implements safe systems of work, safe work practices, working environments and appropriates risk management strategies.<br>4. determine the level of responsibility within a Government organisation to achieve their health and safety obligations.<br>5. identify training strategies for staff members, as appropriate, to assist in the recognition, elimination or control of workplace hazards and the prevention of work related injury or illness.<br>6. develop strategies to assist the injury management of injured staff members.<br>7. Develop strategies to ensure a bullying and harassment-free workplace. | CE(PSCoE) Award cl 8.1 and 8.3<br><br>CWE Award cl 31 | | X | X | X [58] | X [59] | | | | | | | | | | |

[57] Limited to Executive District Directors, Executive Directors Disability Operations
[58] Limited to the Executive Director, Human Resources
[59] Limited to the Director, Employee Relations, Safety & Wellbeing
*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.144 | Authority to arrange two way or one way exchanges with other organisations both public and private, if the Department or staff member will benefit from additional training and development in carrying out the Department's business. | CE(PSCoE) Award cl 42 | Secretary | X | X | X | X | | | | | | | | | | |
| | **Home Office** | | | | | | | | | | | | | | | | |
| 11.145 | Authority to direct a staff member to use a spare room at their home as an office where there is no office in a particular location and it is impractical to provide one.<br><br>Note:<br>1. A home office ergonomic inspection or ergonomic self assessment has to be undertaken prior to authority being given to work from home | CE(PSCoE) Award cl 43.1 | | X | X | X | X | X | X | | | | | | | | |
| 11.146 | Authority to negotiate with a staff member to work from home on a short term or longer term basis when a Department office already exists in a particular location.<br><br>Note:<br>1. No allowance is payable in respect of a home office in this instance<br>2. A home office ergonomic inspection or ergonomic self assessment has to be undertaken prior to authority being given to work from home | CE(PSCoE) Award cl 43.2 | | X | X | X | X | | | | | | | | | | |
| | **Trade Union Delegates** | | | | | | | | | | | | | | | | |
| 11.147 | Authority to provide accredited trade union delegates with reasonable access to the following facilities for authorised Association activities:<br>a) telephone, facsimile, and email<br>b) notice board for materials authorised by the Association<br>c) workplace conference or meeting facilities. | CE(PSCoE) Award cl 58 | | X | X | X | X | X | X | | X | X | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.148 | Authority to provide a trade union delegate undertaking Association activities with leave, allowances etc as defined in clause 61. | CE(PSCoE) Award cl 61 | | X | X | X | X | X | X | | X | X | | | | | |
| | **Workers Compensation** | | | | | | | | | | | | | | | | |
| 11.149 | Authority to:<br>• advise staff members of their rights under the *Workers Compensation Act* 1987;<br>• provide advice in the lodging of any claim;<br>• provide assistance to the staff member or their representative in the lodging of any claim, and<br>• ensure that, once received, a staff member's workers compensation claim is lodged with the insurer within the statutory period prescribed by the legislation. | CE(PSCoE) Award cl 82.1, 82.3 and 82.4 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.150 | Authority to:<br>• grant sick leave on full pay;<br>• sick leave without pay;<br>• accrued recreation leave or extended leave (at the staff members election),<br>pending the determination of a workers compensation claim and provided there is an acceptable medical certificate. | CE(PSCoE) Award cl 82.5 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.151 | To approve re-crediting a staff member's sick leave if liability for the workers compensation is accepted. | CE(PSCoE) Award cl 82 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| 11.152 | Authority to grant sick leave where a staff member has been absent but notifies that they do not intend to make a workers compensation claim. | CE(PSCoE) Award cl 82.8 | Secretary | X | X | X | X | X | X | | X | X | | | | | |

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.153 | Authority to provide a staff member with employment which meets the terms and conditions specified in the medical certificate issued under the *Workers Compensation* Act and the *Workplace Injury Management and Workers Compensation Act*. | CE(PSCoE) Award cl 82.10 | Secretary | X | X | X | X | X | X | | X | X | | | | | |
| | **Miscellaneous** | | | | | | | | | | | | | | | | |
| 11.154 | Authority to determine the employment of a recommended applicant following a positive employment screening or probity check | | Secretary | X | X | X | | | | | | | | | | | |
| 11.155 | Authority, upon notice of the bankruptcy of an employee, to request the provision of information, within a specific time frame which details the composition, arrangement and assignment of the bankruptcy. | GSE Reg cl 10(1) | Secretary | X | X | X | X | | | | | | | | | | |
| 11.156 | Authority to require, as a condition of the engagement of a person in a financial management role in FACS, that the person declare before the person is engaged in that role, whether or not the person has at any time been declared bankrupt or made a composition, arrangement or assignment for the benefit of the person's creditors. | GSE Reg cl 10(3) | Secretary | X | X [60] | X [61] | | | | | | | | | | | |
| 11.157 | To approve work experience placements in Departmental premises subject to necessary insurance coverage and existing policy and procedural guidelines. | | | X | X | X | X | | | | | | | | | | |

[60] Limited to Deputy Secretary, Corporate Services
[61] Limited to the Chief Financial Officer
*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.158 | (a) Approval to pay an allowance for the increased cost of living and the climatic conditions in a remote area, where the staff member is:<br>• Indefinitely stationed and living in a remote area (as defined by the Award) or,<br>• Not indefinitely stationed in a remote area but because of the difficulty in obtaining suitable accommodation compelled to live in a remote area (as defined by the Award)<br>(b) Approval to pay an allowance to assist staff members who is indefinitely stationed in a remote area of the State of New South Wales situated to the west of the 144th meridian of longitude or such other area to the west of the 145th meridian of longitude as determined by the DPE; and proceeds on recreation leave to any place which is at least 480 kilometres by the nearest practicable route from the staff member's work location in that area.<br>Note:<br>1. the allowance can only be paid once in any period of 12 months<br>2. the allowance does not apply to staff members who have less than three years service and who, at the date of engagement, were resident in the defined area. | PS(CoE) Award cl 39 and 40 | | X | X | X | X | | | | | | | | | | |

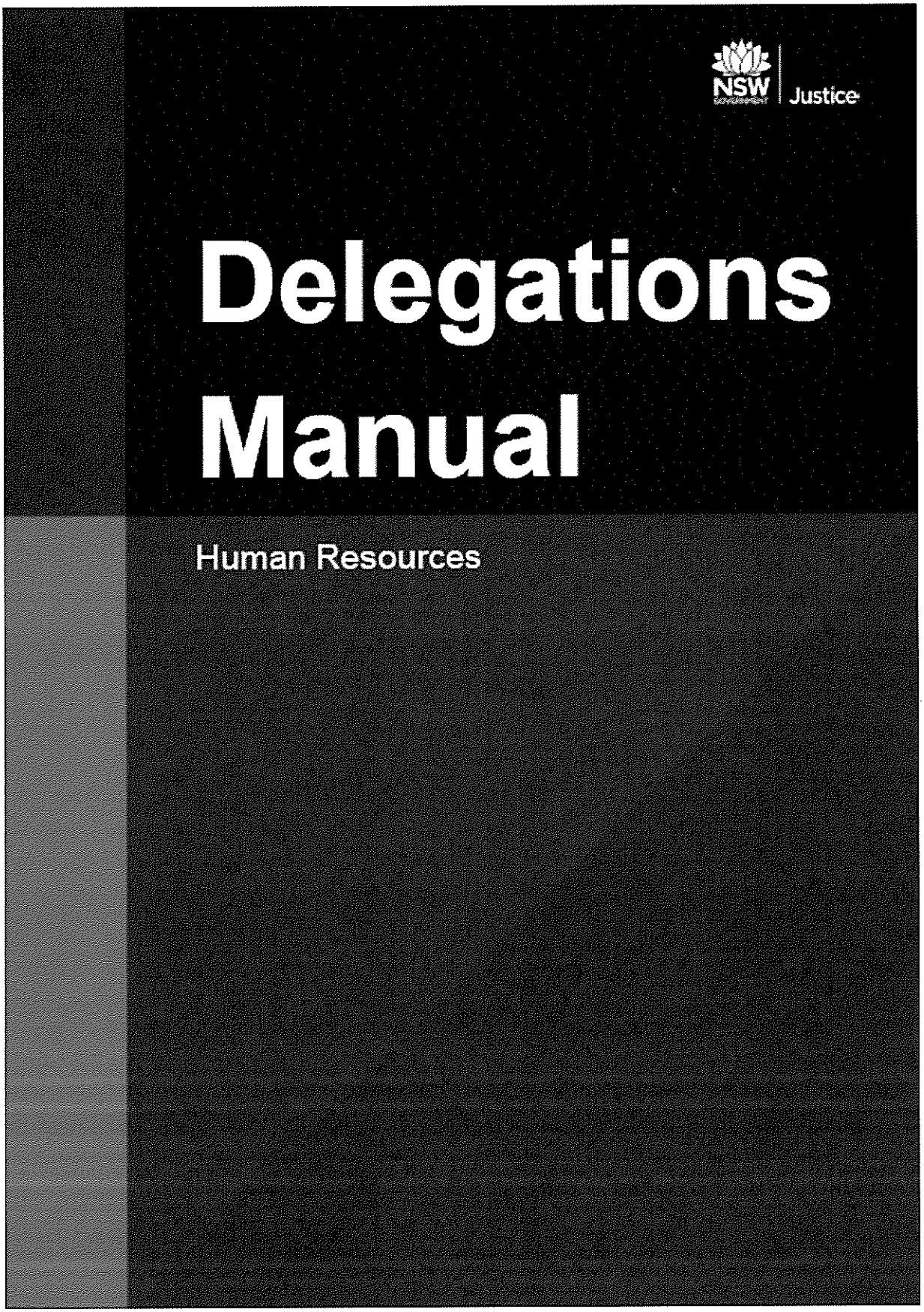
*Approval by line manager, or escalated until an appropriately delegated officer can approve.

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11.159 | Approve novated leases for motor vehicles for and on behalf of FACS with obligations restricted to deducting lease payments from the Lessee's salary whilst the Lessee is employed by FACS<br><br>Note<br>1. subject to prior consultation with Salary Packaging Team, Director, Payroll Services and Manager, Packaging and Benefits. | TD 524.01 | | X | X | X | X | X | X | | X | X | | | | | |
| 11.160 | Authority to integrate workforce diversity into workforce planning and ensure that obligations under the GSE Rules are complied with. | GSE Act s63 | Secretary | X | X | X | X | X | | | | | | | | | |
| 11.161 | Authority to develop and implement a performance management system with respect to employees of the agency | GSE Act s67 | Secretary | X | X[52] | | | | | | | | | | | | |

[52] Limited to the Deputy Secretary, Corporate Services

*Approval by line manager, or escalated until an appropriately delegated officer can approve.

Former DOJ Human Resources Delegations Manual including Instrument of Delegation at page 6



# 1. General Instructions

This document covers Human Resource delegations for the Department of Justice ("DJ"), detailing what employees can and cannot approve. It does not cover delegations that arise from the enabling legislation of statutory authorities and in some instances that are specific to some divisions.

These delegations supersede any divisional based human Resources delegations or delegated related documents. Any delegations relating to operational matters by an officer or statutory authority empowered under enabling legislation will not be affected by this document.

- At any time a delegate may be directed by a more senior delegate not to exercise a delegation, provided it is within the senior delegate's area of responsibility. This is to be managed as a local administrative arrangement and must be communicated in writing to relevant delegates;
- Managers have a responsibility to ensure all their staff, particularly those who hold a delegation, are aware of, and understand the powers and limitations of the delegations and the associated responsibilities;
- Delegates found to have exercised a delegation improperly or exceeded the scope of their delegation, may have their delegation(s) revoked without notice, in addition to any other disciplinary action;
- A delegate is not authorised to sub-delegate any of the delegated functions to another person unless that power is specifically delegated by the Secretary under section 27(2) of the Government Sector Employment Act 2013;
- It is the responsibility of delegates to ensure that they have complied with the legislation, award requirements and any other conditions relevant to the delegations they exercise;
- in accordance with the relevant legislation, awards, Government and Departmental policy, guidance, directives and any other conditions, restrictions or limitations to which the delegation is subject. Any references provided are not meant to be exhaustive. The onus is on the delegate to demonstrate that the conditions were satisfied before the delegation was exercised. Human Resources officers will be available if required by delegates to clarify any procedures;
- in conjunction with the Minister's financial delegations under the Public Finance and Audit Act 1983. The scope of a financial delegation should not be taken to expand the scope of any human resources delegation, nor shall the scope of a human resources delegation be taken to expand the scope of a financial delegation;

Delegates are encouraged to utilise the electronic version (and not print) as the delegations may be withdrawn or varied at any time.

## 1.2 Levels

Section 3 comprises the delegations to DJ employees assigned to roles within the levels in table 1. There may also be circumstances where some roles are specifically identified because the group is diverse in rank/grade or identified in a sub-group of a level because of the particular responsibilities.

**Table 1**

| Level | |
|---|---|
| 1 | Department of Justice Executive Committee members |
| 2 | Senior Executive Band 2 |
| 3 | Senior Executive Band 1 and General Managers CSNSW |
| 3a | Directors, Strategic Human Resources |
| 3b | No longer used |
| 3c | Director, Academy and Operational Training, CSNSW |
| 3d | Director Operations, Organisation Performance and Operations Division |
| 3e | CSNSW Chief of Staff/Director, Office of the Commissioner |
| 3f | CSNSW Senior HR Manager (Industrial Relations), , Office of the Commissioner |
| 4 | Non-executive roles with responsibility for the management of employees |
| 4a | Clerk 11/12, Human Resources Branch / Business Service Centre |
| 4b | Clerk 9/10, Human Resources Division |
| 4c | Clerk 7/8, Human Resources Division |

An appropriate level of delegation will usually be considered and assigned to a role at the time of its creation or as requested by the relevant Division Head. The delegation is attached to the role not the individual. A person formally acting in the role assumes the relevant delegations.

Where a role is identified in a sub-group of a level, the delegate will also assume the generic functions for that level.

At any time a delegate may be directed by a more senior delegate not to exercise a delegation, provided it is within the senior delegate's area of responsibility. This is to be managed as a local administrative arrangement and must be communicated in writing to relevant delegates.

# 2. Instrument of Delegation

Pursuant to the provisions of section 27(1) of the Government Sector Employment Act 2013, I, Peter Severin, A/Secretary, Department of Justice do hereby authorise the employees performing the roles identified in section 1 – *Delegate Levels*, to undertake the functions listed in section 3 - *Delegated Functions*, to the extent specified and in accordance with section 2 - *General Conditions for Delegates* of the Department of Justice Human Resources Delegations.

These delegations rescind and replace all previous Human Resource Delegations.

The delegations have been allocated on the basis that the Secretary, Department of Justice is able to exercise all of the functions identified.

