



Australian Government

**Department of Innovation
Industry, Science and Research**

EXERCISE of POWERS and FUNCTIONS

1 July 2011

POLICY STATEMENT

EXERCISE of POWERS and FUNCTIONS

It is the department's policy to provide managers with the flexibility and responsibility to deal with employment matters related to their employees.

Principles

- Managers will exercise powers and functions in accordance with the schedules approved by the Secretary.
- Human Resources & Facilities Branch will provide managers with access to training on their role and responsibilities as a delegate or authorised employee.
- Managers will ensure that they have all the relevant information required to make a decision and that they understand the powers they are exercising. Human Resources & Facilities Branch is available to provide assistance if required.
- Managers will adhere to the principles of procedural fairness, equity and transparency in decision making when making decisions.
- Managers will be responsible and accountable for their decisions.

References: *Public Service Act 1999 s78 (7), Public Service Regulations 1999 r9.3 (3), Public Service Directions 1999 cl7.1 (1), Public Service Classification Rules 2000 r13 (1), One Innovation Enterprise Agreement 2011, Long Service Leave Act 1976 s9, Long Service Leave Regulations, Maternity Leave Act 1973 s11, Safety, Rehabilitation and Compensation Act 1988 41A, Fair Work Act 2009.*

| Issued By: | Contact: | Release Date: | Revision No: |
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| Human Resources & Facilities Branch | Employment Framework & OH&S Team | July 2011 | 8 |

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EXERCISE OF POWERS and FUNCTIONS

Instructions for use

Guide to the columns and features of **Schedule 1**:

Indicates whether the power or function has been delegated ("D" appears in the relevant line of this column).
(D) Delegation
(A) Authorisation

Provides a brief outline of the power or function to assist employees in finding the relevant power or function. Employees should consult the actual reference for full details prior to exercising the power or function.

Provides details of the Employment Categories (by number) that have the delegation or have been authorised to exercise the relevant power and function.

Lists the actual powers or functions that may be exercised by the delegate or authorised employee

| Column 1 | | Column 2 | Column 3 | | | | | | |
|----------|---|---|------------------------|---|--|--|--|---|---|
| | DELEGATIONS lists relevant section, regulation, clause, rule or paragraph | Brief description of POWER/FUNCTION for full details, consult actual section/clause/paragraph of the relevant document or contact Human Resource Management Section | Unlimited Power | Limited Power Only to be exercised for employees below delegates classification | | | | | |
| | | | Category Number | Category Number | | | | | |
| | | ENGAGEMENT | | | | | | | |
| D | PS Act 22(1) | Engage persons as APS employee subject to PS Regulations & PS Commissioner's Directions - refer to Payroll & Recruitment Team for details | 1 | 2 | | | | 4 | 6 |
| D | CA Clause 2.5.1 | Approve payment of salary above the minimum rate | 1 | 2 | | | | 4 | |

A general heading for a group of related powers or functions.

Employment Categories that are subject to limitations in the exercise of the power or function are listed under this heading.

Guide to the columns and features of **Schedule 2**:

The Employment Category Numbers used in Column 3 of Schedule 1.

The relevant classifications applicable to the Employment Category Description.

Describes the employees' duties covered by the Employment Category Number.

| Category Number | Employment Category Description | APS Classification |
|-----------------|--|--------------------------|
| 1 | Deputy Chief Executive Officers Head of Division - Corporate Division | SES Band 3 SES Band 2 |
| 2 | Head of Division - all Divisions | SES Band 2 |

EXERCISE of POWERS and FUNCTIONS PROCEDURES

General Instructions

To find the relevant power or function, select the appropriate “General Heading” from the Table of Contents and then peruse the brief outlines in Column 2 of Schedule 1.

Delegates should consult the actual reference prior to exercising any power or function.

If “D” appears adjacent to a power or function in Column 1 of Schedule 1 then that power or function has been delegated to the Employment Categories identified in Column 3 on the same line.

The Employment Category Numbers in Schedule 1 correspond to the Employment Categories listed in Schedule 2.

Delegates Employees

Delegates are empowered to make decisions based on their own opinions, beliefs or state of mind and are therefore ultimately responsible for their decision.

Limitations

If an Employment Category Number appears under the Limited Power box in Column 3 of Schedule 1, then the corresponding power or function may only be exercised for matters relating to employees who have an APS classification no higher than one level below that of the delegate.

