

s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)  
(ii)

s22(1)(a)(ii)



## Human Resources Delegations and Authorisations

*Public Service Act 1999*

*Public Service Regulations 1999*

*Australian Public Service Commissioner's Directions 2016*

*Public Service Classification Rules 2000*

s22(1)(a)(ii)

I, **Heather Smith**, Secretary of the Department of Industry, Innovation and Science, hereby:

1. Revoke all previous 'Departmental' delegations in respect to the powers and functions which are the subject of this instrument.
2. Delegate, pursuant to the delegation powers specified below:
  - a. under those provisions specified in the column titled 'Source' of the attached Human Resources Delegations Matrix (Matrix);
  - b. the powers and functions specified in the column titled 'Description of power or function that has been delegated or authorised' of the Matrix;
  - c. to the officials within the Department of Industry, Innovation and Science from time to time holding, occupying, or performing the duties of, the specified offices or positions that are listed in the columns of the Matrix.
3. Authorise, pursuant to the legislation specified below:
  - a. under those provisions specified in the column titled 'Source' of the Matrix;
  - b. the officials within the Department of Industry, Innovation and Science from time to time holding, occupying, or performing the duties of, the specified offices or positions that are listed in the columns of the Matrix;
  - c. to exercise the powers, functions and duties specified in the column titled 'Description of power or function that has been delegated or authorised' of the Matrix for and on my behalf.

I make the above delegations in accordance with:

- (i) Subsection 78(7) of the *Public Service Act 1999* (PS Act)
  - (ii) Regulation 9.3(3) of the *Public Service Regulations 1999* (PS Regulations)
  - (iii) Direction 52(1) of the *Australian Public Service Commissioner's Directions 2016*
  - (iv) Rule 13(1) of the *Public Service Classification Rules 2000*
- s22(1)(a)(ii)

s22(1)(a)(ii)

#### **Directions, instructions and limitations**

The delegations and authorisations made by this instrument to officials of the Department of Industry, Innovation and Science are to be exercised in accordance with the directions, instructions and limitations referred to or incorporated by reference in the Matrix.

For the purposes of this instrument, an 'official' of the Department of Industry, Innovation and Science is an 'APS employee' within the meaning of the *Public Service Act 1999*.

s22(1)(a)(ii)

#### **Commencement**

This instrument takes effect on the date it is signed by me.

s22(1)(a)(ii)

Heather Smith  
Secretary  
Department of Industry, Innovation and Science

Dated the 26 day of **April 2018**.



**Human Resources Delegations and Authorisations**

s22(1)(a)(ii)

SES2	Head of Division*
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s22(1)(a)(ii)

s22(1)(a)(ii)

\*A delegate exercising powers or functions under the delegation can only exercise those powers for employees up to and including the classification one level below the delegate's classification.

**Source Definitions:**

PSA — *Public Service Act 1999*

s22(1)(a)(ii)

PS Regs — *Public Service Regulations 1999*

PS Class Rules — *Public Service Classification Rules 2000*

CD — *Australian Public Service Commissioner's Directions 2016*

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Human Resources Delegations Matrix

Description of power or function that has been delegated or authorised  
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Source

s22(1)(a)(ii)

SES2

s22(1)(a)(ii)

S

Assignment of Duties

Determine the duties of an employee in the department and the place, or places, at which the duties are to be performed. PSA s.25

Temporarily assign duties to an employee (at level or at a higher classification). PSA s.25  
EA B40

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Classification Structure

Allocate, in writing, the creation or re-classification of a Executive Level or APS Level position based on the work value of the duties. PSA s.77  
PS Class Rules r.9

Non-SES Work Level Standards - Issue, in writing, work level standards at the Executive Level or APS Level, describing the work requirements for each classification applying to a group of duties to be performed in the department. PS Class Rules r.10

Allocate more than one classification to a group of duties, at the Executive Level or APS Level. PS Class Rules r.9(4)

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Reduce the classification of an Executive Level or APS Level employee with or without the employee's consent. PSA s.23(4)  
EA F36

Determine roles to be incorporated into the Science and Technical Stream. EA S1.5.2

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Code of conduct

Impose specified sanctions on an employee who is found to have breached the APS Code of Conduct. PSA s.15(1)

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Suspend an employee from duties with or without remuneration, review the decision to suspend, end the suspension, and/or decide whether there reasonable grounds for it not to be appropriate to have due regard to procedural fairness. PS Regs 3.10(1-7)

s22(1)(a)(ii)