Peter Severin
A/Secretary
Department of Justice
28.09.2018

# 3.Table of delegations

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| **3.1** | **Senior Executive Roles and Employment** | | | | |
| 3.2.1 | Acting appointments as head of agency (other than Department) | Act as the head of the agency if the office of the head is vacant or if the head is unavailable, and no other person has been duly appointed to act as a statutory officer who is the head of that office, with the person while acting having the functions of the head and the acting appointment may be terminated at any time. | GSE Act | 29 | Secretary |
| 3.1.2 | Assignment of senior executives to roles in bands across Public Service | Assign a senior executive to a role in the band in which they are employed and consult the head of the agency in assigning a senior executive to a role. | GSE Act | 38 (3) | Secretary |
| 3.1.3 | Assignment of senior executives to roles in bands across Public Service | Consult the head of the agency in assigning a senior executive to a role. | GSE Act | 38 (3) | Secretary |
| 3.1.4 | Termination of employment of senior executives | Approve the termination of employment of a senior executive at any time, for any or no stated reason and without notice.<br>**Note:** The employment of a senior executive may also be terminated for unsatisfactory performance under section 68 or for misconduct under section 69 of the Act | GSE Act | 41 (1) | Secretary |
| 3.1.5 | Senior executives (other than Secretaries and other heads of agencies) – transitional arrangements | Approve of an additional period of employment for a transitional former senior executive who is a former SES executive before the implementation of the new executive structure. | GSE Act | Schedule 4<br>6 (2) (b) (ii) | Secretary |
| 3.1.6 | Senior executives (other than Secretaries and other heads of agencies) – transitional arrangements | Approve of limiting the initial recruitment action to fill a role in the new senior executive structure to any employees in the Department. | GSE Act | Schedule 4<br>6 (5) (d) (iii) | Secretary |
| 3.1.7 | Transitional provisions relating to remuneration of senior executives | Determine the allowance to be paid to a former Senior Officer who is subsequently employed as a senior executive and is assigned to a role that is of equivalent work value as under the previous Act, to avoid any financial hardship compared to the remuneration payable immediately before the repeal of the former Act. | GSE Act | Schedule 4 6B (4) | Secretary |
| 3.1.8 | Allowance for temporary assignments to executive roles | Approve the payment of an allowance, to an executive employee temporarily assigned to a higher executive role, based on the difference between the person's usual role and the notional salary of the executive role. | GSE Regulation | 21 (3) | 1; 2 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.1.9 | Allowance for temporary assignments to executive roles | Determine that the amount of the allowance to be paid to the executive employee is the difference between the executive's remuneration package and the total amount of the remuneration package of the executive role to which the executive is temporarily assigned and corresponds to a point in the remuneration range for that executive role. | GSE Regulation | 21 (4) | 1; 2 |
| 3.1.10 | Allowance for temporary assignments to executive roles | Determine the amount of the allowance to be paid, proportionate to the duties to be performed, to an executive or non-executive employee temporarily assigned to an executive role, before the employee starts the temporary assignment. | GSE Regulation | 21 (5) | 1; 2 |
| 3.1.11 | Allowance for temporary assignments to executive roles | Determine that an allowance is paid to an executive or non-executive employee for being temporarily assigned to another executive role for a single period of less than 5 working days. | GSE Regulation | 21 (6) | 1; 2 |
| 3.1.12 | Allowances for Public Service senior executives | Approve a Public Service senior executive being paid travelling, subsistence, reasonable relocation expenses and other allowances for expenses incurred in the discharge of duties as the executives employer may determine. | GSE Regulation | 38 | 1 |
| 3.1.13 | Probation periods | Approve a period of probation for a senior executive of no more than 3 months. | GSE Rules | 5 (2) (a) | Secretary |
| 3.1.14 | Probation periods | Confirm a senior executive's employment at any time during or at the end of the probation period. | GSE Rules | 5 (5) (a) | Secretary |
| 3.1.15 | Probation periods | Terminate a senior executive's employment at any time during or at the end of the probation period. | GSE Rules | 5 (5) (b) | Secretary |
| 3.1.16 | Temporary assignment | Approve the temporary assignment of a senior executive employee to another role in the agency, or another agency where the person usually assigned to the role is unavailable or no person is assigned to the role for a period of up to 3 months. | GSE Rules | 11 (2) (a) | 1; 2 |
| 3.1.17 | Temporary assignment | Approve the temporary assignment of a senior executive employee to another role in the agency, or another agency where the person usually assigned to the role is unavailable or no person is assigned to the role for a period of greater than 3 months. | GSE Rules | 11 (2) (a) | Secretary |
| 3.1.18 | Temporary assignment | Approve the temporary assignment of a non-executive employee to a senior executive role in the agency where the person usually assigned to the role is unavailable or no person is assigned to the role for a period of up to 3 months. | GSE Rules | 11 (2) (b) | 1;2 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.1.19 | Temporary assignment | Approve the temporary assignment of a non-executive employee to a senior executive role in the agency where the person usually assigned to the role is unavailable or no person is assigned to the role a period of greater than 3 months | GSE Rules | 11 (2) (b) | Secretary |
| 3.1.20 | Temporary assignment | Terminate a temporary assignment of a senior executive made under subrule 11(2)(b) at any time. | GSE Rules | 11 (4) | Secretary |
| 3.1.21 | Report on termination of employment of Public Service senior executives | Provide a written report to the PSC Commissioner on the termination of a public service senior executive | GSE Rules | 42 | Secretary |
| 3.1.22 | Part-time work | Approve a request by a senior executive to undertake work on a part-time basis. | GSE Rules | 48 (1) | Secretary |
| 3.1.23 | Performance Management | Enter into or review a performance agreement with a Public Service senior executive | GSE Rules | 49 (1) and (2) | 1 |
| 3.1.24 | Employment in the public service | Approval to employ a person as an ongoing executive in a senior executive band | GSE Act | 21 (1), 34 (1) (a) and 37 | Secretary |
| 3.1.25 | Employment in the public service | Approval to employ a person as a term employment executive in a senior executive band | GSE Act | 21 (1), 34 (1) (b) and 37 | Secretary |
| 3.1.26 | Employment in the public service | Determine the period of term executive employment | GSE Act | 34 (3) | Secretary |
| **3.2** | **Non-Executive Roles and Employment** | | | | |
| 3.2.1 | Assignment to roles in work classifications | Assign non-executive employees to roles in the agency in the classification of work in which the employees are employed subject to the condition specified in subsection 46(4). | GSE Act | 46 (2) | 1; 2; 3a |
| 3.2.2 | Cross-agency employment | Determine in conjunction with the head of another government sector agency that a person employed in 2 or more government sector agencies be regarded as employed in one of those agencies for any conditions of employment purposes. | GSE Act | 65 | 1; 2; 3a |
| 3.2.3 | Secondments of staff | Arrange for the secondment of a person between a government sector agency and a non-government sector body. | GSE Act | 66 (2) | 1; 2; 3a |
| 3.2.4 | Secondments of staff between government sector agencies and other relevant bodies | Approve of a person employed in or by a non-government sector body (other than a local council or State owned corporation) to be seconded to carry out work in or for a government sector agency where the head of the agency is satisfied that the secondment is justified because of the special skills of the person or the special circumstances of the case and the period of any one assignment does not exceed 2 years. | GSE Act | 66 (3) | 1; 2; 3a |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.2.17 | Temporary assignment | Approve the temporary assignment of a non-executive employee in all other circumstances not prescribed in subrule 11(2)(a) and (b) where the person usually assigned to the role is unavailable or no person is assigned to the role eg non-executive to non-executive | GSE Rules | 11 (2) (c) | 1; 2; 3; 4 |
| 3.2.18 | Temporary assignment | Terminate a temporary assignment made under subrule 11(2)(c) at any time. | GSE Rules | 11 (4) | 1; 2; 3; 4 |
| 3.2.19 | Converting temporary or term employment to ongoing employment | Convert the employment of a person in temporary or term employment to ongoing employment, if the person has been employed in the temporary or term employment for at least 12 months and the ongoing employment is at-level, subject to the conditions specified in subrules 12(2)(a) and (b). | GSE Rules | 12 (1) | 1; 2; 3a |
| 3.2.20 | Converting temporary employment to ongoing employment | If a determination is made by the Public Service Commissioner in accordance with subrule 12(3), the delegate may, without complying with subrule 12(2), convert an existing non-executive temporary employee (as defined) to ongoing employment at-level subject to subrule 12(4), the terms of the PSC determination and any departmental directions. | GSE Rules | 12 (4) | 1 |
| 3.2.21 | Excess non-executive employees | Determine that a person who is employed in ongoing employment in the agency, other than as a senior executive, to be excess to the requirements of the relevant part of the agency having regard to subrule 13(2). | GSE Rules | 13 (1) | 1; 2; 3a |
| 3.2.22 | Ongoing employment at a higher classification of work | If a determination is made by the Public Service Commissioner in accordance with subrule 20(2), the delegate may, without complying with subrule 20(1), employ an existing non-executive employee (as defined) in ongoing employment at a higher classification of work than the employee's current classification of work, subject to subrule 20(3), the terms of the PSC determination and any departmental directions. | GSE Rules | 20 (3) | 1 |
| 3.2.23 | Limited advertising of vacancies arising from agency restructure | Consider that a significant number of employees affected by a restructure are likely to be excess and limit recruitment to the candidates employed in ongoing employment and in temporary emp<br><br>oyment for a period of at least 12 months. | GSE Rules | 23 | 1; 2; 3a |
| 3.2.24 | Conduct and findings of review | Appoint a senior executive who was not involved in the selection process to be the reviewer of a promotion decision in accordance with rule 24. | GSE Rules | 25 (1) | 1; 3a |
| 3.2.25 | Conduct and findings of review | Revoke a promotion decision and carry out another selection process for the role. | GSE Rules | 25 (3) (b) | 1; 3a |
| 3.2.26 | Employment of eligible persons | Employ an eligible person as a Public Service non-executive employee subject to the conditions specified in subrules (2), (3) and (4). | GSE Rules | 26 (1) | 1; 2; 3a |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.2.27 | Transfer of employees between government sector agencies | Agree to transfer a non-executive employee at the same grade or level to or from another government sector agency in accordance with the conditions specified in subrules 29(2), (3), (4) and (5) and subject to subrule 30(1). | GSE Rules | 29 (1) | 1; 2; 3a |
| 3.2.28 | Secondment of employees between government sector agencies | Agree to the secondment of a non-executive employee for a period not exceeding 2 years to or from another government sector agency in accordance with the conditions specified in subrules 31(2), (3), (4), (5), (6), (7) and (8). | GSE Rules | 31 (1) | 1; 2; 3a |
| 3.2.29 | Above level secondments to Public Service agencies | Agree to employ a person in ongoing employment who has been seconded above-level to the agency for at least 12 months and with the consent of the employee and subject to subrule 33(4). | GSE Rules | 33 (3) | 1; 2; 3a |
| 3.2.30 | Review of employer-initiated transfers or secondments | Decide on the outcome of a review of an employer-initiated transfer or secondment and notify the employee concerned of the decision. | GSE Rules | 34 (10) | 1; 2; 3a |
| 3.2.31 | Probation periods | Terminate employment of a non-executive employee at any time during or at the end of the probation period if the person has not satisfied the requirements of the role in which they are employed. | GSE Rules | 5 (5) (c) | 1; 2; 3 |
| 3.2.32 | Probation periods | Extend a period of probation for a non-executive employee before it expires, as long as the probation period does not exceed 12 months. | GSE Rules | 5 (3) and (4) | 1; 2; 3; 4 |
| 3.2.33 | Exchanges | Arrange two way or one way staff exchanges with other organisations both public and private. | CECEA | 42.1 | 1; 2 |
| 3.2.34 | Exchanges | Determine the conditions applicable to those staff member who participate in staff exchanges, according to the individual circumstances in each case. | CECEA | 42.2 | 1; 2 |
| 3.2.35 | Conditions Applying to On Loan Arrangements | Negotiate with the relevant union the financial arrangements when a staff member is placed "on loan" to the Association. | CECEA | 56.1.6 (c) | 1; 2; 3a; 4a |
| 3.2.36 | Conditions Applying to On Loan Arrangements | Extend an "on loan" arrangement where the relevant union has made an approach in writing for an extension of time well in advance of the expiration of the current period of the loan arrangement. | CECEA | 56.1.6 | 1; 2; 3a; 4a |
| 3.2.37 | Employment in the public service | Approval to employ a person as a non-executive employee | GSE Act | 21 (1) | 1; 2; 3 |
| 3.2.38 | Kinds of employment | Determine whether the employment of a non executive employee ongoing, temporary or casual | GSE Act | 43 (1) | 1; 2; 3 |
| 3.2.39 | Duration of temporary employment | Determine the period of temporary employment (no greater than 4 years) of a non executive employee | GSE Rules | Rule 10 | 1; 2; 3 |
| 3.2.40 | Extend a period of temporary employment | Approve the extension of a period of temporary employment beyond 4 years in any 5 year period | GSE Rules | Rule 10 (1A) | 1; 2; 3 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of Delegation |
|---|---|---|---|---|---|
| 3.2.41 | Classification of work | Determine the classification of work in which a non executive ongoing, temporary or casual employee is employed | GSE Act | S 45 | 1; 2; 3 |
| **3.3** | **Organisational Design, Role Descriptions and Job Evaluation** | | | | |
| 3.3.1 | Creation of non-executive new roles | Proposals to create any new roles, including temporary and casual roles.<br>• When requesting approval, the proposal must specify whether the role is to be created as either ongoing, temporary or casual<br>If the role is temporary the proposal must specify the period of time the role is required, including the commencement and end date. | Department Business rule | Secretary Circular 2014/10 | 3a first then escalate to 1 |
| 3.3.2 | Restructures | Secretary's approval is required for all reforms, reviews and restructures<br>HR Directors / Business Partners / Organisational Design and Mobility must be satisfied that the proposal includes a change management plan, including:<br>• organisational Charts<br>• staff impact table<br>• communication strategy<br>timeline / schedule of implementation | Department Business rule | Secretary Circular 2014/10 | EDGHR first then escalate to<br>Secretary |
| 3.3.3 | Conversion of non-executive temporary roles to ongoing roles | The Secretary approves the conversion of temporary roles to ongoing. | Department Business rule | Secretary Circular 2014/10 | 1 |
| 3.3.4 | Approval of Senior Executive roles | Senior Executive Roles<br>• creations<br>• deletions<br>• variations<br>• extensions of term roles<br>• roles Descriptions / variations<br>job evaluation outcomes | Department Business rule | Secretary Circular 2014/10 | Secretary |
| 3.3.5 | Cost neutral Creations / savings non-executive roles | Maintaining offsets where no additional funding is required (i.e roles that have been used as an offset to create another role must be kept vacant or deleted) | Department Business rule | | 1,2,3 then escalate to 3a |
| 3.3.6 | Extension of non-executive temporary roles | Approve the extension of temporary roles within their area, provided they have sufficient funding in the Division's budget | Department Business rule | | 1,2,3 |
| 3.3.7 | Deletion of vacant Roles<br>(Clerk Grade 11/12 and below) | The business Executive (Band 1 and above) can approve the deletion of roles (ongoing / temporary / casual) within their area, provided it is vacant. | Department Business rule | | 1; 2; 3 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.3.8 | Deletion of occupied roles<br><br>(Clerk Grade 11/12 and below) | Executive Director and above within business can approve deletions of roles that are occupied by an ongoing employee.<br><br>HR Directors/Business Partners must be satisfied that the employee will be consulted and appropriately managed, which include:<br><br>• Assignment to another role<br>Declare the employee excess and manage them in line with the Managing Excess Employees Policy. | Department Business rule | | 1; 2 |
| 3.3.9 | Variations to non-executive roles | Approve variations to roles<br><br>If there is a staff impact. The HR Directors (Director Business Partners) must be satisfied that the employee will be consulted and appropriately managed.<br><br>Includes:<br>• location change<br>• increase/decrease of hours<br>• title change<br>• reporting change<br>• role description change<br>Please note: Increased hours of a role, does not automatically increase an employee's hours (unless they were initially employed full time). All part time employees in that area should be considered. | Department Business rule | | 1,2,3 |
| 3.3.10 | Approval of non-executive Role Descriptions and Job Evaluation Outcomes | Clerk Grade 11/12 and below<br><br>(Accreditation is required for Job Evaluation) | Department Business rule | | 1; 2; 3; 3a; 4a; 4b |
| 3.3.11 | | Clerk Grade 9/10 and below<br><br>(Accreditation is required for Job Evaluation) | Department Business rule | | 1; 2; 3; 4a; 4b |
| **3.4** | **Employee Attendance and Working Hours** | | | | |
| 3.4.1 | Working Hours | Determine from time to time the working hours of staff and the manner of their recording in accordance with any direction from the Secretary of Treasury. | CECEA | 11.1 | 1; 2; 3; 4 |
| 3.4.2 | Working Hours | Require a staff member to perform duty beyond the hours determined under sub-clause 11.1 of the Award but only if it is reasonable for the staff member to be required to do so. | CECEA | 11.3 | 1; 2; 3; 4 |
| 3.4.3 | Working Hours | Inform all staff of the hours of duty required to be worked and their rights and responsibilities in respect of such hours of duty. | CECEA | 11.6 | 1; 2; 3; 4 |
| 3.4.4 | Casual Employment | Agree on the period for which the casual employee will be entitled to not be available to attend work to care for a family member who is sick and requires care and support, or who requires care due to an unexpected emergency, or birth of a child, subject to evidentiary and notice requirements set out in 12.6.4(a) and 12.6.4(b) of the CECEA. | CECEA | 12.6.2 | 1; 2; 3; 4 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.4.5 | Casual Employment | Agree on the period for which the casual employee will be entitled to not be available to attend work upon the death in Australia of a family member on production of satisfactory evidence. | CECEA | 12.7.2 | 1; 2; 3; 4 |
| 3.4.6 | Part-time Employment | Agree to a staff member undertaking part-time work in a part-time position or under a part-time work arrangement. | CECEA | 13.1.2 | 1; 2; 3; 4 |
| 3.4.7 | Part-time Employment | Agree to the hours to be worked, the days upon which they will be worked, commencing and finishing times; whether the hours may be rostered flexibly; whether flexible working hours provisions or standard hours provisions apply and the classification applying to the work to be performed. | CECEA | 13.1.5 | 1; 2; 3; 4 |
| 3.4.8 | Lactation Breaks | Provide access to a suitable, private space with comfortable seating for the purpose of breastfeeding or expressing milk. | CECEA | 15A.5 | 1; 2; 3; 4 |
| 3.4.9 | Variation of Hours | Vary a staff member's hours of attendance on a one-off, short-term or long-term basis, if that staff member is unable to comply with the general hours operating in the Department because of limited transport facilities, urgent personal reasons, community or family reasons subject to sub-clauses (1) - (7). | CECEA | 16 | 1; 2; 3; 4 |
| 3.4.10 | Notification of Absence from Duty | Determine whether an explanation of an absence from duty without authorised leave is satisfactory. | CECEA | 18.2 | 1; 2; 3; 4 |
| 3.4.11 | Public Holidays | Direct a staff member to attend for duty on a public holiday; or local holiday; or a public service holiday. | CECEA | 19.1 | 1; 2; 3; 4 |
| 3.4.12 | Public Holidays | Determine a day between Boxing Day and New Year's Day as a public service holiday. | CECEA | 19.1.3 | Secretary |
| 3.4.13 | Public Holidays | Grant time off in lieu, on an hour for hour basis, to a staff member who is required to work on a local holiday and is not covered by sub-clause 67.8. | CECEA | 19.2 | 1; 2; 3; 4 |
| 3.4.14 | Standard Working Hours | Approve a request by an employee to work standard hours subject to operational needs. | CECEA | 20 | 1; 2; 3; 4 |
| 3.4.14 | Standard Working Hours | Grant appropriate leave or time off where a staff member requires to undertake urgent personal business. | CECEA | 20.2 | 1; 2; 3; 4 |
| 3.4.15 | Standard Working Hours | Approve of a staff member, who is late for work, making up time in accordance with sub-clause 20.4 of the Award. | CECEA | 20.3 | 1; 2; 3; 4 |
| 3.4.16 | Standard Working Hours | Agree on a day or days on which a staff member, who has taken time off in circumstances outlined in sub-clauses 20.2 and 20.3 of the Award, may make up the time. | CECEA | 20.4 | 1; 2; 3; 4 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.4.17 | Non-Compliance | Investigate any persistent failure by a staff member to comply with the hours of duty required to be worked and to take appropriate action. | CECEA | 23 | 1; 2; 3; 4 |
| 3.4.18 | Absence from Work | Deduct from a staff member's pay an amount representing the period of absence from duty without authorised leave for which a satisfactory explanation has not been provided. | CECEA | 68.3 | 1; 2; 3; 4 |
| 3.4.19 | Leave Without Pay | Approve a staff member engaging in employment of any kind during a period of approved leave without pay | CECEA | 72.5 | 1; 2; 3 |
| 3.4.20 | Shift Work | Negotiate individual alternative arrangements where current or proposed shift arrangements are incompatible with a staff member's family, religious or community responsibilities. | CECEA | 87.9 | 1; 2; 3; 4 |
| 3.4.21 | Overtime - General | Direct a staff member to work overtime provided it is reasonable for the staff member to be required to do so.<br><br>Overtime provisions for employees under the FWHA:<br><br>Overtime will apply where an employee is directed to work outside the bandwidth or if the employee, having already worked seven (7) hours on the day in question is directed to work after:<br>a) 7:00pm in Corrective Services<br>b) 6:00pm in all other areas | CECEA<br><br>FWHA | 68.1<br><br>13 | 1; 2; 3; 4 |
| 3.4.22 | Public holidays | Require an employee to attend for duty on a day that is a public holiday throughout the state; or a day (or part of a day) that is a public holiday in that part of the state at or from which the employee is working or a day between Boxing Day and New Year's Day. | GSE Regulation | 12 (a) (b) | 1; 2; 3; 4 |
| 3.4.23 | Absence from duty | Cause the deduction of pay from an employee who is absent from duty without reasonable cause or a satisfactory explanation. | GSE Regulation | 13 (3) | 1; 2; 3; 4 |
| **3.5** | **Department of Justice Flexible Working Hours Agreement 2017 (FWHA)** | | | | |
| 3.5.1 | Actual Working hours and Patterns of Work | Determine the actual working hours and patterns of work in line with operational needs of the Department or a section of the Department for the purposes of the FWHA. | FWHA | 2 | 1; 2; 3 |
| 3.5.2 | Commencement and cessation of work | Direct employees not to start work before a certain time, or not to finish work after a certain time (within the bandwidth) where work is not required to be performed at those times, or where the hours are presenting a WHS risk. | FWHA | 4.2, 6.3, 12.7 | 1; 2; 3; 4 |
| 3.5.3 | Standard Working Hours | Direct employees to work standard hours because:<br>- working of flexible hours does not suit operational requirements of the Department;<br>- the employee is not observing the terms of the FWHA. | FWHA | 6 | 1; 2; 3; 4 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.5.4 | Work Arrangements for Business Units or Work Areas. | Approve/vary specific work arrangements that will apply to **business unit(s)** within area of responsibility, subject to operational requirements. Work arrangements may include:<br>- Core times (normal, floating & Sheriff's)<br>- Standard hours<br>- Non-standard hours | FWHA | 2, 5, 6, 7 | 1; 2; 3 |
| 3.5.5 | Work Arrangements for Individual Employees | Approve and/or vary specific work arrangements requested by an **individual employee** (to assist in balancing personal or family responsibilities), subject to operational requirements. Work arrangements may include:<br>- Core times (normal, floating & Sheriff's)<br>- Standard hours<br>- Non-standard hours | FWHA | 2, 5, 6, 7, 18.5 | 1; 2; 3; 4 |
| 3.5.6 | Suspension of Flexible Working Hours Arrangements: Emergency Response | Determine temporary suspension period(s) of flexible working hours arrangements (for part or all Departmental employees) during emergency response and recovery operations.<br>Determine work arrangements that will apply during this period (standard hours or rostered shifts arrangements). | FWHA | 8 | 1 |
| 3.5.7 | Excess Hours in Exceptional Circumstances | Approve an employee to accrue flex hours in excess of the stipulated 42 hours in a settlement period due to "*exceptional circumstances*". | FWHA | 10.7 | 1; 2; 3 |
| 3.5.8 | Meal Breaks | Determine span of hours for meal breaks. | FWHA | 21.6<br>9.3 | 1, 2, 3 |
| 3.5.9 | Meal Breaks | Schedule meal breaks for individual employees or business unit to suit operational requirements / ensure continuity of service delivery.<br>Ensure employees take a meal break as required. Approve or decline request to extend a lunch break beyond 1 hour (up to maximum 2.5 hours). | FWHA<br>CECEA | 3.15, 6.2 & 9<br>15 | 1, 2, 3, 4 |
| 3.5.10 | Additional Day Flex Leave on Separation from Department | Approve additional day flex leave to enable employee to reduce credit hours balance to zero prior to last day of service | FWHA | 16 | 1, 2, 3, 4 |
| 3.5.11 | Notice to Terminate FWHA | Authority to terminate the FWHA (by giving 12 months' notice or 3 months as a result of Machinery of Government changes). | FWHA | 20 | 1 |
| 3.5.12 | Negotiations for a new FWHA | Create a working party to commence negotiations with the unions for a new FWHA. | FWHA | 20 | 1; 2 |
| **3.6** | **Leave** | | | | |
| 3.6.1 | Applying for leave | Deal with an application by a staff member for leave of absence for recreation leave or extended leave | CECEA | 69.1 | 1; 2; 3; 4 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.6.2 | Family and Community Services Leave | Grant a staff member, some or all of the available family and community service leave on full pay for reasons relating to unplanned and emergency family responsibilities or other emergencies in sub-clause 71.2 and for purposes in sub-clause 71.3. | CECEA | 71.1 | 1; 2; 3; 4 |
| 3.6.3 | Family and Community Services Leave | Grant additional family and community service leave, where available family and community service leave is exhausted as a result of natural disasters, if some other emergency arises. | CECEA | 71.6 | 1; 2; 3a; 4a |
| 3.6.4 | Family and Community Services Leave | Grant additional paid family and community service leave, of up to 2 days per occasion, on the death of a person defined in sub-clause 81.4 of the Award, where available family and community service leave is exhausted or is unavailable. | CECEA | 71.7 | 1; 2; 3a; 3d; 4a |
| 3.6.5 | Family and Community Services Leave | Grant a staff member other forms of leave such as accrued recreation leave, time off in lieu or flex leave for family and community service leave purposes. | CECEA | 71.9 | 1; 2; 3; 4 |
| 3.6.6 | Leave Without Pay | Grant leave without pay on a part-time or full-time basis, to a staff member if good and sufficient reason is shown for a period of more than 12 months. | CECEA | 72.1 | 1; 2; 3 |
| 3.6.7 | Leave Without Pay | Grant leave without pay on a part-time or full-time basis, to a staff member if good and sufficient reason is shown for a period of up to 12 months. | CECEA | 72.1 | 1; 2; 3; 4 |
| 3.6.8 | Military Leave | Grant a staff member, who is a volunteer part-time member of the Defence Forces, military leave on full pay to undertake compulsory annual training and to attend schools, classes or courses of instruction or compulsory parades conducted by the staff member's unit. | CECEA | 73.1 | 1; 2; 3; 4 |
| 3.6.9 | Military Leave | Grant up to 24 working days military leave per financial year to members of the Naval and Military Reserves and up to 28 working days per financial year to members of the Air Force Reserve for the activities specified in sub-clause 73.1. | CECEA | 73.3 | 1; 2; 3; 4 |
| 3.6.10 | Military Leave | Grant a staff member special leave of up to 1 day to attend medical examinations and tests required for acceptance as volunteer part-time members of the Australian Defence Forces. | CECEA | 73.4 | 1; 2; 3; 4 |
| 3.6.11 | Military Leave | Grant Military Leave Top up Pay to a staff member who is requested by the Australian Defence Forces to provide additional military services requiring leave in excess of the entitlement specified in sub-clause 73.3. | CECEA | 73.5 | 1; 2; 3a; 3d; 4a; 4b |
| 3.6.12 | Military Leave | Require a staff member at the expiration of military leave, to provide a certificate of attendance and details of the staff member's reservist pay signed by the commanding officer or other responsible officer. | CECEA | 73.6 | 1; 2; 3; 4 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.6.13 | Observance of Essential Religious or Cultural Obligations | Grant recreation/extended leave to credit, flex leave or leave without pay to a staff member of any religious faith or ethnic or cultural background for the purpose of observing essential religious or cultural obligations of that faith or ethnic or cultural background provided adequate notice is given and it is operationally convenient to release the staff member from duty. | CECEA | 74.2 | 1; 2; 3; 4 |
| 3.6.14 | Observance of Essential Religious or Cultural Obligations | Grant time off during daily working hours to a staff member of any religious faith to attend to essential religious obligations, subject to adequate notice being given, prior approval being obtained and the time off is made up in an approved manner. | CECEA | 74.3 | 1; 2; 3; 4 |
| 3.6.15 | Observance of Essential Religious or Cultural Obligations | Approve of the manner in which time off is to be made up by a staff member of any religious faith who takes time off during daily working hours to attend to essential religious obligations. | CECEA | 74.3.3 | 1; 2; 3; 4 |
| 3.6.17 | Parental Leave | Grant adoption leave for a period not exceeding 12 months, if the child has commenced school at the date of the taking of custody. | CECEA | 75. 3.2 | 1; 2; 3; 4 |
| 3.6.18 | Parental Leave | Consider a written request made under 75.2, 75.3 or 75.4 to extend the period of unpaid parental leave for a further continuous period of leave not exceeding 12 months or to return from a period of full-time parental leave on a part-time basis until the child reaches school age - and only refuse the request on reasonable grounds related to the effect on the workplace. | CECEA | 75. 9 | 1; 2; 3; 4 |
| 3.6.19 | Parental Leave | Require a staff member's request to take parental leave and any decision made under 75.9 to be in writing. | CECEA | 75.10.4 | 1; 2; 3; 4 |
| 3.6.20 | Parental Leave | Require a staff member intending to request to return from parental leave on a part-time basis or seek an additional period of leave of up to 12 months, to do so in writing as soon as practicable and preferably before the parental leave commences. | CECEA | 75.10.5 | 1; 2; 3; 4 |
| 3.6.21 | Parental Leave | Approve a staff member returning to work on a part-time basis at the same grade and classification as the staff member's former position. | CECEA | 75.13 | 1; 2; 3; 4 |
| 3.6.22 | Parental Leave | Take all reasonable measures to arrange safer alternative duties where a pregnant staff member is having difficulty in performing her normal duties or there is a risk to her health or that of her unborn child. | CECEA | 75.18 | 1; 2; 3; 4 |
| 3.6.23 | Parental Leave | Grant a pregnant staff member maternity leave, or available sick leave, for as long as it is necessary where adjustments under 75.18 cannot reasonably be made. | CECEA | 75.19 | 1; 2; 3; 4 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.6.24 | Purchased Leave | Enter into an agreement with a staff member to purchase additional leave in a 12 month period in accordance with sub-clauses 76.1 - 76.4. | CECEA | 76.1 | 1; 2; 3; 4 |
| 3.6.25 | Recreation Leave | Agree, in special circumstances, that a staff member may take less than 2 consecutive weeks of recreation leave in a 12 month period. | CECEA | 77.2 | 1; 2; 3; 4 |