Abbreviations

| ABBREVIATION | DESCRIPTION |
|--------------|--|
| DIISR EA | One Innovation Enterprise Agreement 2011 |
| Class Rule | Public Service Classification Rules 2000 |
| DIISR Policy | DIISR Policies and Procedures |
| LSL Act | Long Service Leave (Commonwealth Employees) Act 1976 |
| LSL Reg | Long Service Leave Regulations |
| MLA | Maternity Leave (Commonwealth Employees) Act 1973 |
| FWA | Fair Work Act 2009 |
| PS Act | Public Service Act 1999 |
| PS Reg | Public Service Regulations 1999 |
| PSC Dir | Public Service Commissioner’s Directions 1999 |
| SR&C Act | Safety, Rehabilitation, and Compensation Act 1988 |

EXERCISE of POWERS and FUNCTIONS PROCEDURES

| DIISR – DELEGATIONS – Schedule 1 | | Note: Schedule 2 contains an explanation of the Employment Category Numbers used in this schedule | | | | | | | |
|--|---|---|---|---|---|--|---|---|--|
| Column 1 | Column 2 | Column 3 | | | | | | | |
| DELEGATION Lists relevant clause, schedule/clause or policy/paragraph | Brief description of POWER/FUNCTION For full details, consult actual section/clause/paragraph of the relevant document or contact Human Resources & Facilities Branch | Unlimited Power | | | | Limited Power Only to be exercised for employees below authorised employee's classification | | | |
| ALLOWANCES | | Category Number | | | | Category Number | | | |
| DIISR Policy- General Allowances 3.1 DIISR EA 92 | Loss or damage to clothing/personal effects - Direct loss or damage related to employee's service | 1 | 2 | 3 | 5 | | | | |
| DIISR Policy- General Allowances 3.1 | Loss or damage to clothing/personal effects - Determine reasonable amount for payment | 1 | 2 | 3 | 5 | | | | |
| DIISR policy- General Allowances 2.1 DIISR EA 90 | Disruption Allowance - determine compensation for affected employees | 1 | 2 | | | | | | |
| DIISR EA 83 | Review and increase rates of allowances | 1 | 2 | 4 | | | | | |
| DIISR Hrs of Work & Flexitime Policy | Determine alternative rate of Restriction Allowance | 1 | 2 | 4 | | | | | |
| DIISR EA 85 | Determine need for a higher First Aid qualification in the workplace | 1 | 2 | 4 | | | | | |
| DIISR EA s3.6.1 | Determine another amount for cadet book and equipment allowance | 1 | 2 | 4 | | | | | |
| APS VALUES | | | | | | | | | |
| PSC Dir 2 | APS Values – Establish measures to ensure APS employees understand their responsibilities in relation to the APS Values, and the minimum requirements that APS employees must meet in upholding the APS Values. | 1 | | | | | | | |
| ASSIGNMENT OF DUTIES | | | | | | | | | |
| PS Act 25 | Assign duties to an employee | 1 | 2 | | | | 4 | 6 | |
| PS Act 26 (1) | Agree to an employee from another agency moving to the Department - subject to PS Regulations & PS Commissioner's Directions | 1 | 2 | | | | 4 | 6 | |
| PS Act 77 (2) | Nominate employee to occupy position created under PS Act 77(1) | 1 | 2 | | | | | | |
| PS Reg 3.8(2) (b) | Promotions not subject to review - Agree to another date of effect | 1 | 2 | | | | 4 | 6 | |
| PS Reg 3.8(4) (b) | Promotions subject to review - Agree to another date of effect (after review application period) | 1 | 2 | | | | 4 | 6 | |
| PS Reg 3.8(5) (b) | Promotions subject to review (review application withdrawn) - Agree to another date of effect (after review application period) | 1 | 2 | | | | 4 | 6 | |
| PS Reg 3.8 (5B) (b) | Promotions subject to review (application lapses) – Agree to another date of effect | 1 | 2 | | | | 4 | 6 | |
| PS Reg 3.8 (5C) (b) | Promotions subject to review (MPC decides it is not necessary to appoint a PRC) – Agree to another date of effect | 1 | 2 | | | | 4 | 6 | |
| PS Reg 3.8(6) (b) | Promotions subject to review (review by PRC) - Agree to another date of effect (after review decision) | 1 | 2 | | | | 4 | 6 | |