Human Resources Delegations Matrix

Description of power or function that has been delegated or authorised	Source	SES2
s22(1)(a)(ii)		
<b>Disclosure of Information</b>		
Authorise disclosure of official information.	PS Regs 2.1(5)(b) and 2.1(6)	✓
<b>Excess Employees</b>		
s22(1)(a)(ii)		
Reduce an excess employee's classification if a suitable vacancy does not exist at the same level within the Department on the ground that the employee is excess to the requirements of the agency at the higher classification.	PSA s.23(4)(c) & EA F24(d)	✓
s22(1)(a)(ii)		
Terminate the employment of an excess employee by notice in writing, where they are unsuccessful in obtaining permanent reassignment at the end of their redeployment period, taking into account any re-assignment process that may be in progress.	EA F29-F32 PSA s.29	✓
s22(1)(a)(ii)		
Agree to issue a 'notice of termination' under s.29 of the PS Act where an employee accepts an offer of voluntary termination of employment.	EA F5 PSA s. 29	✓
s22(1)(a)(ii)		
s22(1)(a)(ii)		
s22(1)(a)(ii)		
s22(1)(a)(ii)		
s22(1)(a)(ii)		
s22(1)(a)(iii)		
s22(1)(a)(ii)		

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Human Resources Delegations Matrix

Description of power or function that has been delegated or authorised	Source	SES1
s22(1)(a)(ii)	s22(1)(a)(ii)	s22(1)(a)(ii)
s22(1)(a)(ii)	s22(1)(a)(ii)	s22(1)(a)(ii)
<b>Progression within a Broadband</b>		
s22(1)(a)(ii)	EA B2 & CD 6 Class Rules r.6(1)	<input checked="" type="checkbox"/>
Approve the movement of an ongoing employee to the next highest classification level within a Broadband (not affecting ASL).		
<b>Recruitment</b>		
s22(1)(a)(ii)	s22(1)(a)(ii)	<input checked="" type="checkbox"/>
Approve a job to be filled through an open merit process involving external advertising including approval of the recruitment selection report and use of subsequent merit lists/pool.	CD 19	<input checked="" type="checkbox"/>
s22(1)(a)(ii)		
Decide because of considerations of costs or operational efficiency not to provide an opportunity to all eligible members of the community to apply for the relative employment.	CD 20(3)	<input checked="" type="checkbox"/>
s22(1)(a)(ii)	s22(1)(a)(ii)	<input checked="" type="checkbox"/>
Approve inter-agency access to a merit pool candidates from a departmental recruitment process.	CD 9	<input checked="" type="checkbox"/>
Approve a job to be filled through a recruitment process undertaken by another agency.	CD 9	<input checked="" type="checkbox"/>
s22(1)(a)(ii)	s22(1)(a)(ii)	<input checked="" type="checkbox"/>
Allocate an approved classification to each APS employee in the department.	PS Class Rules r.6	<input checked="" type="checkbox"/>
Allocate an approved classification (or another approved classification in the same group) to an ongoing employee who moves to the department on a temporary basis.	PS Class Rules r.7(3), and PSA s.26(1)	<input checked="" type="checkbox"/>
Engage a person as an ongoing or non-ongoing APS employee. (If non-ongoing, for a specified term or the duration of a specified task; or for duties that are irregular or intermittent).	PSA s.22 (1&2)	<input checked="" type="checkbox"/>
Extend an non-ongoing engagement for a specified term, subject to any limitations prescribed by the PS Regs.	PSA s.22(5)	<input checked="" type="checkbox"/>
Agree on a date of effect for promotion or move between agencies.	CD 36 & 37	<input checked="" type="checkbox"/>