| 3.6.26 | Recreation Leave | Direct a staff member, who has been notified in writing that accrued recreation leave has reached 6 weeks or its hourly equivalent, to take at least 2 weeks recreation leave within 3 months of the notification of the accrued leave. | CECEA | 77.2.3 | 1; 2; 3; 4 |
| 3.6.27 | Recreation Leave | Direct a staff member, who has been notified in writing that accrued recreation leave has reached 8 weeks or its hourly equivalent, to take at least 2 weeks recreation leave within 6 weeks of the notification of the accrued leave. | CECEA | 77.2.4 | 1; 2; 3; 4 |
| 3.6.28 | Recreation Leave | Determine that a staff member is prevented by operational or personal reasons from taking sufficient recreation leave to reduce accrued leave below an acceptable level of between 4 and 6 weeks or its hourly equivalent. | CECEA | 77.3 | 1; 2; 3; 4 |
| 3.6.29 | Recreation Leave | Determine the period of time during which excess recreation leave shall be conserved and advise the staff member in writing. | CECEA | 77.3.1 | 1; 2; 3; 4 |
| 3.6.30 | Recreation Leave | Grant leave, at the expiration of a period during which conservation of recreation leave applies, to enable accrued leave to be reduced to an acceptable level below the 8week limit. | CECEA | 77.3.2 | 1; 2; 3; 4 |
| 3.6.31 | Recreation Leave | Inform a staff member in writing on a regular basis of the staff member's recreation leave accrual. | CECEA | 77.3.3 | 1; 2; 3; 4 |
| 3.6.32 | Recreation Leave | To determine the person who was, at the time of the staff member's death, a dependent relative of the staff member, if there is no widow, widower or children or no beneficiary has been nominated. | CECEA | 77.6.3 | 1; 2; 3a; 4a; 4b |
| 3.6.33 | Sick Leave | Grant sick leave on full pay to a staff member who is unable to perform duty because of the staff member's illness or the illness of his/her family member. | CECEA | 79.3.1 | 1; 2; 3; 4 |
| 3.6.34 | Sick Leave | Grant sick leave without pay to a staff member who is unable to perform duty because of the staff member's illness if the absence exceeds the staff member's entitlement to sick leave on full pay. | CECEA | 79.3.2 | 1; 2; 3; 4 |
| 3.6.35 | Sick Leave | Direct a staff member to take sick leave if the delegate is satisfied that, due to the staff member's illness, the staff member is unable to carry out their duties without distress. | CECEA | 79.4.1 | 1; 2; 3; 4 |
| 3.6.36 | Sick Leave | Direct a staff member to take sick leave if the delegate is satisfied that, due to the staff member's illness, the staff member risks further impairment of their health by reporting for duty. | CECEA | 79.4.2 | 1; 2; 3; 4 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.6.37 | Sick Leave | Direct a staff member to take sick leave if the delegate is satisfied that, due to the staff member's illness, the staff member is a risk to the health, wellbeing or safety of other staff members, Departmental clients or members of the public. | CECEA | 79.4.3 | 1; 2; 3; 4 |
| 3.6.38 | Sick Leave | Direct a staff member to participate in a return to work program if the staff member has been absent on a long period of sick leave. | CECEA | 79.5 | 1; 2; 3; 4 |
| 3.6.39 | Sick Leave | Approve that paid sick leave of a staff member in the first 3 months of service not be limited to 5 days. | CECEA | 79.7 | 1; 2; 3; 4 |
| 3.6.40 | Sick Leave – Requirements for Evidence of Illness | Require a staff member to furnish evidence of illness in respect of an absence from duty for more than 2 consecutive working days because of illness. | CECEA | 80.1 | 1; 2; 3; 4 |
| 3.6.41 | Sick Leave – Requirements for Evidence of Illness | Require a staff member who absents themselves in excess of 5 working days in a calendar year to furnish evidence of illness for each occasion absent for the balance of the calendar year. | CECEA | 80.2 | 1; 2; 3; 4 |
| 3.6.42 | Sick Leave – Requirements for Evidence of Illness | Grant sick leave for the entire period applied for, where the staff member provides evidence of illness covering the latter part of the absence only and the delegate is satisfied the reason for the absence is genuine. | CECEA | 80.3 | 1; 2; 3; 4 |
| 3.6.43 | Sick Leave – Requirements for Evidence of Illness | Advise a staff member in advance of any requirement to provide evidence of illness for an absence from duty for 2 consecutive working days or less because of illness. | CECEA | 80.4 | 1; 2; 3; 4 |
| 3.6.44 | Sick Leave – Requirements for Evidence of Illness | Refer evidence of illness provided by a staff member and a staff member's application for leave to an approved medical assessor for advice, after discussion with the staff member. | CECEA | 80.5 | 1; 2; 3; 4a; 4b; 4c |
| 3.6.45 | Sick Leave – Requirements for Evidence of Illness | Discuss with a staff member any concerns about the diagnosis described in the evidence of illness produced by a staff member. | CECEA | 80.5 | 1; 2; 3; 4 |
| 3.6.46 | Sick Leave – Requirements for Evidence of Illness | Determine the nature of leave to be granted to a staff member based on the advice of an approved medical assessor. | CECEA | 80.5.1 | 1; 2; 3; 4a; 4b; 4c |
| 3.6.47 | Sick Leave – Requirements for Evidence of Illness | Take into account the wishes of the staff member when determining the nature of leave to be granted where sick leave applied for is not granted. | CECEA | 80.5.2 | 1; 2; 3; 4 |
| 3.6.48 | Sick Leave – Requirements for Evidence of Illness | Determine that a medical certificate for up to one week furnished by a registered health services provider as set out in the Award, rather than a registered medical practitioner, is acceptable. | CECEA | 80.7.1 | 1; 2; 3; 4 |
| 3.6.49 | Sick Leave – Requirements for Evidence of Illness | Accept other forms of evidence to satisfy that a staff member had a genuine illness. | CECEA | 80.7.3 | 1; 2; 3; 4 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.6.50 | Sick Leave – Requirements for Evidence of Illness | Grant sick leave to a staff member who is absent on recreation leave or extended leave and produces a satisfactory medical certificate for an illness which occurred during the leave. In respect of extended leave, the period set out in the medical certificate must be 5 working days or more. | CECEA | 80.6 | 1; 2; 3; 4 |
| 3.6.51 | Sick Leave to Care for a Family Member | Grant sick leave to a staff member, from sick leave accumulated over the previous 3 years, where family and community service leave provided in clause 71 is exhausted or is unavailable and the staff member has responsibilities in relation to a category of person set out in clause 81.4. | CECEA | 81.1 | 1; 2; 3; 4 |
| 3.6.52 | Sick Leave to Care for a Family Member | Grant additional sick leave to a staff member, in special circumstances, from sick leave accumulated during the staff member's eligible service, where family and community service leave provided in clause 71 is exhausted or is unavailable and the staff member has responsibilities in relation to a category of person set out in clause 81.4. | CECEA | 81.2 | 1; 2; 3a; 3d; 4a |
| 3.6.53 | Sick Leave to Care for a Family Member | Require the production of evidence consistent with sub-clause 80.6 in respect of the illness of a person for which additional sick leave is sought following the exhaustion of family and community service leave. | CECEA | 81.3 | 1; 2; 3; 4 |
| 3.6.54 | Sick Leave – Workers Compensation | Grant sick leave on full pay, or, if necessary, sick leave without pay or recreation leave or extended leave pending the determination of a claim for compensation under the *Workers Compensation Act 1987*. | CECEA | 82.5 | 1; 2; 3; 4 |
| 3.6.55 | Sick Leave – Workers Compensation | Grant sick leave in respect of an absence where the staff member does not intend to make a claim for compensation under the *Workers Compensation Act 1987*. | CECEA | 82.6 | 1; 2; 3; 4 |
| 3.6.56 | Sick Leave – Claims other than Workers Compensation | Determine that the refusal or failure of a staff member to complete an undertaking to repay the monetary value of any period of sick leave, in respect of which a claim for damages or compensation other than under the *Workers Compensation Act 1987* is made, is unavoidable. | CECEA | 83.2 | 1; 2; 3; 4a; 4b |
| 3.6.57 | Special Leave | Grant special leave on full pay on receipt of a certificate of attendance on jury service in respect of any period for which the staff member has been paid out-of-pocket expenses only. In any other case, grant, at the sole election of the staff member, | CECEA | 84.1.3 | 1; 2; 3; 4 |
| 3.6.58 | Special Leave | Grant special leave on full pay to a staff member, subject to the conditions specified in the Personnel Handbook at the time the leave is taken. | CECEA | 84.10 | 1; 2; 3; 4 |
| 3.6.59 | Special Leave | Approve of an examination for which a staff member may be granted a maximum of 5 days special leave in any one year. | CECEA | 84.5.1 | 1; 2; 3; 4 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.6.60 | Leave for Matters Arising from Domestic Violence | Grant Special Leave as per clause 64.11 where the leave entitlements referred to in subclause 64A.2 are exhausted. | CECEA | 64A.2 | 1; 2; 3; 4 |
| 3.6.61 | Leave for Matters Arising from Domestic Violence | Be satisfied, on reasonable grounds, that domestic violence has occurred and may require proof presented in the form of an agreed document issued by the Police Force, a Court, a Doctor, a Domestic Violence Support Service or Lawyer. | CECEA | 64A.2 | 1; 2; 3; 4 |
| 3.6.62 | Leave for Matters Arising from Domestic Violence | Facilitate, where appropriate, flexible working arrangements subject to operational requirements, including changes to working times and changes to work location, telephone number and email address. | CECEA | 64A.6 | 1; 2; 3; 4 |
| 3.6.63 | Study Assistance | Grant or refuse study time subject to sub-clause 86.2. | CECEA | 86.1 | 1; 2; 3; 4 |
| 3.6.64 | Study Assistance | Determine if a course is relevant to the Department and/or the public service. | CECEA | 86.2.1 | 1; 2; 3; 4 |
| 3.6.65 | Study Assistance | Grant study leave, with financial assistance, for full-time study and determine the extent of the financial assistance, according to the relevance of the study to the workplace. The financial assistance may be granted up to the amount equal to full salary and for part or all of the study leave period. | CECEA | 86.21 | 1; 2; 3a; 3c |
| 3.6.66 | Study Assistance | Grant study leave without pay (up to 12 months), without financial assistance, for full-time study. | CECEA | 86.21 | 1; 2; 3; 4 |
| 3.6.67 | Study Assistance | Grant study leave without pay (for more than 12 months), without financial assistance, for full-time study. | CECEA | 86.21 | 1; 2; 3 |
| 3.6.68 | Payment for Overtime or Leave in Lieu | Grant compensation for directed overtime worked by payment at the appropriate rate or, if the staff member so elects, by the grant of leave in lieu in accordance with 96.2. | CECEA | 96.1 | 1; 2; 3; 4 |
| 3.6.69 | Leave to be paid out to dependents in cases of death | Determine who, at the time of an employee's death if there is no spouse or child, was a dependent relative of the employee for the purposes of the payment of the money value of extended leave not taken or not completed. | GDE Regulation | Schedule 1 5 (1) (c) | 1; 2; 3a; 3d; 4a; 4b |
| 3.6.70 | Leave to be paid out to dependents in cases of death | Determine who, at the time of an employee's death if there is no spouse or child, with at least 5 years' service but less than 7 years' service, was a dependent relative of the employee for the purposes of the payment of the money value of extended leave not taken or not completed. | GDE Regulation | Schedule 1 5 (2) (c) | 1; 2; 3a; 3d; 4a; 4b |
| **3.7 Payment, allowances and remuneration** | | | | | |
| 3.7.1 | Travelling Compensation | Limit the allowance payable for part-days of travel to the expenses incurred during such part-day travel determined in 26.9. | CECEA | 26.10 | 1; 2; 3; 4 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.7.2 | Travelling Compensation | Require a staff member to work in the same temporary work location for more than 35 days and approve the payment at the appropriate rate as specified in the Award. | CECEA | 26.11 | 1; 2; 3; 4 |
| 3.7.3 | Travelling Compensation | Authorise official travel prior to the staff member incurring any travel expense. | CECEA | 26.2 | 1; 2; 3; 4 |
| 3.7.4 | Travelling Compensation | Require a staff member to work from a temporary work location. | CECEA | 26.6 | 1; 2; 3; 4 |
| 3.7.5 | Travelling Compensation | Determine that payment of an allowance is appropriate where expenditure for accommodation and three meals has been incurred by the staff member despite the period being of less than 24 hours duration. | CECEA | 26.9 | 1; 2; 3; 4 |
| 3.7.6 | Excess Travelling Time | Direct a staff member to travel on official business outside the usual hours of duty and determine appropriate compensation for such time in accordance with clause 27. | CECEA | 27.1 | 1; 2; 3; 4 |
| 3.7.7 | Meal Expenses on One-Day Journeys | Authorise a staff member to undertake a one-day journey on official business which does not require overnight accommodation and be paid an appropriate allowance. | CECEA | 29 | 1; 2; 3; 4 |
| 3.7.8 | Restrictions on Payment of Travelling Allowances | Approve the payment of a travelling allowance under clause 26 during a period of leave. | CECEA | 30.1.2 | 1; 2; 3; 4 |
| 3.7.9 | Increase or Reduction in Payment of Travelling Allowances | Determine that a travelling allowance is insufficient to adequately reimburse a staff member for expenses properly and reasonably incurred and reimburse the staff member for the additional costs incurred. | CECEA | 31.1.1 | 1; 2; 3; 4 |
| 3.7.10 | Increase or Reduction in Payment of Travelling Allowances | Determine that a travelling allowance exceeds the amount that would adequately reimburse a staff member for expenses properly and reasonably incurred and to reduce the allowance in such circumstances. | CECEA | 31.1.2 | 1; 2; 3; 4 |
| 3.7.11 | Production of Receipts | Accept evidence from a staff member other than the production of receipts for actual expenses. | CECEA | 32 | 1; 2; 3; 4 |
| 3.7.12 | Travelling Distance | Determine the need to obtain overnight accommodation. | CECEA | 33 | 1; 2; 3; 4 |
| 3.7.13 | Travelling Distance | Grant overnight accommodation where staff members are required to make an early start at work in a location away from their normal workplace. | CECEA | 33 | 1; 2; 3; 4 |
| 3.7.14 | Camping Allowances | Determine that it was not reasonable in the circumstances for a staff member to camp and approve payment of the travelling allowance under clause 26. | CECEA | 34.3 | 1; 2; 3; 4 |
| 3.7.15 | Allowance Payable for Use of Private Motor Vehicle | Authorise a staff member to use a private motor vehicle for work in accordance with sub-clauses 36.1.1 and 36.1.2. | CECEA | 36.1 | 1; 2; 3; 4 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.7.16 | Allowance Payable for Use of Private Motor Vehicle | Approve that a staff member uses a private motor vehicle for work and be paid an appropriate rate of allowance as specified in the Award. | CECEA | 36.2 | 1; 2; 3; 4 |
| 3.7.17 | Allowance Payable for Use of Private Motor Vehicle | Approve the amount and form of comprehensive motor vehicle insurance in respect of a private motor vehicle used for work. | CECEA | 36.5 | 1; 2; 3; 4 |
| 3.7.18 | Overseas Travel | Determine that a staff member shall be paid travelling rates especially determined for the occasion for travel overseas on official business, and to determine such travelling rates. | CECEA | 41 | 1; 2 |
| 3.7.19 | Compensation for Damage to or Loss of Staff Member's Personal Property | Compensate a staff member for damage or loss to private property that occurs in the course of employment, if a claim is rejected by the appropriate insurer. | CECEA | 56<br>.2 | 1; 2; 3 |
| 3.7.20 | Compensation for Damage to or Loss of Staff Member's Personal Property | Compensate a staff member for damage or loss to private property that occurs in the course of employment by way of paying the cost of a replacement item. | CECEA | 47.3 | 1; 2; 3 |
| 3.7.21 | Garage and Carport Allowance | Determine that the use of a garage or carport is essential where a staff member garages a departmental vehicle in their own garage or carport and be paid an appropriate rate of allowance as specified in the Award. | CECEA | 48.1 | 1; 2; 3; 4 |
| 3.7.22 | Community Language Allowance Scheme (CLAS) | Determine whether a staff member is regularly required to meet high levels of customer demand involving a regular pattern of usage of the staff member's language skills. | CECEA | 50.3.1 | 1; 2; 3; 4 |
| 3.7.23 | Overtime – Meal Allowances | Determine that a meal allowance should be paid at the appropriate rate to a staff member directed to work overtime. | CECEA | 94.1 | 1; 2; 3; 4 |
| 3.7.24 | Overtime – Meal Allowances | Approve the payment of actual expenses where an overtime meal allowance is insufficient to reimburse a staff member the cost of a meal, properly and reasonably incurred. | CECEA | 94.2 | 1; 2; 3; 4 |
| 3.7.25 | Overtime – Meal Allowances | Require a staff member to provide receipts in support of any claims for additional expenses or when a staff member is required to substantiate the meal expenses claim. | CECEA | 94.4 | 1; 2; 3; 4 |
| 3.7.26 | Rate for Payment of Overtime | Approve payment for directed overtime at a staff member's salary or, where applicable, salary and allowance in the nature of salary, where the staff member's salary exceeds the maximum rate for Clerk Grade 8. | CECEA | 95 | 1; 2; 3; |
| 3.7.27 | Allowance – Job evaluation | Determine the payment of a job evaluation allowance as outlined in Premier's Department Circular 97-35 *Implementation of Job Evaluation Outcomes* and Premier's Department Circular 98-50 *Implementation of Job Evaluation Outcomes* only if the conditions specified in Treasury Circular 14/19 are satisfied. | GOE Act | 52 | 1; 2; 3a |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.7.28 | Allowance – skill shortage | Determine the payment of a skill shortage allowance, as outlined in the Guidelines for the implementation of Skill Shortage Allowances issued 9 February 1994 where the conditions specified in Treasury Circular 14/19 are satisfied. | GSE Act | 52 | 1; 2; 3a |
| 3.7.29 | Commencing rates of pay | Determine the commencing rates of pay for any Public Service employee, in accordance with the terms of Treasury Circular 14/19. | GSE Act | 52 | 1; 2; 3; 4a |
| 3.7.30 | Increments | Approve the payment of an increment to an employee in accordance with any State industrial instrument or public service determination/agreement. | GSE Regulation | 14 (1) | 1; 2; 3; 4 |
| 3.7.31 | Increments | Determine that the payment of the increment is subject to the performance requirements of the performance management system and the conduct and performance of an employee is satisfactory. | GSE Regulation | 14 (2) | 1; 2; 3; 4 |
| 3.7.32 | Increments | Approve the acceleration of the progression of an employee through the increment scale applying to the employee. | GSE Regulation | 14 (2) | 1; 2; 3; 4 |
| 3.7.33 | Increments | Determine the criteria for satisfactory performance of duties and satisfactory conduct of the employee prior to the performance management system being in operation. | GSE Regulation | 14 (4) | 1; 2; 3; 4 |
| 3.7.34 | Increments | Defer the payment of an increment from time to time but for no more than 12 months at any one time. | GSE Regulation | 14 (5) | 1; 2; 3; 4 |
| 3.7.35 | Increments | Notify an employee in writing of any decision to defer payment of an increment, including the reasons for the decision. | GSE Regulation | 14 (6) | 1; 2; 3; 4 |
| 3.7.36 | Allowance for temporary assignments to higher non-executive roles | Determine the appropriate point in the salary range of the other non-executive role, taking into account the non-executive employee's capabilities, knowledge and experience, before the employee starts the temporary assignment. | GSE Regulation | 20 (2) | 1; 2; 3; 4 |
| 3.7.37 | Allowance for temporary assignments to higher non-executive roles | Determine the amount of the allowance to be paid to a Public Service non-executive employee temporarily assigned to another non-executive role, before the employee starts the temporary assignment. | GSE Regulation | 20 (3) | 1; 2; 3; 4 |
| 3.7.38 | Allowance for temporary assignments to higher non-executive roles | Determine that an allowance is paid for being temporarily assigned to another non-executive role for a single period of less than 5 working days. | GSE Regulation | 20 (4) | 1; 2; 3a |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.7.39 | Payment where allowance not adequate or available | Determine that the actual expenses properly and reasonably incurred by an employee in the performance of official duties are not adequately covered by an allowance to which the employee is entitled under this Regulation, or are not covered by an allowance under this Regulation or under any State industrial instrument. | GSE Regulation | 23 (1) | 1; 2; 3 |
| 3.7.40 | Payment where allowance not adequate or available | Reduce an allowance if it exceeds without good cause any limit for expenses approved in advance. | GSE Regulation | 23 (3) | 1; 2; 3 |
| 3.7.41 | Application | Offer any or all of the benefits available under TECA in writing to a new or existing staff member on recruitment or appointment as part of an attraction and retention measure, where the staff member is otherwise ineligible for the benefits under TECA. | TECA | 3.2 | 1; 2; 3 |
| 3.7.42 | Definition | To determine that reimbursement of an expense which is actually incurred by the staff member is reasonable, and for which adequate evidence is produced by the staff member. | TECA | 4.6 | 1; 2; 3; 4a |
| 3.7.43 | Definition | Approve that an employee is a "Transferred Employee" where the employee does not fit within the definition of a transferred employee in clause 4.10 TECA. | TECA | 04.10 | 1; 2; 3a; 3d |
| 3.7.44 | Notice of transfer | To give, in writing, as long a period of notice of transfer as is practicable but will not be transferred with less than ten working days' notice in writing except in special or urgent circumstances. | TECA | 05.1 | 1; 2; 3 |
| 3.7.45 | Leave | Grant additional special leave, as considered necessary if satisfied that the activities referred to in subclause 6.1 TECA cannot be completed within five working days. | TECA | 6.2 | 1; 2; 3; 4 |
| 3.7.46 | Leave | Determine, in consultation with the transferred employee, a time suitable for taking accumulated special leave to return home. | TECA | 6.4 | 1; 2; 3; 4 |
| 3.7.47 | Temporary accommodation | Require full particulars to be supplied where the period of four weeks referred to in subclause 8.1 TECA is not sufficient for the transferred employee to obtain suitable permanent accommodation and consider each case on its merits. | TECA | 8.4 | 1; 2; 3 |
| 3.7.48 | Temporary accommodation | Discontinue the payment of Temporary Accommodation Benefits where satisfied that a transferred employee has rejected suitable accommodation. | TECA | 8.6 | 1; 2; 3 |
| 3.7.49 | Temporary accommodation | Require transferred employees to show evidence of difficulties in obtaining cheaper private accommodation, including the provision by a transferred employee of a statutory declaration. | TECA | 9.3 | 1; 2; 3 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.7.50 | Temporary accommodation | Extend, in exceptional circumstances, excess rent payments beyond six months, including in areas where there is an acute shortage of housing of a reasonable standard, and areas experiencing extremely high rents due to conditions which are abnormal compared with those generally in New South Wales. | TECA | 9.4 | 1; 2; 3 |
| 3.7.51 | Removal and storage expenses | Consider cases where the cost of insuring furniture and effects whilst in transit up to an amount of $38,000 is exceeded. | TECA | 10.1.3 | 1; 2; 3 |
| 3.7.52 | Removal and storage expenses | Determine that an advanced payment to cover the whole or part of the removal expenses is not appropriate. | TECA | 10.1.4 - | 1; 2; 3 |
| 3.7.53 | Removal and storage expenses | Reimburse the cost of transport and storage if satisfied that a transferred employee is unable to secure suitable accommodation at the new location and allow the cost of insurance of furniture while in storage on the same basis as prescribed in paragraph 10.1.3 of this clause. | TECA | 10.2 | 1; 2; 3 |
| 3.7.54 | Depreciation and disturbance allowance | Approve payment of a Depreciation and Disturbance Allowance in accordance with the Award | TECA | 11.1 | 1; 2; 3; 4a |
| 3.7.55 | Reimbursement of transaction expenses | Consider payment of transaction expenses on a sale and/or purchase of a residence more than 2 years after relocation, if satisfied there is good reason. The transferred employee must provide full details of why the sale and/or purchase could not be completed within the 2 year period. | TECA | 13.7 | 1; 2; 3 |
| 3.7.56 | Additional benefits | Offer additional support or benefits not specifically referred to in this award to assist in the attraction, recruitment or relocation of a staff member to a location subject to approval from the Secretary of Treasury. For example this may include assistance with housing, education or career development expenses. | TECA | 16.1 | 1; 2; 3a |
| 3.7.57 | Allowance for Living in a Remote Area | Approval to pay an allowance for the increased cost of living and the climatic conditions in a remote area. | CECEA | 39 | 1,2,3 |
| 3.7.58 | Assistance to staff members stationed in a Remote Area when travelling on recreation leave | Approval to pay additional costs of travel for officers stationed in a remote area when travelling on recreation leave. | CECEA | 40 | 1,2,3 |
| **3.8** | **Fitness for duty and health** | | | | |
| 3.8.1 | Fitness for duty | Direct an employee to submit to a medical examination or other health assessment as considered necessary, on the advice of a nominated medical assessor, if there is reason to believe that an employee is not fit for duty. | GSE Regulation | 15 (2) | 1; 2; 3, 4 |
| 3.8.2 | Fitness for duty | Direct in writing that an employee, if absent from duty, must resume duty if the nominated health assessor determines that the employee is fit for duty. | GSE Regulation | 15 (4) | 1; 2; 3; 4a; 4b |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.8.3 | Fitness for duty | Approve the employee ceasing duty with written notification provided and not resuming duty unless the nominated medical assessor determines. | GSE Regulation | 15 (5) | 1; 2; 3; 4 |
| 3.8.4 | Fitness for duty | Determine the nature of leave, if any, to be granted to the employee during the absence from duty if directed under subclause (4) or (5). | GSE Regulation | 15 (6) | 1; 2; 3; 4a; 4b |
| 3.8.5 | Fitness for duty | Provide the health care professional with the requested employment information reasonably required for the assessment. | GSE Regulation | 15 (7) | 1; 2; 3; 4a; 4b; 4c |
| 3.8.6 | Health assessment | Provide the health care professional with any requested information about the role concerned that is reasonably required in order to provide the assessment. | GSE Rules | 9 (4) | 1; 2; 3; 4a; 4b; 4c |
| 3.8.7 | Workers Compensation | Advise each staff member of their rights under the *Workers Compensation Act 1987* and give assistance and advice, as necessary, in relation to the lodging of any claim. | CECEA | 82.1 | 1; 2; 3; 4a; 4b; 4c |
| 3.8.8 | Workers Compensation | Assist a staff member or the representative of a staff member who is unable to lodge a claim for compensation under the *Workers Compensation Act 1987*, due to illness or injury, to lodge a claim for compensation. | CECEA | 82.3 | 1; 2; 3; 4a; 4b; 4c |
| 3.8.9 | Workers Compensation | Lodge a staff member's claim for compensation with the appropriate workers compensation insurer within the statutory period described in the *Workers Compensation Act 1987*. | CECEA | 82.4 | 1; 2; 3; 4a; 4b; 4c |
| **3.9** | **Industrial relations and matters** | | | | |
| 3.9.1 | Appearing in proceedings | Appear in proceedings before tribunals having jurisdiction to deal with industrial matters including negotiations, conferences and inspections involved in industrial matters, subject to the conditions described in Treasury Circular 14/19. | GSE Act | 50 | 1; 2; 3a;3e; 3f; 4a; 4b; 4c |
| 3.9.2 | Industrial Relations provisions | Notify the Industrial Relations Secretary of such industrial matters affecting the agency as the Industrial Relations Secretary specifies in a notice given to the head of the agency. | GSE Act | 53 (4) | 1; 2; 3a; 3e; 3f; 4a |
| 3.9.3 | Local Arrangements | Negotiate local arrangements with the relevant union in respect of the whole of the Department or part of the Department in relation to any matter subject to the provisions of clause 10.2 of the CECEA. | CECEA | 10.1 | 1; 2; 3a; 3e; 3f; 4a |
| 3.9.4 | Responsibilities of the Trade Union | Request written confirmation about an accredited trade union delegate's attendance/participation in a trade union activity. | CECEA | 60.1.1 | 1; 2; 3; 4 |
| **3.10** | **Termination, retirement and voluntary redundancy** | | | | |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.10.1 | Termination of employment | Terminate the ongoing employment of a non-executive employee, by instrument in writing, on the basis of the failure to meet the condition of engagement as an employee under section 54; lacks or has lost an essential qualification; unsatisfactory performance; retirement on medical grounds; refusal to perform duties; abandonment of employment; a finding of misconduct; a conviction; being excess to the requirements of the relevant section of the agency and any other grounds as prescribed by the regulation. | GSE Act | 47 (1) | 1; 2; 3 |
| 3.10.2 | Termination of employment | Terminate the employment of a non-executive employee, by instrument in writing, at any time if the employment is not ongoing employment. | GSE Act | 47 (2) | 1; 2; 3; 4 |
| 3.10.3 | Resignation | Deal with the written resignation from a non-executive employee. | GSE Act | 55 | 1; 2; 3; 4 |
| 3.10.4 | Retirement on medical grounds | Approve the retirement of a person who is an employee if:<br><br>(a) the employee is found to be unfit to perform or incapable of performing the duties of his or her employment, and<br><br>(b) the employee's unfitness or incapacity:<br><br>(i) appears likely to be of a permanent nature, and<br><br>(ii) has not arisen from actual misconduct on the part of the employee, or from causes within the employee's control. | GSE Act | 56 | 1; 2; 3 |
| 3.10.5 | Termination of employment | Consider submission made in relation to the proposed termination of a non-executive employee. | GSE Rules | 14 (1) | 1; 2; 3 |
| **3.11** | **Managing grievances, misconduct, unsatisfactory performance and suspension** | | | | |
| 3.11.1 | Unsatisfactory performance of government sector employees | Determine that the performance of an employee of a government sector agency is unsatisfactory in accordance with the rules for dealing with unsatisfactory performance and (without limitation on relevant action) take any of the following actions:<br><br>(a) terminate the employment of the employee (after giving the employee an opportunity to resign),<br><br>(b) reduce the remuneration payable to the employee,<br><br>(c) reduce the classification or grade of the employee,<br><br>(d) assign the employee to a different role. | GSE Act | 68 | 1; 2; 3 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.11.2 | Misconduct – Public Service and other prescribed government sector employees | Deal with any misconduct by employees and where there is a finding of misconduct by an employee take any of the following actions:<br><br>(a) terminate the employment of the employee (without giving the employee an opportunity to resign),<br><br>(b) terminate the employment of the employee (after giving the employee an opportunity to resign),<br><br>(c) impose a fine on the employee (which may be deducted from the remuneration payable to the employee),<br><br>(d) reduce the remuneration payable to the employee,<br><br>(e) reduce the classification or grade of the employee,<br><br>(f) assign the employee to a different role,<br><br>(g) caution or reprimand the employee. | GSE Act | 69 (2) and (4) | 1; 2; 3 |
| 3.11.3 | Suspension | Suspend an employee from duty until an allegation of misconduct or a criminal charge for a serious offence has been dealt with and any subsequent action has been taken. | GSE Act | 70 (2) | 1; 2; 3 |
| 3.11.4 | Suspension | Suspend an employee from duty until the completion of any corrupt conduct finding by the Independent Commission Against Corruption, against an employee of the kind referred to in section 114A of the *Independent Commission Against Corruption Act 1988*, or any investigation into the conduct of an employee that may lead to such a finding is completed. | GSE Act | 70 (3) | 1; 2; 3 |
| 3.11.5 | Suspension | Direct that any remuneration payable to an employee while the employee is suspended from duty under section 70 of the Act is to be withheld. | GSE Act | 70 (4) | 1; 2; 3 |
| 3.11.6 | Suspension | Direct that any remuneration withheld under section 70(4) of the Act from the employee is not to be forfeited to the State. | GSE Act | 70 (5) | 1; 2; 3 |
| 3.11.7 | Suspension | Remove a suspension from duty imposed on an employee under this section. | GSE Act | 70 (6) | 1; 2; 3 |
| 3.11.8 | Initial stage of dealing with allegations of misconduct | Assess an allegation of misconduct by an employee and decide whether to proceed or not to proceed with the matter in accordance with the conditions specified in subrules 38(2), (3), (4), (5) and (6). | GSE Rules | 38 (2) | 1; 2; 3 |
| 3.11.9 | Initial stage of dealing with allegations of misconduct | Decide to proceed or not to proceed with the allegation of misconduct as a result of a statement provided by the relevant employee. | GSE Rules | 38 (5) | 1; 2; 3 |
| 3.11.10 | Inquiries | Conduct such inquiries as appropriate for the purposes of determining whether misconduct has occurred. | GSE Rules | 39 (1) | 1; 2; 3 |