EXERCISE of POWERS and FUNCTIONS PROCEDURES

| DIISR – DELEGATIONS - Schedule 1 | | Note: Schedule 2 contains an explanation of the Employment Category Numbers used in this schedule | | | | | |
|--|--|---|---|---|--|---|---|
| Column 1 | Column 2 | Column 3 | | | | | |
| DELEGATION Lists relevant clause, schedule/clause or policy/paragraph | Brief description of POWER/FUNCTION For full details, consult actual section/clause/paragraph of the relevant document or contact Human Resources & Facilities Branch | Unlimited Power | | | Limited Power Only to be exercised for employees below authorised employee's classification | | |
| | | Category Number | | | Category Number | | |
| ASSIGNMENT OF DUTIES (Continued) | | | | | | | |
| PS Reg 3.9 (3) (b) | Moves between agencies (not a promotion) – Agree to another date of effect (after old agency notified of move) | 1 | 2 | | | 4 | 6 |
| TEMPORARY ASSIGNMENT OF DUTIES | | | | | | | |
| PS Act 26 (1) | Agree to an employee from another agency temporarily moving to the Department - subject to PS Regulations & PS Commissioner's Directions | 1 | 2 | | | 4 | 6 |
| PS Act 25 | Temporary assign duties to an employee | 1 | 2 | | | 4 | 6 |
| PS Reg 3.9A (2) | Voluntary move between agencies (temporary move) – Approve period of the move in writing | 1 | 2 | | | 4 | 6 |
| PS Reg 3.9A (3) | Temporary moves between agencies – Not approve period of the move | 1 | 2 | | | 4 | 6 |
| PS Reg 3.9A (4) | Temporary moves between agencies – Agree to different date of effect | 1 | 2 | | | 4 | 6 |
| PS Reg 3.9B | Temporary moves between agencies – Vary the length of the period of the move | 1 | 2 | | | 4 | 6 |
| PSC Dir 4.7 | Establish measures to ensure higher duties not assigned unless matters in this direction have been considered | 1 | | 3 | | | |
| DIISR EA 75 | Determine classification & salary point for partial performance of duties at higher classification | 1 | 2 | | | 4 | 6 |
| DIISR EA 76 | Determine classification & salary point for partial performance of duties at higher classification | 1 | 2 | | | 4 | 6 |
| DIISR EA 80 (c) | Approve payment of higher duties allowance for more than 2 weeks | 1 | 2 | | | 4 | 6 |
| ENGAGEMENT | | | | | | | |
| PS Act 22 (1) | Engage persons as APS employee subject to PS Regulations & PS Commissioner's Directions | 1 | 2 | | | 4 | 6 |
| PS Act 22 (8) | Consider it appropriate to engage person who is not an Australian citizen | 1 | 2 | | | | |
| PS Act 74 (1) | Engage persons as Locally Engaged Employees overseas | 1 | 2 | | | | |
| PS Reg 3.1(2) | Direct employee to undergo medical examination to assess fitness for duty and provide medical report | 1 | 2 | 3 | | 4 | 6 |
| PS Reg 3.1(3) | Nominate registered medical practitioner to assess employee's fitness for duty | 1 | 2 | 3 | 5 | | |
| PS Reg 3.5(2) Item 1 | Non-ongoing employee for specified term - Determine that temporary increase in workload not likely to continue | 1 | 2 | | | 4 | 6 |
| PS Reg 3.5(3) (a) & (b) | Non-ongoing employee for specified task - Estimate duration of task and determine person unlikely to be required after completion of tasks | 1 | 2 | | | 4 | 6 |
| PS Reg 3.6(2) (d) | Non-ongoing employee for specified term/task - Certify extension is in the public interest | 1 | 2 | | | 4 | 6 |