Human Resources Delegations Matrix

Description of power or function that has been delegated or authorised	Source	SES2
<u>Agree to an ongoing or temporary transfer</u> of an employee between agencies, including the date of effect (including variation of a temporary move period).	CD 37 & 38 PSA s.26	✓
Approve conditions on which a person can be engaged as an ongoing or non-ongoing APS employee (including but not limited to, probation, citizenship, formal qualifications, security and character clearances, health clearances).	PSA s.22(6)	✓
Determine whether it is appropriate to engage a person who is <u>not an Australian citizen</u> .	PSA s.22(8)	✓
Approve the <u>engagement of a person for an entry-level training program</u> .	PSA s.22	✓
<b>Review</b>		
Request the Merit Protection Commissioner to establish an <u>Independent Selection Advisory Committee</u> (ISAC) subject to any fee the Merit Protection Commissioner may charge.	PS Regs 4.2	✓
Nominate a person as a member of an ISAC.	PS Regs 4.3(1)(b)	✓
Receive reports and recommendations from an ISAC.	PS Regs 4.7	✓
Nominate an employee as a member of a <u>Promotion Review Committee</u> .	PS Regs 5.11	✓
<u>Give information or documents</u> relevant to a review in the way, and at or within the time, stated in the written notice of the request by the Promotion Review Committee.	PS Regs 5.17	✓
<b>Other</b>		
<u>Extend or waive, in writing, the probation period</u> of an employee.	PSA s.22 (6&7)	✓
Direct an employee, as a condition of engagement, to <u>undergo a medical examination</u> by a nominated medical practitioner for an assessment of the employee's fitness for duty, and give the delegate a medical report of the examination.	PSA s.22(6) PS Regs 3.1	✓
Nominate employee to occupy position created under PS Act 77(1).	PSA s.77(2)	✓
Request the Commissioner authorise the promotion of an ongoing employee, where the employee was formerly appointed to a statutory office.	CD 29	✓
Enter into an agreement with a State or Territory, or an authority of a State or Territory, to engage a person as a non-ongoing APS employee for a specified term.	PS Regs 3.5(6)(a)(ii) CD 23(B)	✓

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s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

Human Resources Delegations Matrix

Description of power or function that has been delegated or authorised  
 s22(1)(a)(ii)

Source  
 s22(1)(a)(ii)

SES2  
 s22(1)(a)(ii)

Review of Actions			
<b>Primary review</b>			
Refer review to Merit Protection Commissioner (MPC) after MPC agreement.	PS Reg 5.25(1)	s22(1)(a)(ii)	✓ s22(1)(a)(ii)
Determine internal review not appropriate including due to seriousness or sensitivity.	PS Reg 5.25(2)		✓
Advise employee of referral to MPC.	PS Reg 5.25(3)		✓
Advise employee certain things in relation to a notice that action is not reviewable.	PS Reg 5.26		✓
Conduct formal review in any manner considered to be fit and may confirm, vary or set aside and substitute a new action.	PS Reg 5.27(1), (2), (3)&(4)		✓
Advise employee of decision, reason, actions to be taken and right to review by MPC.	PS Reg 5.27(5)		✓
<b>Secondary review</b>			
Give the application and documents related to primary review to the MPC and provide employee with copy of documents sent to MPC.	PS Reg 5.30		✓
Consider and make decision about MPC recommendations.	PS Reg 5.32 (1)&(2)		✓
Advise employee and MPC of delegate's decision and the reasons for decision.	PS Reg 5.32(4)		✓
Provide information/documents as requested by investigating person/committee.	PS Reg 5.35(2)		✓
Provide the MPC stated information in relation to the conduct of a review by a former employee.	PS Reg 7.2F		✓

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Termination of employment		
Terminate the employment of an ongoing APS employee where the employee is <u>excess to the requirements of the department</u> .	PSA s. 29(1) and 29(3)(a)	✓
Terminate the employment of an ongoing APS employee where the employee <u>lacks, or has lost, an essential qualification</u> for performing his or her duties.	PSA s.29(1) and 29(3)(b)	✓
Terminate the employment of an ongoing APS employee due to <u>non-performance, or unsatisfactory performance of duties</u> .	PSA s.29(1) and (3)(c)	✓
Terminate the employment of an ongoing APS employee due to <u>inability to perform duties because of physical or mental incapacity</u> .	PSA s.29(1) and (3)(d)	✓
Terminate the employment of an ongoing APS employee due to <u>failure to satisfactorily complete an entry-level training course</u> .	PSA s.29(1) and (3)(e)	✓
Terminate the employment of an ongoing APS employee due to <u>failure to meet a conditions imposed under s.22(6) of the PS Act</u> .	PSA s.29(1) and (3)(f)	✓

Human Resources Delegations Matrix

Description of power or function that has been delegated or authorised

Source

s22(1)(a)(ii)

SES2
✓
✓

s22(1)(a)(ii)

s22(1)(a)(iii)

s22(1)(a)(ii)

Terminate the employment of an ongoing APS employee due to a breach of the Code of Conduct.  
 Terminate the employment of an ongoing APS employee on a ground prescribed by the Regulations.  
 Terminate the employment of a non-ongoing APS employee, other than an SES employee.