| Item | Subject | Description of delegation/ function | Source | Reference | Level of delegation |
|---|---|---|---|---|---|
| 3.11.11 | Findings by agency head | Make a finding of whether misconduct by the relevant employee has or has not occurred. | GSE Rules | 40 (1) | 1; 2; 3 |
| 3.11.12 | Findings by agency head | Require the conduct of the employee to be monitored over a specified period instead of taking action under section 69(4) of the Act if a finding of misconduct is made. | GSE Rules | 40 (3) | 1; 2; 3 |
| 3.11.13 | Findings by agency head | Take action under section 69(4) of the Act where satisfied that an employee has engaged in misconduct of the same or similar kind as the misconduct the subject of the previous finding. | GSE Rules | 40 (4) | 1; 2; 3 |
| 3.11.14 | Records relating to misconduct | Decide to include information about any finding of misconduct by the employee that is in the public interest, to include on an employee's personnel file, having regard to the nature and seriousness of the misconduct and the need to minimise any unnecessary or prejudicial information being kept on a personal file. | GSE Rules | 41 (2) | 1; 2; 3 |
| **3.12** | **Miscellaneous** | | | | |
| 3.12.1 | Uniforms, Protective Clothing and Laundry Allowance | Require or authorise a staff member to wear a uniform, protective clothing or other specialised clothing in connection with the performance of official duties. | CECEA | 46.1 | 1; 2; 3; 4a |
| 3.12.2 | Staff Development and Training Activities | Determine that a staff development or training related activity is essential for the efficient operation of the Department. | CECEA | 65.3.1 | 1; 2; 3; 4 |
| 3.12.3 | Staff Development and Training Activities | Determine that a staff development or training activity is developmental and of benefit to the NSW public sector. | CECEA | 65.3.2 | 1; 2; 3; 4 |
| 3.12.4 | Staff Development and Training Activities | Determine that an approval to attend a staff development or training activity, where the activity could not be conducted during the staff member's normal working hours, constitutes a direction to work overtime. | CECEA | 65.4.5 | 1; 2; 3; 4 |
| 3.12.5 | Staff Development and Training Activities | Determine such other conditions to apply, such as compensatory leave for excess travel or payment of travelling expenses, in relation to activities which are developmental and of benefit to the Department. | CECEA | 65.5.4 | 1; 2; 3; 4 |