EXERCISE of POWERS and FUNCTIONS PROCEDURES

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| | | Category Number | | | Category Number | | |
| ENGAGEMENT (Continued) | | | | | | | |
| PSC Dir 4.2 (4) | Engagement of ongoing APS employee – Decide not to provide the opportunity under clause 4.2(2) | 1 | 2 | | | | |
| PSC Dir 4.2 (4A) (b) | Engagement of ongoing APS employees – Decide to provide the opportunity to all members of the community | 1 | 2 | | | | |
| PSC Dir 4.2A (2) | Engagement of non-ongoing employee as ongoing employee – Decide that a non-ongoing APS employee should be engaged as an ongoing employee and ask the APS Commissioner to authorise engagement | 1 | 2 | | | 4 | |
| PSC Dir 4.2A (4) | Engagement of non-ongoing employee as ongoing employee – Engage a non-ongoing APS employee as an ongoing employee following authorisation from the APS Commissioner | 1 | 2 | | | | |
| PSC Dir 4.4A (2) | Engage redundancy benefit recipient as an APS employee or under section 74 of the Act to perform duties overseas if engagement is considered essential for Department's operations subject to obtaining the APS Commissioner's approval or consulting the APS Commissioner as specified in PSC Dir 4.4A (3) and (4) | 1 | 2 | | | | |
| PSC Dir 4.5 (2) | Extension of non-ongoing employee/specified term of more than 12 months – Establish measures to ensure access to all eligible members of the community | 1 | 2 | | | | |
| PSC Dir 4.6A (3) | Promotion of ongoing APS employee – Decide not to provide the opportunity to all eligible members of the community | 1 | 2 | | | | |
| DIISR EA 62 a | Approve payment of salary above the minimum rate | 1 | 2 | | | 4 | |
| DIISR Recruitment Policy | Engage a non –Australian citizen Waive security clearance requirements | 1 | | | | | |
| EXTRA DUTY AND OVERTIME | | | | | | | |
| DIISR EA 103 | Overtime - direct employees to work overtime | 1 | 2 | | | 4 | 6 |
| DIISR EA 107 | Salary Barrier - approve payment of overtime to employees above the barrier | 1 | 2 | | | | |
| DIISR EA 116 | Overtime - instruct employees to resume duty without 8 hour break | 1 | 2 | | | 4 | 6 |
| DIISR EA 124 | Restriction duty - direct employees to be contactable and available for extra duty - seek advice from HR&F Branch | 1 | 2 | | | 4 | 6 |
| DIISR EA 122 | Emergency Duty – instruct employees to resume duty without 8 hour break | 1 | 2 | | | 4 | 6 |

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| | | | | | | Only to be exercised for employees below authorised employee's classification | | | |
| | | Category Number | | | | Category Number | | | |
| EMPLOYEE INDIVIDUAL ARRANGEMENTS | | | | | | | | | |
| DIISR EA 19 | Agree to make individual flexibility arrangements in accordance with the Individual Employment Arrangements guidelines | 1 | 2 | | | General Managers | | | |
| LEAVE | | | | | | | | | |
| DIISR Policy - Leave Procedures | Unpaid Leave - approve leave to count as service | 1 | | | | 2 | 4 | | |
| LSL Act 12 (3)(b) | Long Service Leave - Determine whether an absence without pay to be included as service for LSL | 1 | 2 | 3 | 5 | | | | |
| LSL Act 12 (7,8) & 13 (8 & 9) | Long Service Leave - Deem service to be continuous where termination was due to ill health and recommencement is within 12 months of a specified occurrence | 1 | 2 | 3 | 5 | | | | |
| LSL Act 16 (2 & 3) | Long Service Leave - Grant on full or half pay after 10 years service | 1 | 2 | 3 | 5 | | 4 | 6 | 7 |
| LSL Act 16 (4 & 7) | Long Service Leave - Authorise payment in lieu upon cessation or death after 10 years service | 1 | 2 | 3 | 5 | | | | |
| LSL Act 17 (1) | Long Service Leave - Grant on full salary in specified circumstances with less than 10 years service | 1 | 2 | 3 | 5 | | | | |
| LSL Act 17 (2 & 5) | Long Service Leave – Authorise payment in lieu upon cessation or death in specified circumstances before 10 years | 1 | 2 | 3 | 5 | | | | |
| LSL Act 19 (2) (d) | Long Service Leave – Recognised Service- Determine period of full pay LSL deemed to have been granted where a previous payment in lieu of LSL has been made | 1 | 2 | 3 | 5 | | | | |
| LSL Act 19 (2) (b) | Long Service Leave – Recognised Service- Determine period of full pay LSL deemed to have been granted where previous LSL was not granted on full or half pay | 1 | 2 | 3 | 5 | | | | |
| LSL Act 23 (1) | Long Service Leave - Direct death has occurred on a specified date | 1 | 2 | 3 | 5 | | | | |
| LSL Act 23 (4) | Long Service Leave - Appoint and authorise payment to trustees where employee or dependants have a legal disability | 1 | 2 | 3 | 5 | | | | |
| LSL Reg 4B (2) | Long Service Leave - Certify periods in respect of which higher duties would have been performed | 1 | 2 | 3 | 5 | | 4 | 6 | |
| MLA 7a (1,2,4 & 6) | Maternity Leave - Grant or refuse an application to resume duty/furnish reasons for refusal | 1 | 2 | 3 | 5 | | 4 | 6 | |
| MLA 6 (1) | Maternity Leave - Grant leave not exceeding 52 weeks from specified date | 1 | 2 | 3 | 5 | | 4 | 6 | |
| MLA 6 (4c) | Maternity Leave - Determine unauthorised absence prior to maternity leave is in extenuating circumstances | 1 | 2 | 3 | | | | | |
| MLA 6 (4f) | Maternity Leave - Determine person on leave without pay can be granted maternity leave | 1 | 2 | 3 | 5 | | | | |
| MLA 7 | Maternity Leave - Permit employee to continue/resume duty based on medical certificate | 1 | 2 | 3 | 5 | | 4 | 6 | |