PSA s.29(1), 29(3)(g), PSA s.15(1) and CD 34  
 PSA s.29(1), 29(3)(h)  
 PSA s.29

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Miscellaneous

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Give notice to employee regarding additional non-Commonwealth remuneration.  
State of Service Report - Provide APS Commissioner with required information.  
Annual Report - Provide Minister with report for presentation.

PSA s.31(1)  
 PSA s.44(3)  
 PSA 63(1)

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 s22(1)(a)(ii)

✓
✓
✓

Approve participation by an employee in employment or other remunerative work outside of their official duties.

PSA s.13

✓
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Australian Government  
Department of Industry, Science,  
Energy and Resources

# Instrument of Delegation and Authorisation for Human Resource Matters

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February 2020

I, Mr David Fredericks, Secretary of the Department of Industry, Science, Energy and Resources (the department), make this instrument of delegation and authorisation under:

- a) subsection 78(7) of the *Public Service Act 1999*;
- b) sub-regulation 9.3(3) of the *Public Service Regulations 1999*;
- c) subclause 52(1) of the *Australian Public Service Commissioner's Directions 2016*;
- d) sub-rule 13(1) of the *Public Service Classification Rules 2000*;

s22(1)(a)(ii)

Subject to this instrument, I:

- a) delegate to any person from time to time holding the classification or performing the duties of a position identified in the Human Resources Delegation Matrix (the Matrix), those powers and functions assigned in the Matrix to a particular classification or position; and
- b) revoke all previous human resource delegations.

The exercise of delegations described is subject to any directions or guidelines issued by me by instrument in writing.

s22(1)(a)(ii)

## Commencement

s22(1)(a)(ii)  
This instrument takes effect on the date it is signed by me.  
s22(1)(a)(ii)

David Fredericks  
Secretary  
Department of Industry, Science, Energy and Resources

Date: 1st Feb 2020

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## Annexure 1—Delegation protocols

Delegations are the means by which decision makers can exercise the power to undertake certain statutory functions.

A delegation is the conferral of the ability to exercise a power or duty to a person or body from a person or body that is vested with the responsibility to exercise that power or duty.

The department's employees are employed under the *Public Service Act 1999* (Cth) (PS Act) as employees of the Australian Public Service (APS)

As an Agency Head under section 20 of the PS Act, the Secretary has all the rights, duties and powers of an employer in respect of APS employees in the department. Section 78 of the PS Act enables the Agency Head to delegate those powers.

The attached delegations are given on the understanding that:

- The exercise of these delegations will at all times be in accordance with approved policies, practices and procedures of the department and/or as required in accordance with legislation, regulations and/or instructions from central agencies with appropriate authority to make those instructions; and
- Any requirements and/or limits specified in the delegations schedule are met/observed.

Delegates are accountable for the delegations that they exercise but should impress upon recommending employees that those employees are personally accountable for ensuring the quality and appropriateness of the recommendations and for ensuring that all relevant facts and other relevant considerations have been set out for the delegate so that the decision taken is fully informed and appropriate.



# Human Resources Delegations Legend

## Delegation and Authorisation

Subject to this instrument, each employee who occupies or performs the duties of the category shown as “Delegate” is authorised to exercise or perform the corresponding powers and functions.

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Legend	Delegate
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s22(1)(a)(ii)

<b>HOD</b>	An employee <sup>1</sup> who occupies or performs duties of one of the following positions: <ul style="list-style-type: none"><li>• Head of Division (SES Band 2);</li></ul>
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## Source of Power

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Legend	Main Source
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<b>APSCD</b>	<i>Australian Public Service Commissioner's Directions 2016</i>
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<b>PS Act</b>	<i>Public Service Act 1999</i>
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<b>PSCR</b>	<i>Public Service Classification Rules 2000</i>
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<b>PS Regs</b>	<i>Public Service Regulations 1999</i>
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<sup>1</sup> Can only exercise those powers for employees up to and including the classification one level below the delegate's classification.