# 4. Support and Advice

You can get advice and support about anything in these delegations from:

- your HR Business Partner team
- Business Services Centre ph: 8688 1111

The Human Resources Delegations are administered by DJ Strategic Human Resources Policy and Projects and published on the intranet.

# INSTRUMENT OF DELEGATION

***Government Sector Employment Act 2013***
***Government Sector Employment Regulation 2014***
***Home Care Service Act 1988***
***Children and Young Persons (Care and Protection) Act 1998***

To the extent that I am able, I MICHAEL COUTTS-TROTTER, Secretary of the Department of Family and Community Services, with power to delegate under the following Acts:

- section 27(1) of the *Government Sector Employment Act 2013*
- section 250 of the *Children and Young Persons (Care and Protection) Act 1998*

the Regulations and the general law of the State of New South Wales, delegate the exercise and performance of those functions, authorities, duties and powers in the attached Schedules K, M, U, X and X1 to the employee or employees identified in Schedule A up to the general financial limits prescribed in Schedule B (unless otherwise expressly limited).

The Schedules to this Instrument are:

| | |
|---|---|
| Schedule A: | Categories of Delegated Employees |
| Schedule B: | General Financial Limits for Delegated Employees |
| Schedule K: | Allowances |
| Schedule M: | Human Resources |
| Schedule U: | Home Care Services Act |
| Schedule X: | *Children and Young Persons (Care and Protection) Act 1998* |
| Schedule X1: | *Children and Young Persons (Care and Protection) Act 1998* (applies to FACS Intensive Support Services accredited separately by the Children's Guardian as designated agencies under section 181(1)(e)) |

Each delegation is subject to the conditions that:

(i) it will be exercised subject to such administrative instructions as the Secretary may give from time to time;

(ii) any matter which involves a substantial departure from policy shall be submitted for consideration by the Minister;

(iii) it shall be exercised in accordance with such duties required by the *Government Sector Employment Act 2013* and the *Public Finance and Audit Act 1983.*

Earlier endorsed Schedules K, M, U, X and X1 are revoked and the attached schedules of delegation are provided in their place.

In this Instrument:

'Employee' means the holder of a specified office, and/or
(i) a person acting in that office and/or
(ii) any supervising employee senior to that person; and/or
(iii) an employee who, as a next senior employee present responsible to the holder of the office, is allocated by the holder of the office responsibility for the duties of the office during a temporary absence from duty of the holder of the office.

This instrument takes effect from the date of signing.