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| | | Category Number | | | | Category Number | | | |
| LEAVE (Continued) | | | | | | | | | |
| DIISR EA 180 | Approve additional leave arrangements/entitlements | 1 | 2 | | | | | | General Managers |
| DIISR EA 156 | Approve Personal Leave @ half pay | 1 | 2 | | | | | 4 | |
| DIISR Leave Policy | Approve LWOP without requirement to utilise accrued leave | 1 | 2 | | | | | | General Manager HR&F Branch |
| DIISR Studies Assistance Policy | Approve study leave and financial assistance | 1 | 2 | 4 | | | | | |
| MISCELLANEOUS | | | | | | | | | |
| PS Act 18 | Workplace Diversity Program - Establish a program to comply with PS Commissioner's Directions | 1 | | | | | | | |
| PS Act 24 (1) | Determine remuneration and other conditions of employment subject to PS Regulations | SES Band 3 | | | | | | | |
| PS Act 31 (1) | Give notice to employee regarding additional non-Commonwealth remuneration | 1 | 2 | 3 | | | | | |
| PS Act 39 (2) | Heads of Mission - Comply with Minister's direction for engaging and assigning duties | 1 | | | | | | | |
| PS Act 44 (3) | State of Service Report - Provide PS Commissioner with required information | 1 | 2 | 3 | 4 | | | | |
| PS Act 63 (1) | Annual Report - Provide Minister with report for presentation | 1 | 2 | | | | | | |
| PS Act 77 (1) | Create or abolish positions | 1 | 2 | | | | | | |
| PS Reg 3.2 (1) | Believe employee's health causes concerns listed in PO Reg 3.2.1 (1) (a) to (e) | 1 | 2 | 3 | 5 | | | 4 | |
| PS Reg 3.2(2) | Direct employee to undergo medical examination to assess health and physical fitness based on concerns listed in PS Reg 3.2(1) and provide medical report | 1 | 2 | 3 | 5 | | | 4 | |
| PS Reg 3.3(1) | Approve scheme for non-ongoing employees to gain skills/experience to assist them in participating in the workforce | 1 | | | | | | | |
| PS Reg 8.1(3) (a) | Machinery of Govt changes - Consult with affected employees on varying conditions of service | 1 | | | | | | | |
| PS Reg 8.2(2) (a) | Machinery of Govt changes - Consult with affected non-APS employees on varying conditions of service | 1 | | | | | | | |
| PS Reg 8A 4(1) | Paying officer – Appoint Paying Officer(s) for purpose of making deductions | 1 | 2 | 3 | | | | | |
| PS Reg 9.2(1) | Disclose personal information in prescribed circumstances | 1 | 2 | 3 | 5 | | | 4 | |
| PSC Dir 3.2 (1) | Workplace Diversity Program - Establish measures to prevent all forms of discrimination and recognise advantages of diversity | 1 | | | | | | | |
| PSC Dir 3.4 | Workplace Diversity Program - Provide copy of program to APSC | 1 | | 3 | | | | | |
| PSC Dir 3.5 (1) (a) | Workplace Diversity Program - Develop performance indicators | 1 | | | | | | | |
| PSC Dir 3.5 (1) (b) | Workplace Diversity Program - Evaluate and report on effectiveness and outcomes | 1 | | 3 | | | | | |