# Human Resources Delegation Matrix

s22(1)(a)(ii)

Item	Subject	Description	Conditions/Limitations	Main Source	Section	HOD
1.13	Reduction in classification	Reduce the classification of an employee, without the employee's consent	Section 23(4) of the PS Act prescribes the circumstances where this delegation can be exercised	PS Act	s23(4)	<input checked="" type="checkbox"/>

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HOD

Item	Subject	Description	Conditions/Limitations	Main Source	Section
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2.18	Unpaid other leave	Grant leave without pay to an ongoing APS employee who applies for the leave to undertake or continue employment:(a) for the purposes of section 13 of the Governor-General Act 1974; or(b) for the purposes of section 13 or 20 of the Members of Parliament (Staff) Act 1984	Subclause 49(1) of the APSCD provides that an application for leave in this circumstance must be approved	APSCD	d49(1)
2.19	Unpaid other leave	Arrange for the APS employee to return to the department as soon as practicable; and arrange for the APS employee to undertake duties at the employee's classification immediately before the employee was granted leave without pay or, if the classification no longer exists, at an equivalent classification	If an APS employee who has been granted leave without pay to undertake or continue employment for the purposes mentioned in paragraph (1)(a) or (b) of the APSCD notifies the department, in writing, that he or she wishes to return to the department to undertake duties	APSCD	d49(2)

### 3. Performance and Code of Conduct

3.1	Breaches of the Code of Conduct	Impose sanctions for breaches of the Code of Conduct		PS Act	s15(1)
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Item	Subject	Description	Conditions/Limitations	Main Source	Section
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s22(1)(a)(ii)

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HOD

s22(1)(a)(ii)

s22(1)(a)(iii)

s22(1)(a)(ii)

3.8	Suspension from duties	Suspend an employee from duty, with or without remuneration, review the suspension, end the suspension and have due regard to procedural fairness		PS Regs	r3.10
<b>4. Recruitment</b>					
4.1	Assignment of duties	Determine the duties of an employee and the place or places at which the duties are to be performed	For movements at level and higher duty arrangements	PS Act	s25
4.2	Transfer at Level into the Department	Agree in writing to the (ongoing or temporary) movement of an APS employee into the department	Subject to HoD approval to fill the vacant position	PS Act	s26(1)

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4.5	Classification of duties	Allocate a classification to each group of duties and ensure the duties include a requirement to undergo training, if a training classification is allocated		PSCR	cr9(1) & 9(3)
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Item	Subject	Description	Conditions/Limitations	Main Source	Section
4.6	Classification of duties in a broadband	Allocate more than one classification to the group of duties (a broadband), if the group of duties involves value requirements applying to more than one classification		PSCR	cr9(4)
4.7	Classifications of employees	Allocate an approved classification to each employee	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	PSCR	cr6(1)
4.8	Classifications of employees on movement	Allocate to an employee, who moves under s26 of the PS Act, the classification allocated to the employee immediately before moving, or another classification in the same group	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	PSCR	cr7(3)
4.9	Constitution of an Independent Selection Advisory Committee (ISAC)	Nominate a person to participate as a member of an ISAC		PS Regs	r4.3(1)

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4.11	Date of effect of movement	Agree to a date of effect for a voluntary movement between agencies	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	APSCD	d37(2)
4.12	Date of effect of movement	Agree to the movement of an employee taking effect prior to a suspected breach of the Code of Conduct matter being resolved	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	APSCD	d37(4) & (5)
4.13	Date of effect of promotion	Agree to the promotion of an employee taking effect prior to a suspected breach of the Code of Conduct matter being resolved	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	APSCD	d38(1)
4.14	Engagement of a parliamentary service employee	Engage an ongoing parliamentary service employee as an ongoing employee (if the person is to be employed at a comparable classification or lower)	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	APSCD	d31
4.15	Affirmative measure— Indigenous employment	As an affirmative measure, identify a vacancy as open only to Aboriginal and/or Torres Strait Islander persons		APSCD	d26(1)

HOD
<input checked="" type="checkbox"/>
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<input checked="" type="checkbox"/>

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Item	Subject	Description	Conditions/Limitations	Main Source	Section
4.16	Affirmative measure— Disability	As an affirmative measure, identify a vacancy as only open to persons who have a disability or a particular type of disability		APSCD	d27(1)
4.17	Engagement of employees	Engage a person as either an ongoing or non-ongoing employee	Subject to the person being an Australian Citizen, and HoD approval to fill the vacant position or to undertake a recruitment process	PS Act	s22(1) & (2)

s22(1)(a)(ii)

HOD
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

4.21	Extension of non-ongoing employment	Extend the specified period of non-ongoing employment	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	PS Regs	r3.5(4) & (5)
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s22(1)(a)(ii)

<input checked="" type="checkbox"/>
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4.25	Movement from a training classification	Allocate to an employee a classification mentioned in column 3 of schedule 2 of the Classification Rules that relates to the employee's training classification, upon satisfactory completion of the training requirements		PSCR	cr11(1)
4.26	Non-ongoing employment	Engage a person for a specified term, or for the duration of a specified task in accordance with s22(2)(b) of the PS Act	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	PS Regs	r3.5(2), (3) & (6)