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Michael Coutts-Trotter
Secretary
Department of Family and Community Services
Date signed: 14 March 2017

# Schedule S - Disability Inclusion Act
# Efective from 14 August 2015

Schedule Guide
The numbers 1-14 refer to the 14 delegation categories defined in Schedule A
An X indicates that the delegation is available to the corresponding delegation category.
A financial delegation is indicated by a blue shaded delegation cell. Unless otherwise stated, the general financial limits in Schedule B apply.
An administrative delegation is indicated by a white shaded delegation cell.
"From" refers to the position from which the power is delegated.
*"Eligible entity" means a Public service agency, local council, an entity which is a corporation or body corporate, a business (with an ABN) conducted by a partnership where each of the partners is an individual, a business (with an ABN) that is conducted by an individual as a sole trader or ACT Community Services Directorate.

Applicable Legislation ("Source")
*Disability Inclusion Act 2014* (NSW) ("DI Act") *Disability Inclusion Regulation 2014* (NSW) ("DI Reg") *Administrative Decisions Review Act 1997* (NSW) ("ADR Act")

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 17.1 | Authority to approve and publish guidelines for the preparation of a disability inclusion action plan. | DI Act s9 | Secretary | X | | | | | | | | | | | | | |
| 17.2 | Authority to determine that a document or part of a document prepared for another purpose fulfils the requirements for a disability inclusion action plan. | DI Act s12(4) | Secretary | X | X | X | X | | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 17.3 | Authority to determine in relation to a particular eligible entity* or class of eligible entities – comparable standards of another jurisdiction as the standards applicable to that entity or class of entities.<br><br>Note:<br>1. Policy may restrict the use of this delegation. Delegate must refer to relevant policies prior to exercising this delegation. | DI Reg cl8 | Secretary | X | X | X | X | | | | | | | | | | |
| 17.4 | (a) Approval of the general terms and conditions for individuals and eligible entities (including variations to existing terms and conditions) to be included in each funding agreement.<br><br>Note:<br>1. Amendments to the standard terms and conditions in the funding agreement require prior consultation with FACS Legal.<br>2. Variations do not include a suspension, termination or further allocation of funding. | | Secretary | X | X | X | | | | | | | | | | | |
| | (b) Approval of special or specific conditions for (including variations) to be included in each Funding Agreement.<br><br>Note:<br>1. Policy, procedure and program guidelines may restrict the use of this delegation. Delegate must refer to relevant guidance prior to exercising this delegation. | | Secretary | X | X | X | X | | | | | | | | | | |
| | **Services and Financial Assistance for Individuals** | | | | | | | | | | | | | | | | |
| 17.5 | (a) Approval of policies regarding the conditions on which the financial assistance may be provided to individuals. | DI Act s26(7) | Secretary | X | X | | | | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | (b) Approval of procedures regarding the conditions on which the financial assistance may be provided to individuals. | DI Act s26(7) | Secretary | X | X | X | | | | | | | | | | | |
| 17.6 | Approve services and supports to persons in the target group. | DI Act s25 | Secretary | X | X | X | X | X | | | | | | | | | |
| 17.7 | Authority to determine that a person nominated by the individual, or otherwise nominated, is appropriate to receive financial assistance on behalf of the individual. | DI Act s26(2) | Secretary | X | X | X | X | X | | | | | | | | | |
| 17.8 | (a) Authority to enter into an agreement with an eligible entity* in relation to financial assistance for supports and services for individuals (including the authority to execute the agreement).<br><br>Note:<br>1. Subject to requirements in s30(2) DI Act | DI Act s30(1) | Secretary | X | X | X | X | X | | | | | | | | | |
| | (b) Authority to require a Public service agency (within the meaning of the *Government Sector Employment Act 2013*) to enter into an agreement for provision of financial assistance for supports and services for individuals (including the authority to execute the agreement). | DI Act s26(6) | Secretary | X | X | X | X | | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 17.9 | (a) Approve financial assistance (and entering into an agreement for financial assistance) to, or on behalf of an individual in the target group to enable that individual to obtain supports and services, subject to:<br>• The allocation being consistent with the terms and conditions determined under 17.4, and<br>• The availability of funds in the delegate's budget.<br><br>Note:<br>1. Subject to requirements in s26(3)<br>2. The total sum of financial assistance must be within the approver's general financial limit i.e. if the funding is for 3years, the total sum of 3 years funding must be within the approver's general financial limit, and any variation to funding requires an approver whose delegation covers the total sum plus the variation.<br>3. Delegate must sign briefing note and save signed copy into TRIM or upload the original email from the delegate with the submission attached noting their approval | DI Act s26 | Secretary | X | X | X | X | X | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | (b) Approval for the reallocation of funding which does not result in an increase (subject to their being appropriate contractual variation) where the funding requires a variation in Funding Management System (FMS) or Invoice Management System (IMS).<br><br>Note<br>1. Policies may restrict the use of this delegation. Please refer to the Direct Payment Agreement handbook and the Accommodation models policy<br>2. Delegate must sign briefing note and save signed copy into TRIM or upload the original email from the delegate with the submission attached noting their approval | DI Act s26 | Secretary | X | X | X | X | X | | | | | | | | | |
| | (c) Approval for the reallocation of funding which results in an increase (subject to their being appropriate contractual variation) where the funding requires a variation in Funding Management System (FMS) or Invoice Management System (IMS).<br><br>Note:<br>1. Any increase in funding requires approval by a delegate whose general financial limit exceeds the total sum, including variation.<br>2. Delegate must sign briefing note and save signed copy into TRIM or upload the original email from the delegate with the submission attached noting their approval | DI Act s26 | Secretary | X | X | X | X | X | | | | | | | | | |
| | (d) Execute an agreement (including a variation) in respect of financial assistance. | DI Act s28 | Secretary | X | X | X | X | X | | | | | | | | | |
| 17.10 | Authority to provide a notice to an individual whose application for financial assistance has been refused. | DI Act s27(1) | Secretary | X | X | X | X | X | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 17.11 | Authority to provide a notice to an individual that their application for financial assistance has been approved subject to a condition(s). | DI Act s27(2) | Secretary | X | X | X | X | X | | | | | | | | | |
| 17.12 | Authority to provide a notice to an individual that financial assistance will be provided on behalf of the individual (including nominee) instead of directly to the individual. | DI Act s27(3) | Secretary | X | X | X | X | X | | | | | | | | | |
| 17.13 | (a) Authority to suspend financial assistance, by notice, to an individual for up to 90 days.<br><br>Note:<br>1. The notice must specify the reason and the period of time for the suspension. The notice must also advise that the person whose financial assistance has been suspended is entitled to apply for a review of the decision and provide details on how to apply for a review. (s33(2) DI Act) | DI Act s33(1) | Secretary | X | X | X | X | | | | | | | | | | |
| | (b) Authority to extend the suspension of financial assistance to an individual (provided such extension is done prior to the end of the current suspension). | DI Act s33(3) | Secretary | X | X | X | X | | | | | | | | | | |
| | (c) Authority to arrange for alternative supports and services for the individual while the relevant services are suspended.<br>Note<br>1. Delegate must sign briefing note and save signed copy into TRIM or upload the original email from the delegate with the submission attached noting their approval | DI Act s33(4) | Secretary | X | X | X | X | X | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 17.14 | Authority to provide a notice of intention to terminate part or all financial assistance to a person:<br>(a) if the individual<br>• has not complied with the prescribed conditions relating to the assistance or the agreement under which the financial assistance is provided, or<br>• has not complied with a Notice made under s38 of the DI Act, or<br>• no longer requires financial assistance (e.g. including but limited to, moved interstate or can not be located) .<br><br>Note:<br>1. Policies may restrict the use of this delegation. Delegate must refer to relevant policies prior to exercising this delegation. | DI Act s34(2) | Secretary | X | X | X | | | | | | | | | | | |
| | (b) If the assistance is no longer required because:<br>• of the implementation of NDIS arrangements, or<br>• where an individual has died. | DI Act ss34(1)(b) and 34(2) | Secretary | X | X | X | X | X | | | | | | | | | |
| | (c) Where both parties to the funding agreement agree to terminate | | Secretary | X | X | X | X | X | | | | | | | | | |
| | (d) Authority to provide a notice of termination in line with the requirements under the DI Act. | DI Act ss34(1) and 34(4) | Secretary | X | X | X | X | | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | (a) Authority to approve an individual retaining an unspent portion of financial assistance provided that the funds:<br>• are used in the subsequent financial year, and<br>• are used in accordance with an agreed purpose, and<br>• adhere to relevant program guidelines.<br>Note<br>1. Delegate must sign briefing note and save signed copy into TRIM or upload the original email from the delegate with the submission attached noting their approval | DI Act s26 | Secretary | X | X | X | X | X | | | | | | | | | |
| 17.15 | (b) Authority to approve an individual retaining an unspent portion of financial assistance where:<br>• The funds are used in the subsequent financial year, and<br>• Are outside relevant program guidelines, and/or<br>• The use is not in accordance with the original agreed purpose.<br><br>Note<br>1. Delegate must sign briefing note and save signed copy into TRIM or upload the original email from the delegate with the submission attached noting their approval | DI Act s26 | Secretary | X | X | X | X | | | | | | | | | | |
| | **Services and Financial Assistance for Eligible entities*** | | | | | | | | | | | | | | | | |
| 17.16 | (a) Authority to enter into an agreement with an eligible entity in relation to financial assistance for supports and services as block funding for a target group (including the authority to execute the agreement).<br><br>Note:<br>1. Subject to requirements in s30(2) DI Act | DI Act s30(1) | Secretary | X | X | X | X | X | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | (b) Authority to require a Public service agency (within the meaning of the *Government Sector Employment Act 2013*) to enter into an agreement in relation to the provision of financial assistance for supports and services as block funding for a target group (including the authority to execute the agreement). | DI Act s29(3) | Secretary | X | X | X | X | | | | | | | | | | |
| 17.17 | (a) Approve financial assistance to an eligible entity to enable it to provide supports and services to persons in the target group services, subject to:<br>• The allocation being consistent with any agreement determined under 17.16 and/or<br>• The availability of funds in the delegate's budget and general financial limit.<br><br>Note:<br>1. The total sum of financial assistance must be within the approver's general financial limit i.e. if the funding is for 3years, the total sum of 3 years funding must be within the approver's general financial limit, and any variation to funding requires an approver whose delegation covers the total sum plus the variation.<br>2. Delegate must sign briefing note and save signed copy into TRIM or upload the original email from the delegate with the submission attached noting their approval | DI Act s29(1) & s37 | Secretary | X | X | X | X | X | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | (b) Approval for the reallocation of funding (subject to their being appropriate contractual variation) where the funding requires a variation in Funding Management System (FMS) or Invoice Management System (IMS). This includes:<br>• reauspicing funding from one provider to another,<br>• consolidating funding from multiple services into one service for the same provider,<br>• splitting funding paid for one service into multiple services for the same<br>Note:<br>1. Any increase in funding requires approval by a delegate whose general financial limit exceeds the total sum (including variation)<br>2. Policies may restrict the use of this delegation. Please refer to the Direct Payment Agreement handbook and the Accommodation models policy<br>3. Delegate must sign briefing note and save signed copy into TRIM or upload the original email from the delegate with the submission attached noting their approval | DI Act s29(1) & s37 | Secretary | X | X | X | X | X | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | (c) Approval to issue a revised schedule of non-financial changes to the service details. This could include:<br>• Changing outputs measures, or<br>• Changes to service delivery location, or<br>• Changes to service delivery types<br><br>Note<br>1. Delegate must sign briefing note and save signed copy into TRIM or upload the original email from the delegate with the submission attached noting their approval | DI Act s29(1) & s37 | Secretary | X | X | X | X | X | | | | | | | | | |
| | (d) Authority to enter into and execute an agreement with an eligible entity in respect of financial assistance. | DI Act ss29(3), 30 | Secretary | X | X | X | X | X | | | | | | | | | |
| 17.18 | (a) Authority to suspend, by notice, financial assistance to an eligible entity for up to 90 days | DI Act s33(1) | Secretary | X | X | X | X | | | | | | | | | | |
| | (b) Authority to extend the suspension of financial assistance to an eligible entity (provided such extension is done prior to the end of the current suspension). | DI Act s33(3) | Secretary | X | X | X | X | | | | | | | | | | |
| | (c) Authority to arrange for alternative supports and services for the relevant person while the relevant eligible entity is suspended.<br><br>Note<br>1. Delegate must sign briefing note and save signed copy into TRIM or upload the original email from the delegate with the submission attached noting their approval | DI Act s33(4) | Secretary | X | X | X | X | X | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 17.19 | Authority to issue a notice of intention to terminate part or all financial assistance to an eligible entity:<br>(a) If the eligible entity has not complied with the prescribed conditions relating to the assistance or the agreement under which the financial assistance is provided, or compliance with a Notice made under s38 of the DI Act. | DI Act s34 | Secretary | X | X | X | | | | | | | | | | | |
| | (b) If the assistance is no longer required because of the implementation of NDIS arrangements. | DI Act s34 | Secretary | X | X | X | X | X | | | | | | | | | |
| | (c) Authority to provide a notice of termination in line with the requirements under the DI Act. | DI Act ss34(1) and 34(4) | Secretary | X | X | X | X | | | | | | | | | | |
| 17.20 | Authority to provide financial assistance to a Government Department, Local Council or other entity which is in accordance with the DI Act.<br><br>Note<br>1. Delegate must sign briefing note and save signed copy into TRIM or upload the original email from the delegate with the submission attached noting their approval | DI Act s37 | Secretary | X | X | X | | | | | | | | | | | |
| 17.21 | Authority to approve an eligible entity retaining an unspent portion of financial assistance provided that the remainder:<br>• is used in the subsequent financial year, and<br>• is used in accordance with an agreed purpose, and<br>• adheres to relevant program guidelines<br>Note<br>1. Delegate must sign briefing note and save signed copy into TRIM or upload the original email from the delegate with the submission attached noting their approval | DI Act s29 | Secretary | X | X | X | X | | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **Financial Assistance for Land or Equipment** | | | | | | | | | | | | | | | | |
| 17.22 | Approval of the standard terms and conditions on which financial assistance is to be provided in respect of delegation 17.23. | | Secretary | X | X | X | X | | | | | | | | | | |
| 17.23 | Authority to approve the provision of financial assistance to individuals or eligible entities for the acquisition, use or disposal of:<br><br>(a) Land or buildings, provided that the delegation to provide financial assistance may only be exercised if the acquisition, use or disposal has been approved by, or is in accordance with a policy or program approved by the Secretary, Deputy Secretary, ADHC, CFO, Executive Director/ Director Procurement Strategy and Planning/Chief Procurement Officer.<br><br>and execute such documents as required.<br><br>Note<br>1. Delegate must sign briefing note and save signed copy into TRIM or upload the original email from the delegate with the submission attached noting their approval | DI Act ss26, 29 | Secretary | X | X | X | X | | | | | | | | | | |
| | (b) Equipment (and execute such documents as required).<br>Note<br>1. Delegate must sign briefing note and save signed copy into TRIM or upload the original email from the delegate with the submission attached noting their approval | DI Act s26 | Secretary | X | X | X | X | | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **Probity Checks** | | | | | | | | | | | | | | | | |
| 17.24 | (a) Authority to conduct or obtain a criminal record check (as outlined in the DI Act and DI Reg) to ensure that the a person is a suitable person to be involved in the provision of supports and services to persons in the target group. | DI Act s36<br><br>DI Reg cl 12(1) & cl17(2) | Secretary | X | X | X | X | X | | | | | | | | | |
| | (b) Authority to engage a person as a relevant worker who is deemed suitable under 17.24(a).<br><br>Note:<br>1. Subject to requirements in the DI Act | DI Act s36(5) | Secretary | X | X | X | X | X | | | | | | | | | |
| | (c) Authority to use a statutory declaration verifying the person's criminal record outside Australia where a criminal record check can't be conducted or obtained.<br><br>Note:<br>1. Subject to requirements in the DI Act and DI Reg | DI Act s36(7)<br><br>DI Reg cl12 | Secretary | X | X | X | X | | | | | | | | | | |
| | (d) Authority to securely hold and dispose of criminal record checks and/or statutory declarations procured under the DI Act and DI Reg. | DI Reg cl12(7) | Secretary | X | X | X | X | X | | | | | | | | | |
| | **Probity Guidelines** | | | | | | | | | | | | | | | | |
| 17.25 | Authority to publish on the Department's website probity guidelines to assist eligible entities seeking financial assistance to comply with probity checks. | DI Act s41 | Secretary | X | X | X | | | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **Request for Information** | | | | | | | | | | | | | | | | |
| 17.26 | Authority to provide a notice which directs a person to provide information or documentation to the Secretary where the delegate reasonably believes that the information or document sought is in the person's possession or control.<br><br>Note:<br>1. Subject to requirements in the DI Act | DI Act s38 | Secretary | X | X | X | X | | | | | | | | | | |
| | **Disability Council** | | | | | | | | | | | | | | | | |
| 17.27 | Approve provision of assistance, including financial assistance, to the Disability Council to ensure the proper exercise of its functions. | DI Act s18 | Minister | X | X | X | | | | | | | | | | | |
| 17.28 | Approve remuneration (including travelling and subsistence allowances) in respect of Disability Council members | DI Act Sch 1, cl3 | Minister | X | X | X | | | | | | | | | | | |
| | **Residents amenities account** | | | | | | | | | | | | | | | | |
| 17.29 | Approve a scheme for the use of money held in residents amenities account for a government residential centre.<br><br>Note:<br>1. Subject to requirements in the DI Act | DI Act Sch 3, cl2 | Secretary | X | X | | | | | | | | | | | | |
| 17.30 | Approve payments from a resident's amenities account (in accordance with a scheme approved under 17.29) to the person in charge of a government residential centre which is still operating, for the purpose of providing amenities for the benefit of residents of the centre.<br><br>Note:<br>1.Subject to requirements in the DI Act<br>2. Delegate must sign briefing note and save signed copy into TRIM or upload the original email from the delegate with the submission attached noting their approval | DI Act Sch 3, cl2 | Secretary | X | X | X | | | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| 17.31 | (a) Approve payments from a resident's amenities account (in accordance with a scheme approved under 17.29) in relation to a government residential centre that is no longer operating to a person in charge of a government residential centre that is still operating, for:<br>(i) use in accordance with a scheme approved for the Centre under 17.29<br>(ii) the purpose of accommodation, supports or services to residents of the premises so that the money can be used for the benefit of residents.<br><br>Note:<br>1. Subject to requirements in the DI Act<br>2. Delegate must sign briefing note and save signed copy into TRIM or upload the original email from the delegate with the submission attached noting their approval | DI Act Sch 3, cl3 | Secretary | X | X | X | | | | | | | | | | | |
| | (b) Authority to impose conditions on payments made under 17.31(a)(ii) | DI Act Sch 3, cl3(4) | Secretary | X | X | X | | | | | | | | | | | |
| | **Internal Review** | | | | | | | | | | | | | | | | |
| 17.32 | Authority to act as Administrator for the purposes of an internal review under the ADR Act<br><br>Note:<br>1. Subject to the requirements in the ADR Act | ADR Act s53 | Secretary | X | X | X | | | | | | | | | | | |