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| | | Category Number | | | | Category Number | | | |
| MISCELLANEOUS (Continued) | | | | | | | | | |
| PSC Dir 3.5 (2) | Workplace Diversity Program - Provide APSC with information to evaluate effectiveness | 1 | | 3 | | | | | |
| PSC Dir 3.6 | Workplace Diversity Program - Review program at least once every 4 years | 1 | | 3 | | | | | |
| Class Rule 6(1) | Classifications - Allocate approved classification to employee | 1 | 2 | | | | 4 | 6 | |
| Class Rule 7(3) | Classifications - Temporary assignment of duties - Allocate approved classification to employee | 1 | 2 | | | | 4 | 6 | |
| Class Rule 9(1) | Classifications - Allocate approved classification to each group of duties | 1 | | | | | | | |
| Class Rule 9(3) | Classifications - Ensure training classification duties include requirement to undergo training | 1 | | | | | | | |
| Class Rule 9(4) DIISR EA 54 | Classifications - Allocate more than one classification to a group of duties (Broadband) | 1 | | | | | | | |
| Class Rule 10(1) | Classifications - Issue work level standards for each classification | 1 | | | | | | | |
| Class Rule 11(1) | Classifications - Allocate relevant classification to employee | 1 | | 3 | | | | | |
| DIISR EA 190 | Reach agreement with employees to substitute public holiday for religious/cultural day | 1 | | | | | | | |
| DIISR EA 189 | Approve employee rostered to work on P/H to absent themselves or day off in lieu | 1 | 2 | 3 | 4 | | | | |
| DIISR Policy-Managing Underperformance | Directs an impartial assessment of employees work performance | 1 | 2 | 3 | | | | | |
| DIISR Policy-Managing Underperformance | Extend time frame to properly assess employee's work performance | 1 | 2 | 3 | | | | | |
| DIISR EA 141 (d) | Direct employee to be assessed by independent person | 1 | 2 | 3 | | | | | |
| DIISR EA Table S1.3.1 (c) | Determine other legibility requirements for Legal Council and Senior Legal Council job | 1 | | | | | | | |
| DIISR EA Table S1.3.2(b) | Determine other legibility requirements for Principal Legal Council job | 1 | | | | | | | |
| DIISR EA Table S1.4.1(b)2 | Determine if employee capable of performing at higher level | 1 | | | | | | | |
| DIISR EA Table S1.4.2 (c) | Determine more than one employee capable of performing at higher level | 1 | | | | | | | |
| DIISR EA 143 | Identify specific Learning and Development programs | 1 | 2 | 3 | 4 | | | | |
| DIISR EA Table S3.3.2 | Determine if work available @ higher designation within broadband | 1 | 2 | | | | | | |
| DIISR EA Table S2.4.4 | Review and adjust regional conditions from time to time | 1 | 2 | | | | | | |
| DIISR EA 205 | Remove access to flextime | 1 | 2 | | | | | | |
| OFFICIAL CONDUCT | | | | | | | | | |
| PS Act 15 (1) | Breaches of Code of Conduct - Impose sanction subject to limitations in PS Reg 2.3(2) | 1 | 2 | | | | | | General Manager HR&F Branch |

EXERCISE of POWERS and FUNCTIONS PROCEDURES

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| | | Category Number | | | Category Number | | |
| OFFICIAL CONDUCT (Continued) | | | | | | | |
| DIISR Policy - CoC | Gift/Benefit - approve acceptance of | 1 | 2 | | | | 4 |
| DIISR Policy - CoC | Deal with Breaches of the Code of Conduct | 1 | 2 | | | | General Manager HR&F Branch |
| PS Act 15 (3) | Breaches of Code of Conduct - Establish procedures for determining breaches and complying with PS Commissioner's Directions | 1 | | | | | |
| PS Act 15 (5) | Breaches of Code of Conduct - Take reasonable steps to ensure employees aware of Breach of Code procedures | 1 | 2 | | | | |
| PS Reg 2.1 | Official information - authorise disclosure of | 1 | 2 | | | | |
| PS Reg 2.4(1) | Whistleblowers - Establish procedures for reports from and the protection of whistleblowers | 1 | | | | | |
| PS Reg 3.10(1) | Breaches of Code of Conduct - Suspend employment (with or without pay) based on reasonable grounds | 1 | 2 | | | | General Manager HR&F Branch |
| PS Reg 3.10(4) | Breaches of Code of Conduct - Review suspension at reasonable intervals | 1 | 2 | | | | General Manager HR&F Branch |
| PS Reg 3.10(5) | Breaches of Code of Conduct - End suspension if reasons for suspension no longer valid | 1 | 2 | | | | General Manager HR&F Branch |
| PS Reg 3.10(6) | Breaches of Code of Conduct - End suspension if sanction imposed | 1 | 2 | | | | General Manager HR&F Branch |
| PS Reg 3.10(7) | Breaches of Code of Conduct - Satisfied on reasonable grounds that in particular circumstances, not appropriate to | 1 | 2 | | | | General Manager HR&F Branch |
| DIISR Policy - CoC | Outside employment - Permit employee to engage in | 1 | 2 | | | | 4 |
| REHABILITATION | | | | | | | |
| SR&C Act 36(1) | Arrange for assessment of employee's capability of undertaking a rehabilitation program | 1 | | | | 8 | |
| SR&C Act 36(2)(a)(b)(c) | Nominate legally qualified medical practitioner or suitably qualified person/panel to undertake an assessment | 1 | | | | 8 | |
| SR&C Act 36(3) | Direct employee to undergo an examination | 1 | | | | 8 | |
| SR&C Act 37(1) | Direct employee to undertake a rehabilitation program | 1 | | | | 8 | |
| SR&C Act 40(1) | Provide employee with suitable employment | 1 | 2 | | | 8 | 4 6 |
| REVIEW OF ACTIONS | | | | | | | |
| PS Reg 5.25(1) | Primary review by Merit Protection Commissioner (MPC) - Refer review to MPC after MPC agreement | 1 | 2 | 3 | | | 4 |
| PS Reg 5.25(2) (b) | Primary review by MPC - Determine internal review not appropriate due to seriousness or sensitivity | 1 | 2 | 3 | | | |
| PS Reg 5.25(3) | Primary review by MPC - Advise employee of referral to MPC | 1 | 2 | 3 | | | 4 |
| PS Reg 5.27(1) | Primary Review - Conduct formal review | 1 | 2 | 3 | | | 4 |
| PS Reg 5.27(5) | Primary Review - Advise employee of decision, reason, actions to be taken and right to review by MPC | 1 | 2 | 3 | | | 4 |
| PS Reg 5.30(2) | Secondary Review - Provide employee with copy of documents sent to MPC | 1 | 2 | 3 | | | 4 |
| PS Reg 5.32 (1)&(2) | MPC Recommendations - Consider and make decision about recommendations | 1 | 2 | 3 | | | 4 |