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>



s22(1)(a)(ii)

s22(1)(a)(ii)

Item	Subject	Description	Conditions/Limitations	Main Source	Section
4.27	Non-ongoing employment for training purposes	Approve a scheme for employees engaged for a specified term, or for the duration of a specified task, to gain skills and experience for the purpose of assisting them to participate in the workforce	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	PS Regs	r3.3(1)
4.28	Overseas engagement	Engage persons overseas to perform duties overseas as employees		PS Act	s74(1)
4.29	Position creation	Create positions and nominate employees to occupy these positions		PS Act	s77(1) & (2)

HOD
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

s22(1)(a)(ii)

4.32	Redundancy benefit recipients	Engage a redundancy benefit recipient as an ongoing employee	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	APSCD	d48(1)
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<input checked="" type="checkbox"/>
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s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

Item	Subject	Description	Conditions/Limitations	Main Source	Section
4.41	Limit Vacancies to APS employees only	Decide that because of reasons of cost or operational efficiency, a non-SES vacancy should be filled by a person who is already an APS employee with the vacancy notified in the Public Service Gazette (APSJobs) as open only to current APS employees		APSCD	d20(3)

s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

HOD

s22(1)(a)(ii)

s22(1)(a)(ii)

HOD

Item	Subject	Description	Conditions/Limitations	Main Source	Section
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s22(1)(a)(ii)

5.6	Issue notice of termination	Proceed to give notice of termination of employment on the grounds set out in s29(3)(a) of the PS Act	All delegates must consult with and have endorsement by People Branch before exercising this delegation	PS Act	29(1)
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s22(1)(a)(ii)

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s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

HOD

Item	Subject	Description	Conditions/Limitations	Main Source	Section
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s22(1)(a)(ii)

### 7. Review of actions

7.1	Review of actions	Review the action, attempt to resolve the employee's concerns and confirm, vary or set aside the action or substitute a new action		PS Regs	r5.27
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s22(1)(a)(ii)

7.3	Provision of a review of actions application	Give the application and documents relating to a primary review of action to the MPC and copy the affected employee		PS Regs	r5.30
7.4	Provision of information for a review of actions	Provide, to the MPC, information and/or documents relevant to a review		PS Regs	r5.35
7.5	Recommendations from a review of actions	Consider and make decisions about recommendations received from the MPC regarding a review of actions		PS Regs	r5.32

### 8. Separation of employment

s22(1)(a)(ii)

Item	Subject	Description	Conditions/Limitations	Main Source	Section
8.2	Termination of employment	By notice in writing, terminate the employment of an APS employee in the department	*Subject to limitations set out in 29(3) of the PS Act for ongoing employees. *All delegates must consult with and have endorsement by People Branch before exercising this delegation.	PS Act	s29(1)
8.3	Voluntary move (at level) to another agency	Agree in writing to the (ongoing or temporary) movement of an employee to another agency		PS Act	s26(1)
<b>9. Other</b>					

s22(1)(a)(ii)

s22(1)(a)(ii)

HOD
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

s22(1)(a)(ii)

9.5	Disclosure of information	Authorise an employee to disclose information about which the employee has official knowledge <sup>2</sup>		PS Regs	r2.1(5)(b)
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<input checked="" type="checkbox"/>
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<sup>2</sup> Official Information – Information obtained or generated in connection with APS employment that if disclosed could be prejudicial to the effective working of government, including the formulation and implementation of policies and program.

s22(1)(a)(ii)



Australian Government  
 Department of Industry, Science,  
 Energy and Resources

# Instrument of Delegation and Authorisation for Human Resource Matters

August 2021

I, Mr David Fredericks, Secretary of the Department of Industry, Science, Energy and Resources (the department), make this instrument of delegation and authorisation under:

- a) subsection 78(7) of the *Public Service Act 1999*;
- b) sub-regulation 9.3(3) of the *Public Service Regulations 1999*;
- c) subclause 52(1) of the *Australian Public Service Commissioner's Directions 2016*;
- d) sub-rule 13(1) of the *Public Service Classification Rules 2000*;

s22(1)(a)(ii)

Subject to this instrument, I:

- a) delegate to any person from time to time holding the classification or performing the duties of a position identified in the Human Resources Delegation Matrix (the Matrix), those powers and functions assigned in the Matrix to a particular classification or position; and
- b) revoke all previous human resource delegations.