# INSTRUMENT OF DELEGATION

***Government Sector Employment Act 2013***
***Government Information (Public Access) Act 2009***
***Privacy and Personal Information Protection Act 1998***
***Health Records and Information Privacy Act 2002***
***State Records Act 1998***
***Community Welfare Act 1987***
***Disability Inclusion Act 2014***
***Home Care Services Act 1997***
***Adoption Act 2000***
***Children and Young Persons (Care and Protection) Act 1998***
***Housing Act 2001***
***Residential Tenancies Act 2010***
***Community Housing Providers (Adoption of National Law) Act 2012***
***Aboriginal Housing Act 1998***

To the extent that I am able, I MICHAEL COUTTS-TROTTER, Secretary of the Department of Family and Community Services, NSW with power to delegate under:

- s 27(1) of the *Government Sector Employment Act*
- s 5(2) of the *Community Welfare Act*
- s 43 of the *Disability Inclusion Act*
- s10 of the *Home Care Services Act*
- s 206(2) of the *Adoption Act*
- s 250 of the *Children and Young Persons (Care and Protection) Act*
- s 15(2) of the *Housing Act*
- s 222 of the *Residential Tenancies Act*
- s 17 of the *Aboriginal Housing Act*

the Regulations and the general law of the State of New South Wales, delegate the exercise and performance of those functions, authorities, duties and powers in the attached Schedules G, H, J, M, N, O, P, Q, S, U, W, X, AB and AC to the employee or employees identified in Schedule A up to the general financial limits prescribed in Schedule B (unless otherwise expressly limited).

The Schedules to this Instrument are:

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|---|---|
| Schedule G: | Delegations in respect of Business Services |
| Schedule H: | Delegations in respect of Procurement |
| Schedule J: | Delegations in respect of Travel |
| Schedule M: | Delegations in respect of Human Resources |
| Schedule N: | Administrative Delegations |
| Schedule O: | Delegations under the *Government Information (Public Access) Act* |
| Schedule P: | Delegations under the *Privacy and Personal Information Protection Act* and *Health Records and Information Privacy Act* |
| Schedule Q | Delegations under the *State Records Act* |
| Schedule S: | Delegations under the *Disability Inclusion Act* |
| Schedule U: | Delegations under the *Home Care Services Act* |
| Schedule W: | Delegations under the *Adoption Act* |

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| Schedule X: | Delegations under the *Children and Young Persons (Care and Protection) Act* |
| Schedule AB: | Delegations under the *Housing Act* |
| Schedule AC: | Delegations under the *Aboriginal Housing Act* |

Each delegation is subject to the conditions that:

(i) it will be exercised subject to such administrative instructions as the Secretary may give from time to time;

(ii) any matter which involves a substantial departure from policy shall be submitted for consideration by the Minister;

(iii) it shall be exercised in accordance with such duties required by the *Government Sector Employment Act 2013* and the *Public Finance and Audit Act 1983.*

Earlier endorsed Schedules G, H, J, M, N, O, P, Q, S, U, W, X, AB and AC are revoked and the attached schedules of delegation are provided in their place.

In this Instrument:

'Employee' means the holder of a specified office, and/or
(i) a person acting in that office and/or
(ii) any supervising employee senior to that person; and/or
(iii) an employee who, as a next senior employee present responsible to the holder of the office, is allocated by the holder of the office responsibility for the duties of the office during a temporary absence from duty of the holder of the office.

This instrument takes effect from 14 August 2015

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Secretary
Department of Family and Community Services
<date>

# Schedule AB

Family & Community Services Housing
Effective from 14 December 2016

Schedule Guide
The numbers 1-14 refer to the 14 delegation categories defined in Schedule A
An X indicates that the delegation is available to the corresponding delegation category.
A financial delegation is indicated by a blue shaded delegation cell. Unless otherwise stated, the general financial limits in Schedule B apply.
An administrative delegation is indicated by a white shaded delegation cell.
"From" refers to the position from which the power is delegated.

Applicable legislation ("Source")
*Housing Act 1998* (NSW) ("Housing Act")
*Residential Tenancies Act 2010* ("Residential Tenancies Act")
*Community Housing Providers (Adoption of National Law) Act* 2012 ("National Law")

Applicable Guidance:
Treasurer's directions

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **TENANCY – GENERAL** | | | | | | | | | | | | | | | | |
| | **Information Management – Media** | | | | | | | | | | | | | | | | |
| 26.1 | Issue documents to the public reporting on:<br>• Divisional policy<br>• financial information<br>• non-financial performance | Housing Act s10(1)(a) | Secretary | X | X | X [1] | X [2] | | | | | | | | | | |
| | **Financial Management** | | | | | | | | | | | | | | | | |
| 26.2 | Approve transfer of funds between FACS (Housing) Accounts | Treasurer's Direction | Minister | X | X | X | X | X | | | | | | | | | |
| 26.3 | Approve the creation/voiding/deleting of cheque - Client Service Teams' Advance Accounts | Treasurer's Direction | Minister | X | X | X | X | X | | | | | | | | | |

[1] Limited to the Director, Customer Service and Business Improvement and Director Housing Statewide Services
[2] Director Finance

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| 26.5 | Authorise journal warrants for HPAF | Treasurer's Direction | Minister | X | X | X | X [3] | X [4] | | | | | | | | | |
| 26.6 | Sign off on external statutory reporting requirements for inclusion of annual accounts for HPAF in the FACS Annual Report | Public Finance & Audit Act 1983 & Regs | Minister | X | X | X [5] | | | | | | | | | | | |
| | **Legal** | | | | | | | | | | | | | | | | |
| 26.7 | Appear in any Court, Tribunal, Board or Commission on behalf of FACS (Housing). | Housing Act s7(1) | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.8 | Appear in the NCAT on behalf of FACS (Housing). | Housing Act s7(1) | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.9 | Approve legal action to recover unpaid rent as a debt in any court | Housing Act s57(5) | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.10 | Approve the issue of contract and ancillary documentation | Housing Act s12 | Secretary | X | X | X | X | X | X | | | | | | | | |
| 26.11 | Determine if insurance and bankers guarantees are in required form | Housing Act s12 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.12 | Approve the release of Security Deposit or Bank Guarantee | Housing Act s12 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.13 | Release Security Deposit or Bank Guarantee, where confirmation has been received from the superintendent or principal that the terms of the contract enabling the release of that portion of the security have been complied with. | Housing Act s12 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.14 | Approve issue of Notice of Dispute | Housing Act ss7 & 18 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.15 | Approve issue of Notice to Show Cause | Housing Act ss7 & 18 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.16 | Negotiate contract disputes | Housing Act ss7 & 18 | Secretary | X | X | X | X | X | X | X | | | | | | | |

[3] Director Finance
[4] Manager Finance
[5] Limited to CFO

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 26.17 | Settle contract disputes | Housing Act ss7 & 18 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| | **Execution of Documents** | | | | | | | | | | | | | | | | |
| 26.18 | Approve and execute documents where action, project or transaction has been approved by a person with appropriate delegation including all of the documents set out below in this section other than interests in land. | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.19 | Approve and sign documents, for approved actions, projects, transactions, namely; interests in land, including:<br>• Agreements for sale (disposal)<br>• Variation or release of restrictive covenants<br>• Plans of consolidation<br>• Easement plans<br>• Requests to Land and Property Information<br>• Resumption applications<br>• Applications to remove restrictions under Crown Lands Act<br>• Application to remove notification under Housing Agreement Act 1973<br>• Transfers of real property<br>• Conveyances of real property<br>• Withdrawal of Caveats<br>• Application for new Certificate(s) of Title | Housing Act ss7 & 12 | Secretary | X | X | X[6] | X[7] | X | X | X | | | | | | | |
| 26.20 | Execute leases or contract for sale of any estate or interest in real property at public auction:<br>• being the highest bid, in excess of the reserve price, or<br>• if such highest bid not in excess of the reserve price, or if no bid after auction, then negotiate the price within the valuation range determined by way of independent valuation range determined by way of independent valuation | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | X | X | | | | | | | |

[6] Executive Directors, Community, Homes and Place
[7] Directors, Community, Homes and Place

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| 26.21 | Approve and sign documents, for approved actions, projects, transactions, namely:<br>• Plans of consolidation<br>• Easement plans<br>• Requests to Land and Property Information | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.22 | Approve variations to Service Level Agreements | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | X | | | | | | | | |
| 26.23 | Execute:<br>• Plans of subdivisions<br>• Section 88B Instruments<br>• Plans of consolidation<br>• Covenants<br>• Easements and<br>• Release, extinguishment and variations thereto | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.24 | Execute a Headlease with respect to residential premises where prior approval has been granted to enter into the Headlease by a person with appropriate delegation | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.25 | Execute a Tenancy Agreement with respect to residential premises for FACS (Housing) and the Corp. | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.26 | Sign notices of increases of market rents to clients of FACS (Housing) . | Housing Act ss7 & 12 | Secretary | X | X | X[8] | | | | | | | | | | | |
| 26.27 | Execute any notices required to be issued under the RTA 2010 or any residential tenancy agreement<br>• Notice of Termination of Tenancy<br>• Application to the NCAT for Orders<br>• Consent Orders :<br>for FACS (Housing) and the Corp. | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.28 | Execute a Bond Loan Agreement | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | X | X | | | | | | | |

[8] Director Housing Statewide Services

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| 26.29 | Execute documents relating to the Corporation's approved programs and projects, including:<br>• Contracts for supply of goods and services (but not including contracts for construction works having a value in excess of $100,000 or contracts for sale of property)<br>• Listing agreements<br>• Property management agreements<br>• Development applications<br>• Letters of demand<br>• Certificates<br>• Notices<br>• Letters of acceptance<br>• But not incl. interests in land | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.30 | Execute an agreement with a Community Housing Provider whereby it acquires for community housing; real estate or interest in land and building, development, redevelopment, construction, engineering, demolition and sub-division including construction, maintenance, repair and upgrading works. | Housing Act ss7 & 12 and Part 9A | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.31 | Execute a services agreement with Department of Finance & Services for acquisition or disposal of any real estate or interest in land and building, development, redevelopment, construction, engineering, demolition and sub-division including construction, maintenance, repair and upgrading works associated with acquisition. | Housing Act ss12 & 13 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.32 | Execute an assistance agreement with a Community Housing Provider where funding is provided by FACS. | Housing Act Part 9A | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.33 | Execute an agreement with a Community Housing Provider to manage one or more social housing properties | Housing Act Part 9A | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.34 | Execute a Memorandum of Understanding or Record of Understanding with other government departments | Housing Act s12 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.35 | Execute contracts with consultants and contractors | Housing Act s12 | Secretary | X | X | X | X | X | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| 26.36 | Execute agreements and acknowledgements of debts, deeds of charge, caveats, discharges and releases of deeds, summons and other like documents | Housing Act including s12 | Secretary | X | X | X | X | X | | | | | | | | | |
| | **Approve Entering into Contractual and other Commitments** | | | | | | | | | | | | | | | | |
| | **Contracts** | | | | | | | | | | | | | | | | |
| 26.37 | Authorise project budgets for capital works | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.38 | Authorise project budgets for corporate based non-construction projects | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.39 | Accept Client Brief and to include work for:<br>• New clients<br>• Business outside of fee for scheduled services<br>• New work types | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.40 | Approve plans and specifications for authorised or approved FACS projects | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | X | | | | | | | | |
| | **Property** | | | | | | | | | | | | | | | | |
| 26.41 | Approve the execution of a deed of agreement and agreement to lease for grant projects | Housing Act ss7 & 12 & Part 9A | Secretary | X | X | X | X | X | X | | | | | | | | |
| 26.42 | Approve appointment of Real Estate Agents for disposal and/ or property management, including but not limited to:<br>take possession of property<br>advise on condition of property<br>list property for sale<br>undertake sale process to settlement | Housing Act ss 7 & 8 | Secretary | X | X | X | X | X | X | | | | | | | | |
| 26.43 | To approve the listing price (reserve if an auction) of sale properties. | Housing Act ss7, 8, & 9 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.44 | To accept sale offers | Housing Act ss12 & 18 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.45 | Approve release, variation or modification of restrictive covenants where the Corporation's interest would not be adversely affected, and the creation/ transfer of drainage reserves | Housing Act ss12 & 18 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.46 | Approve plans and specifications submitted by churches, clubs, community groups and other organisations for the construction of buildings on land made available by the Corporation in accordance with authorised or approved projects | Housing Act ss12 & 53 | Secretary | X | X | X | X | X | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| 26.47 | Agree to the terms and conditions of approvals imposed by consent authorities after consultation with the client | Housing Act ss12 & 18 | Secretary | X | X | X | X | X | | | | | | | | | |
| | **Land and Development – Development Applications** | | | | | | | | | | | | | | | | |
| 26.48 | Grant consent for lodgement of a development application by others on Department owned land | Housing Act ss12 & 18 | Secretary | X | X | X | X | | | | | | | | | | |
| 26.49 | Lodge objections and/or submissions on environmental planning instruments | Housing Act ss12 & 18 | Secretary | X | X | X | X | X | | | | | | | | | |
| | **Woolloomooloo Project Area** | | | | | | | | | | | | | | | | |
| 26.50 | Represent FACS (Housing) interests to City of Sydney Council concerning development applications by others within the Woolloomooloo Project Area as provided for under South Sydney City Council's local environment plan | Housing Act s7 | Secretary | X | X | X | X | | | | | | | | | | |
| | **MAINTENANCE AND REPAIRS** | | | | | | | | | | | | | | | | |
| | **HOMES Planned Maintenance** | | | | | | | | | | | | | | | | |
| 26.51 | Authorise system data for HOMES upload | Housing Act s7 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.52 | Create, authorise, update, vary HOMES Data | Housing Act s7 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.53 | Approve the request for alterations/additions to dwellings under $5,000 | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | | X | | | | | | | |
| 26.54 | Approve the request for alterations/additions to dwellings over $5,000 | Housing Act s7 & s12 | Secretary | X | X | X | X | X | X | | | | | | | | |
| 26.55 | Approve program for major disabled modifications | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.56 | Approve program for minor disabled modifications | Housing Act ss7 & 12 | Secretary | X | X | X | X | X | X | | | | | | | | |
| 26.57 | Verify maintenance service has been rendered | Housing Act s7 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.58 | Approve the raising of debit notes for maintenance charges subject to appropriate substantiation e.g. photographs, tenants signed undertaking to accept debt, etc. | Housing Act s7 | Secretary | X | X | X | X | X | X | X | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 26.59 | Waive maintenance charges for current and former tenants | Housing Act s7 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.60 | Determine the value of permanent improvements made by tenants | Housing Act s7 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.61 | Approve schedule of rates for variations arising out of adjustments to provisional quantities in accordance with the conditions of the contract<br><br>Note: Z = all officers to the extent of authority made under contract | Housing Act s7 | Secretary | Z | Z | Z | Z | Z | Z | Z | | | | | | | |
| | **FENCING** | | | | | | | | | | | | | | | | |
| 26.62 | Sign letter to adjoining owner requesting acceptance of half cost liability for fencing | Housing Act ss7 & 18 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| | **REGISTRABLE PERSONS** | | | | | | | | | | | | | | | | |
| 26.63 | Terminate lease of tenant, who is a registrable person, on recommendation of Commissioner of Police. | Housing Act s58B | Secretary | X | X[9] | | | | | | | | | | | | |
| | **HOUSING SERVICES** | | | | | | | | | | | | | | | | |
| | **Tenancy** | | | | | | | | | | | | | | | | |
| 26.64 | Determine eligibility/ ineligibility for the waiting list and entitlement / location | Housing Act ss5 & 7 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.65 | (a) Decline applications for the NSW Housing Register<br><br>Note: Delegation is limited to officers in Operations | Housing Act ss5 & 7 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| | (b) Grant removal of a person from a waitlist if the reason for removal is "ineligible as a high risk registered person" | Housing Act ss5 & 7 | Secretary | X | X | X | | | | | | | | | | | |
| 26.66 | Assess and approve or decline application for temporary emergency accommodation | Housing Act ss5 & 7 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.67 | Assess eligibility for priority housing against criteria. Recommend or reject approval | Housing Act ss5 & 7 | Secretary | X | X | X | X | X | X | X | | | | | | | |