EXERCISE of POWERS and FUNCTIONS PROCEDURES

| DIISR – DELEGATIONS - Schedule 1 | | Note: Schedule 2 contains an explanation of the Employment Category Numbers used in this schedule | | | | | | | |
|---|---|---|---|---|---|---|---|---|--|
| Column 1 | Column 2 | Column 3 | | | | | | | |
| | DELEGATION Lists relevant clause, schedule/clause or policy/paragraph Brief description of POWER/FUNCTION For full details, consult actual section/clause/paragraph of the relevant document or contact Human Resources & Facilities Management Branch | Unlimited Power | | | | Limited Power | | | |
| | | | | | | Only to be exercised for employees below authorised employee's classification | | | |
| | | Category Number | | | | Category Number | | | |
| | REVIEW OF ACTIONS (Continued) | | | | | | | | |
| PS Reg 5.32(4) | MPC Recommendations - Advise employee and MPC of delegate's decision | 1 | 2 | 3 | | | 4 | | |
| PS Reg 5.35(2) | Provide information/documents as requested by investigating person/committee | 1 | 2 | 3 | | | 4 | | |
| DIISR Policy - Review of Actions Procedures | Appoint investigator to carry out independent review | 1 | 2 | 3 | | | | | |
| | SELECTION REVIEWS | | | | | | | | |
| PS Reg 4.2(1) | ISAC (Independent Selection Advisory Committee) - Request MPC to establish | 1 | 2 | 3 | | | | | |
| PS Reg 4.3(1) (b) | ISAC - Nominate Departmental representative | 1 | 2 | 3 | | | 4 | | |
| PS Reg 5.11(1) (b) | PRC (Promotion Review Committee) - Nominate Departmental representative | 1 | 2 | 3 | 5 | | 4 | 6 | |
| PSC Dirs 4.2 (1) & (2), 4.6A | Merit in employment - Establish measures to provide access to all eligible community members to apply for ongoing job vacancies | 1 | | 3 | | | | | |
| PSC Dir 4.3 (1) | Merit in employment - Establish measures to provide access to all eligible community members for non-ongoing job vacancies | 1 | | 3 | | | | | |
| PS Reg 5.17(2) | PRC - Provide information/documents as requested | 1 | 2 | 3 | 5 | | 4 | 6 | |
| | TERMINATION | | | | | | | | |
| DIISR EA 229 (c) | Determine an employee to be declared excess due to relocation of performance of duties | 1 | 2 | | | | | | |
| DIISR EA 230 | Advise relevant parties of potential excess employee(s) | 1 | 2 | 3 | | | | | |
| DIISR EA 253 (a) | Approve additional amount for redeployment services | 1 | 2 | | | | | | |
| DIISR EA 242 | Agree to reducing the discussion/consideration period | 1 | 2 | | | | | | |
| DIISR EA 231 | Invite employees to express interest in/elect for voluntary retrenchment | 1 | 2 | | | | | | |
| DIISR EA 233 | Direct employee to be retired under Sect 29 of PS Act | 1 | 2 | | | | | | |
| DIISR EA 236 | Approve job swap on an individual basis | 1 | 2 | | | | | | |
| DIISR EA 263 | Terminate employee during notice period | 1 | 2 | | | | | | |
| DIISR EA 268 | Agree to independent convenor of review committee and nominate DIISR representative | 1 | 2 | 3 | | | | | |
| PS Act 27 (2) | Notify PS Commissioner that an employee is excess to Department's requirements | 1 | 2 | 3 | | | | | |
| PS Act 29 (1) | Terminate APS employment, by notice in writing – subject to PS Regulations, PS Commissioner's Directions and FWA | 1 | 2 | 3 | | | 4 | 6 | |
| DIISR EA 256 | Extend redeployment period for personal illness or Mandatory Maternity Leave | 1 | 2 | 3 | | | | | |
| DIISR EA 253 (d) | Reassign to a lower classification | 1 | 2 | | | | | | |