The exercise of delegations described is subject to any directions or guidelines issued by me by instrument in writing.

s22(1)(a)(ii)

s22(1)(a)(ii)

**Commencement**

s22(1)(a)(ii)

This instrument takes effect on the date it is signed by me.

s22(1)(a)(ii)

David Fredericks  
 Secretary  
 Department of Industry, Science, Energy and Resources

Date: \_\_\_\_\_

4/8/21

Instrument of Delegation and Authorisation for Human Resource  
 Matters

1



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## Annexure 1—Delegation protocols

Delegations are the means by which decision makers can exercise the power to undertake certain statutory functions.

A delegation is the conferral of the ability to exercise a power or duty to a person or body from a person or body that is vested with the responsibility to exercise that power or duty.

The department's employees are employed under the *Public Service Act 1999* (Cth) (PS Act) as employees of the Australian Public Service (APS)

As an Agency Head under section 20 of the PS Act, the Secretary has all the rights, duties and powers of an employer in respect of APS employees in the department. Section 78 of the PS Act enables the Agency Head to delegate those powers.

The attached delegations are given on the understanding that:

- The exercise of these delegations will at all times be in accordance with approved policies, practices and procedures of the department and/or as required in accordance with legislation, regulations and/or instructions from central agencies with appropriate authority to make those instructions; and
- Any requirements and/or limits specified in the delegations schedule are met/observed.

Delegates are accountable for the delegations that they exercise but should impress upon recommending employees that those employees are personally accountable for ensuring the quality and appropriateness of the recommendations and for ensuring that all relevant facts and other relevant considerations have been set out for the delegate so that the decision taken is fully informed and appropriate.

# Human Resources Delegations Legend

## Delegation and Authorisation

Subject to this instrument, each employee who occupies or performs the duties of the category shown as "Delegate" is authorised to exercise or perform the corresponding powers and functions.

Legend	Delegate
s22(1)(a)(ii)	
HOD	An employee <sup>1</sup> who occupies or performs duties of one of the following positions: <ul style="list-style-type: none"><li>• Head of Division (SES Band 2);</li></ul> s22(1)(a)(ii)
s22(1)(a)(ii)	

## Source of Power

Legend	Main Source
APSCD	<i>Australian Public Service Commissioner's Directions 2016</i>
s22(1)(a)(ii)	
PS Act	<i>Public Service Act 1999</i>
PSCR	<i>Public Service Classification Rules 2000</i>
PS Regs	<i>Public Service Regulations 1999</i>
s22(1)(a)(ii)	

<sup>1</sup> Can only exercise those powers for employees up to and including the classification one level below the delegate's classification.

# Human Resources Delegation Matrix

s22(1)(a)(ii)

Item	Subject	Description	Conditions/Limitations	Main Source	Section	HOD
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s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

1.14	Reduction in classification	Reduce the classification of an employee, without the employee's consent	Section 23(4) of the PS Act prescribes the circumstances where this delegation can be exercised	PS Act	s23(4)	<input checked="" type="checkbox"/>
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s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

Item	Subject	Description	Conditions/Limitations	Main Source	Section	DS	COO	HR GM	HR EL2	HR EL1	HR 5+6	HOD	GM SM	EL2	EL1	APS 4+6	
2.18	Unpaid other leave	Grant leave without pay to an ongoing APS employee who applies for the leave to undertake or continue employment:(a) for the purposes of section 13 of the Governor-General Act 1974; or(b) for the purposes of section 13 or 20 of the Members of Parliament (Staff) Act 1984	Subclause 49(1) of the APSCD provides that an application for leave in this circumstance must be approved	APSCD	d49(1)												
2.19	Unpaid other leave	Arrange for the APS employee to return to the department as soon as practicable; and arrange for the APS employee to undertake duties at the employee's classification immediately before the employee was granted leave without pay or, if the classification no longer exists, at an equivalent classification	If an APS employee who has been granted leave without pay to undertake or continue employment for the purposes mentioned in paragraph (1)(a) or (b) of the APSCD notifies the department, in writing, that he or she wishes to return to the department to undertake duties	APSCD	d49(2)												
<b>3. Performance and Code of Conduct</b>																	
3.1	Breaches of the Code of Conduct	Impose sanctions for breaches of the Code of Conduct		PS Act	s15(1)												

s22(1)(a)(ii)

s22(1)(a)(ii)



s22(1)(a)(ii)