[9] Limited to the Deputy Secretary, Southern Cluster

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 26.68 | Approve application for priority housing assistance | Housing Act ss5 & 7 | Secretary | X | X | X | X | X | X [10] | | | | | | | | |
| 26.69 | Allocate accommodation to next eligible, appropriate client on the waiting list | Housing Act ss5 & 7 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.70 | Make offer of accommodation to applicant on the waiting list | Housing Act ss5 & 7 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.71 | Withdraw an offer of accommodation | Housing Act ss5 & 7 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.72 | Approve or decline the housing of additional occupant(s) | Housing Act ss5 & 7 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.73 | Approve or decline mutual exchange<br><br>Note: Team Leaders can approve an application for mutual exchange where the tenant does not meet income eligibility criteria | Housing Act ss5 & 7 | Secretary | X | X | X | X | X | X [11] | | | | | | | | |
| 26.74 | Approve/decline eligibility for wait turn transfers | Housing Act ss5 & 7 | Secretary | X | X | X | X | X | X | | | | | | | | |
| 26.75 | Approve a priority transfer application.<br><br>Note: if area requested is outside own area, concurrence from Team Leader (T/L) or Director, Housing Services should be obtained | Housing Act ss5 & 7 | Secretary | X | X | X | X | X | X [12] | | | | | | | | |
| 26.76 | Approve or decline a tenancy re-instatement application (Housing Register Priority- Tenancy Reinstatement) from former tenant who vacated under duress | Housing Act s5 & s7 | Secretary | X | X | X | X | X | X [13] | | | | | | | | |
| 26.77 | Withdraw transfer offer | Housing Act s5 & s7 | Secretary | X | X | X | X | X | X | X | | | | | | | |

[10] Limited to officers graded 7/8
[11] Limited to officers graded 7/8
[12] Limited to officers graded 7/8
[13] Limited to officers graded 7/8

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| 26.78 | Remove tenant's name from transfer list | Housing Act s5 & s7 | Secretary | X | X | X | X | X | X | | | | | | | | |
| 26.79 | Approve or recommend decline request for recognition as a tenant from an aboriginal client residing in an AHO property | Housing Act s5 & s7 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.80 | Decline request for recognition as a tenant from an Aboriginal client residing in an AHO property. | Housing Act s5 & s7 | Secretary | X | X | X | X | X | X [14] | | | | | | | | |
| 26.81 | (a) Decline or recommend approval from a mainstream client request for recognition as a tenant – residing in social housing | Housing Act s5 & s7 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| | (b) Approve mainstream client request for recognition as a tenant residing in social housing | Housing Act s5 & s7 | Secretary | X | X | X | X | X | X [15] | | | | | | | | |
| 26.82 | Approve or decline a request for a separate tenancy following a serious family breakdown or separation in household relationships | Housing Act s5 & s7 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.83 | Approve and sign any notice required to be served under the Residential Tenancies Act or residential tenancy agreement | Housing Act s5 & s7 | Secretary | X | X | X | X | X | X | | | | | | | | |
| 26.84 | Witness the Client's signature or sign tenancy agreement on behalf of LAHC or AHO | Housing Act s5 & s7 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.85 | Sign and Issue:<br>Any notice required to be served to the tenant under the *Residential Tenancies Act* or any residential tenancy agreement.<br>• Notice of Termination of Tenancy<br>• Application to NCAT for Orders including Consent Orders | Housing Act s12 & Residential Tenancies Act 2010 s12 | Secretary | X | X | X | X | X | X | | | | | | | | |

[14] Limited to officers graded 7/8
[15] Limited to officers graded 7/8

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| 26.86 | (a) Lodge applications for orders and attend NCAT hearings on behalf of LAHC and AHO, | Housing Act s12 & Residential Tenancies Act 2010 s12 | Secretary | X | X | X | X | X | X | | | | | | | | |
| | (b) Authority to come to an agreement regarding disputes or obtain an order from NCAT under the RTA 2010 or any residential tenancy agreement<br>Note:<br>1. Any agreement, settlement, write off etc must be within the delegates financial authority before committing the Department (see Schedules B and C) | Housing Act s12 & Residential Tenancies Act 2010 s12 | Secretary | X | X | X | X | X | X | | | | | | | | |
| 26.87 | Determine the outcome of a 1st tier appeal (i.e. internal review) lodged by a client against decision made by the Client Service Team or Access and Demand Team | Housing Act s5 & s7 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.88 | (a) Issue a "Natural Justice" letter to the tenant regarding subsidy non-disclosure/fraud | Residential Tenancy Act s58 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| | (b) Authority to refer to the Tenant Fraud Unit a subsidy non-disclosure/fraud | Residential Tenancy Act s58 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.89 | Instruct and approve the adjournment, discontinuation or settlement of proceedings under the Residential Tenancies Act | Housing Act s7 | Secretary | X | X | X | X | X | X | | | | | | | | |
| 26.90 | (a) Authorise access to an abandoned or suspected abandoned dwelling | Housing Act s7 | Secretary | X | X | X | X | X | | | | | | | | | |
| | (b) Gain entry to a suspected abandoned dwelling | Housing Act s7 | Secretary | X | X | X | X | X | | | | | | | | | |
| | (c) Approve takeover of abandoned dwelling | Housing Act s7 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.91 | Approve the obtaining and execution of a Warrant of Possession | Housing Act s7 | Secretary | X | X | X | X | | | | | | | | | | |
| 26.92 | Approve a credit refund on the account to ex-tenants, tenants and third parties. | Housing Act s7 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.93 | Assess, approve or vary a rent subsidy to a tenant | Housing Act Part 7 | Secretary | X | X | X | X | X | X | X | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| 26.94 | Cancel a rent subsidy for a tenant to or from any specified date (including retrospectively) | Housing Act Part 7 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.95 | Authority to conduct an investigation under the Housing Act | Housing Act Part 7 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.96 | Perform all duties, decisions, requirements and actions for and on behalf of the landlord under the Residential Tenancies Act and any residential tenancy agreement and the Housing Act. | Housing Act Part 7 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.97 | Approve the commencement of a prosecution in respect of an offence under the Housing Act 2001 as amended from time to time. | Housing Act Part 10 | Secretary | X | X | | | | | | | | | | | | |
| 26.98 | Issue a notice and initiate enforcement action requiring a person to leave, or banning a person from entering Corporation property. | Housing Act Parts 3 & 4 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| | **COMMUNITY HOUSING** | | | | | | | | | | | | | | | | |
| | **Note: Where the term "lease" is used in this section, it should be regarded as also a Residential Tenancy Agreement** | | | | | | | | | | | | | | | | |
| 26.99 | To approve the relocation of a community housing provider to an alternative property where the property is deemed beyond economical repair or not suitable for continuing rental over the long term. | National Law | Secretary | X | X | X | X | | | | | | | | | | |
| 26.100 | Issue Guidelines under the National law | National Law | Secretary | X | X | X | | | | | | | | | | | |
| 26.101 | To approve the transfer of the management of property owned by the Corporation from public housing to a registered CHP where authority of the Corporation has been obtained | National Law | Secretary | X | X | X | | | | | | | | | | | |
| 26.102 | To approve the transfer of the management of property from a non registered CHP to a registered CHP | National Law | Secretary | X | X | X | | | | | | | | | | | |
| 26.103 | Approve transfer of lease or head lease of a property from a non government organisation to a registered CHP | National Law | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.104 | Approval to administer the Social Housing Subsidy Program (SHSP) including:<br>• collection of payments due under the loan between the Corporation & a registered CHP<br>• payment of monies due to the lender T-Corp<br>• transfer of debts; and<br>• sale of SHSP properties to repay loan and close off. | National Law | Secretary | X | X | X | X | X | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| 26.105 | Approve entry or removal of headlease where LAHC is headlessor | National Law | Secretary | X | X | X | X | | | | | | | | | | |
| 26.106 | Enter into a funding agreement in the name of the Corporation | National Law | Secretary | X | X | X | X | | | | | | | | | | |
| 26.107 | To receive information under-the National Law from Registrar | National Law | Secretary | X | X | X | X | | | | | | | | | | |
| 26.108 | To provide assistance to CHPs | National Law | Secretary | X | X | X | X | | | | | | | | | | |
| 26.109 | To withdraw assistance from CHPs | National Law | Secretary | X | X | X | | | | | | | | | | | |
| 26.110 | To enter into an agreement with a registered CHP | National Law | Secretary | X | X | X | X | | | | | | | | | | |
| 26.111 | To consent to transfer or other dealings under the National Law | National Law | Secretary | X | X | X | X | | | | | | | | | | |
| 26.112 | To apply to Registrar General for a recording | National Law | Secretary | X | X | X | X | | | | | | | | | | |
| 26.113 | To create a charge (s19) | National Law | Secretary | X | X | X | X | | | | | | | | | | |
| 26.114 | To vest or give effect to vesting (20 & 21) | National Law | Secretary | X | X | X | X | | | | | | | | | | |
| 26.115 | To take action under s20 | National Law | Secretary | X | X | X | X | | | | | | | | | | |
| 26.116 | To instruct a CHP under s20(2) to transfer land or comply with agreement | National Law | Secretary | X | X | X | | | | | | | | | | | |
| 26.117 | To monitor activities of a CHP to determine compliance with community housing agreements under Section 20 | National Law | Secretary | X | | X | X | | | | | | | | | | |
| 26.118 | To enter into a Tripartite Deed with a CHP and financier | National Law | Secretary | X | X | X | | | | | | | | | | | |
| 26.119 | To approve the relocation of a CHP alternative property where the property is deemed beyond economical repair or not suitable for continuing rental over the long term | National Law | Secretary | X | X | X | X | | | | | | | | | | |
| 26.120 | Authorise a registered CHP to act on behalf of the Corporation in negotiations with other parties in relation to properties (e.g. fencing, DA approvals, etc) | National Law | Secretary | X | X | X | X | | | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
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| | **HOME PURCHASE ADVISORY AND MORTGAGE ASSISTANCE** | | | | | | | | | | | | | | | | |
| | **Mortgage relief under the Mortgage Assistance scheme (MAS)** | | | | | | | | | | | | | | | | |
| 26.121 | To administer and approve assistance under MAS greater than $20,000 | Housing Act Part 6 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.122 | To administer and approve assistance under MAS less than $20,000 | Housing Act Part 6 | Secretary | X | X | | | X | | X | | | | | | | |
| 26.123 | To administer and approve assistance in relation to Government Home Loan Schemes | Housing Act Part 6 | Secretary | X | X | | X | X | X | | | | | | | | |
| 26.124 | To administer the granting of indemnities and guarantees under the Government Guaranteed Loan Schemes | Housing Act Part 6 | Secretary | X | X | | X | X | | | | | | | | | |
| 26.125 | To decline an application under the MAS | Housing Act Part 6 | Secretary | X | X | | | X | | | | | | | | | |
| 26.126 | To determine appeals from applicants (except where the loan is a Home Fund loan) against a decision to decline mortgage assistance | Housing Act Part 6 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.127 | To execute agreements and acknowledgements of debts, deeds of charge, caveats, discharges and releases of deeds, summons and other like documents | Housing Act Part 6 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.128 | To approve the refund of an overpayment made by or on behalf of a client in respect of a debt to the MAS | Housing Act Part 6 | Secretary | X | X | X | X | X | | | | | | | | | |
| 26.129 | To approve an arrangement for repayment of mortgage assistance by regular instalments | Housing Act Part 6 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.130 | To approve the deferral of repayment of mortgage assistance | Housing Act Part 6 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.131 | To cease active recovery of Mortgage Assistance (dormant account) | Housing Act Part 6 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.132 | To convert Mortgage Assistance to a Grant | Housing Act Part 6 | Secretary | X | X | X | X | X | X | X | | | | | | | |
| 26.133 | To approve the registration of a credit default with the relevant agency | Housing Act Part 6 | Secretary | X | X | X | X | X | X | | | | | | | | |
| 26.134 | To approve the listing of a Bad and Doubtful debt | Housing Act Part 6 | Secretary | X | X | X | X | X | X | | | | | | | | |
| 26.135 | To approve debt recovery action by way of Garnishee order | Housing Act Part 6 | Secretary | X | X | X | X | X | X | | | | | | | | |

| Del # | Power/Function | Source | From | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **APPROVAL OF PUBLIC HOUSING OPEN SPACE AS ALCOHOL PROHIBITED AREA** | | | | | | | | | | | | | | | | |
| 26.136 | Approve Public Housing Open Space as an Alcohol Prohibited Area under | Local Government Act 1993 s 632A | Secretary | X | X | X | | | | | | | | | | | |
| | **SUBPEONAS** | | | | | | | | | | | | | | | | |
| 26.137 | Respond to subpoenas | National Law | Secretary | X | X | X | X [16] | X [14] | X [14] | X [14] | | | | | | | |
| | **FACS HSC Youth Scholarship** | | | | | | | | | | | | | | | | |
| 26.138 | Authority to approve payment of a scholarship grant to a successful eligible applicant to a maximum of $5,000. | PFA s12 | Minister | X | | | | | | | | | | | | | |
| | **Social and Affordable Housing Fund Service Package Documents** | | | | | | | | | | | | | | | | |
| 26.139 | Authority to confirm, in respect of SAHF Phase 1 Service Package Documents, satisfaction with the outcome of the contract finalisation process and with any minor consequential price adjustments, for the purposes of the Social and Affordable Housing Fund – Phase 1 Approval of Preferred Proponents and Contract Award. | | Minister | X | | | | | | | | | | | | | |

[16] Any solicitor or senior Litigation Clerk

## INSTRUMENT OF DELEGATION

***Public Finance and Audit Act 1983* (NSW)**
***Community Housing Providers (Adoption of National Law) Act 2012* (NSW)**

To the extent that I am able, I BRADLEY RONALD HAZZARD MP, being the Minister of the Crown in and for the State of New South Wales with power to delegate under the following Acts:

- s 12A of the *Public Finance and Audit Act*
- s 25A(5) of the *Community Housing Providers (Adoption of National Law) Act*

the Regulations and the general law of the State of New South Wales, delegate the exercise and performance of those functions, authorities, duties and powers in the attached Schedule AB to the employee or employees identified in that Schedule and/or Schedule A up to the general financial limits prescribed in Schedule B (unless otherwise expressly limited).

The Schedules to this Instrument are:

| | |
|---|---|
| Schedule A: | Categories of Delegated Employees |
| Schedule B: | General Financial Limits for Delegated Employees |
| Schedule AB: | Family & Community Services Housing delegations |

Each delegation is subject to the conditions that:

(i) it will be exercised subject to any policies, guidelines or procedures issued by the Secretary (or authorised/delegated employee) from time to time;

(ii) any matter which involves a substantial departure from policy shall be submitted for consideration by the Minister;

(iii) for grants funding to non-government organisations, the General Financial limit applies to the funding for an individual non-government organisation whether it is part of a decision affecting that non-government organisation alone or non-government organisations generally;

(iv) it shall be exercised in accordance with such duties required by the *Government Sector Employment Act 2013* and the *Public Finance and Audit Act 1983.*

Earlier endorsed versions of Schedule AB are revoked and the attached schedule of delegations are provided in their place.

<u>In this Instrument:</u>

'Employee' means the holder of a specified role, and/or
(i) a person acting in that role and/or
(ii) any supervising employee senior to that person; and/or
(iii) an employee who, as a next senior employee present responsible to the holder of the role, is allocated by the holder of the role responsibility for the duties of the role during a temporary absence from duty of the holder of the role.

This instrument takes effect from December 2016

.....
Minister
<date>