EXERCISE of POWERS and FUNCTIONS PROCEDURES

| DIISR – DELEGATIONS - Schedule 1 | | Note: Schedule 2 contains an explanation of the Employment Category Numbers used in this schedule | | | | | | | |
|---|--|---|---|---|---|---|---|---|--|
| Column 1 | Column 2 | Column 3 | | | | | | | |
| DELEGATION Lists relevant clause, schedule/clause or policy/paragraph | Brief description of POWER/FUNCTION For full details, consult actual section/clause/paragraph of the relevant document or contact Human Resources & Facilities Management Branch | Unlimited Power | | | | Limited Power Only to be exercised for employees below authorised employee's classification | | | |
| | | Category Number | | | | Category Number | | | |
| | TRAVEL PROVISIONS/FARES | | | | | | | | |
| DIISR EA 94 (f) | Consider if reasonable additional accommodation/meals and incidentals entitlements | 1 | 2 | 3 | 5 | | 4 | | |
| DIISR EA 95 | Approve payment of cash advance | 1 | 2 | 3 | 5 | | 4 | | |
| DIISR Leave Policy | Authorise travel for purpose of reunion visit to a locality other than former locality | 1 | 2 | 3 | | | | | |
| DIISR Policy- General Allowances 1.1, 1.3 & DIISR EA 89 DIISR Policy – Travel Arrangements | Private vehicle use – Authorise use for official purposes and grant permission for use on particular journeys and may approve payment of an additional allowance | 1 | 2 | 3 | 5 | | 4 | 6 | |

DIISR - EMPLOYMENT CATEGORIES

| Column 1 | Column 2 | Column 3 |
|-----------------|--|--|
| Category Number | Employment Category Description | APS Classification |
| 1 | Deputy Secretaries and the Chief Scientist in relation to staff of the Office of the Chief Scientist Head of Division - Corporate Division | SES Band 3 SES Band 2 |
| 2 | Head of Division - all Divisions | SES Band 2 |
| 3 | Human Resources & Facilities Branch General Manager Human Resources & Facilities Branch Corporate Division Managers Human Resources & Facilities Branch Corporate Division Assistant Manager Pay, Conditions & Recruitment Human Resources & Facilities Branch Corporate Division | SES Band 1 Executive Level 2 Executive Level 1 |
| 4 | General Managers - all Divisions Chief Finance Officer State Managers - All States and Territories | SES Band 1 SES Band 2 Executive Level 2 |
| 5 | Pay, Conditions & Recruitment Human Resources & Facilities Branch Corporate Division Only to be exercised on direction from Asst Manager or APS 6 | APS 6 APS 5 APS 4 APS 3 |
| 6 | Managers - all Divisions Executive Officers - all Divisions Asst Managers - all Divisions - only to be exercised where the Manager is absent from duty and no other employee has been temporarily assigned to the duties - not to be exercised in relation to Engagement, Assignment of Duties or Selection Review powers | Executive Level 2 NMI 8, 9, 10 Executive Level 2 Executive Level 1 Executive Level 1 |
| 7 | Direct Supervisors | All Classifications |
| 8 | Manager Employment Services Human Resources & Facilities Branch Corporate Division Asst Manager Employment Framework & OH&S Human Resources & Facilities Branch Corporate Division Injury Prevention & Management Adviser Employment Framework & OH&S Human Resources & Facilities Branch Corporate Division | Executive Level 2 Executive Level 1 APS 6 |