Item	Subject	Description	Conditions/Limitations	Main Source	Section		HOD
s22(1)(a)(ii)						s22(1)(a)(ii)	

s22(1)(a)(ii)

3.8	Suspension from duties	Suspend an employee from duty, with or without remuneration, review the suspension, end the suspension and have due regard to procedural fairness		PS Regs	r3.10		<input checked="" type="checkbox"/>
<b>4. Recruitment</b>							
4.1	Assignment of duties	Determine the duties of an employee and the place or places at which the duties are to be performed	For movements at level and higher duty arrangements	PS Act	s25	s22(1)(a)(ii)	<input checked="" type="checkbox"/>
4.2	Transfer at Level into the Department	Agree in writing to the (ongoing or temporary) movement of an APS employee into the department	Subject to HoD approval to fill the vacant position	PS Act	s26(1)		<input checked="" type="checkbox"/>

s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

Item	Subject	Description	Conditions/Limitations	Main Source	Section	HOD
s22(1)(a)(ii)						
4.5	Classification of duties	Allocate a classification to each group of duties and ensure the duties include a requirement to undergo training, if a training classification is allocated		PSCR	cr9(1) & 9(3)	<input checked="" type="checkbox"/>
4.6	Classification of duties in a broadband	Allocate more than one classification to the group of duties (a broadband), if the group of duties involves value requirements applying to more than one classification		PSCR	cr9(4)	<input checked="" type="checkbox"/>
4.7	Classifications of employees	Allocate an approved classification to each employee	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	PSCR	cr6(1)	<input checked="" type="checkbox"/>
4.8	Classifications of employees on movement	Allocate to an employee, who moves under s26 of the PS Act, the classification allocated to the employee immediately before moving, or another classification in the same group	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	PSCR	cr7(3)	<input checked="" type="checkbox"/>
4.9	Constitution of an Independent Selection Advisory Committee (ISAC)	Nominate a person to participate as a member of an ISAC		PS Regs	r4.3(1)	<input checked="" type="checkbox"/>
s22(1)(a)(ii)						
4.11	Date of effect of movement	Agree to a date of effect for a voluntary movement between agencies	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	APSCD	d37(2)	<input checked="" type="checkbox"/>
4.12	Date of effect of movement	Agree to the movement of an employee taking effect prior to a suspected breach of the Code of Conduct matter being resolved	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	APSCD	d37(4) & (5)	<input checked="" type="checkbox"/>
4.13	Date of effect of promotion	Agree to the promotion of an employee taking effect prior to a suspected breach of the Code of Conduct matter being resolved	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	APSCD	d38(1)	<input checked="" type="checkbox"/>
4.14	Engagement of a parliamentary service employee	Engage an ongoing parliamentary service employee as an ongoing employee (if the person is to be	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	APSCD	d31	<input checked="" type="checkbox"/>

s22(1)(a)(ii)

s22(1)(a)(ii)

Item	Subject	Description	Conditions/Limitations	Main Source	Section
		employed at a comparable classification or lower)			
4.15	Affirmative measure— Indigenous employment	As an affirmative measure, identify a vacancy as open only to Aboriginal and/or Torres Strait Islander persons		APSCD	d26(1)
4.16	Affirmative measure— Disability	As an affirmative measure, identify a vacancy as only open to persons who have a disability or a particular type of disability		APSCD	d27(1)
4.17	Engagement of employees	Engage a person as either an ongoing or non-ongoing employee	Subject to the person being an Australian Citizen, and HoD approval to fill the vacant position or to undertake a recruitment process	PS Act	s22(1) & (2)



s22(1)(a)(ii)

4.21	Extension of non-ongoing employment	Extend the specified period of non-ongoing employment	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	PS Regs	r3.5(4) & (5)
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s22(1)(a)(ii)



Item	Subject	Description	Conditions/Limitations	Main Source	Section	HOD
s22(1)(a)(ii)						HOD
4.29	Position creation	Create positions and nominate employees to occupy these positions		PS Act	s77(1) & (2)	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
s22(1)(a)(ii)						
4.32	Redundancy benefit recipients	Engage a redundancy benefit recipient as an ongoing employee	Subject to HoD approval to fill the vacant position or to undertake a recruitment process	APSCD	d48(1)	<input checked="" type="checkbox"/>
s22(1)(a)(ii)						

s22(1)(a)(ii)

s22(1)(a)(ii)

Item	Subject	Description	Conditions/Limitations	Main Source	Section
s22(1)(a)(ii)				s22(1)(a)(ii)	
4.41	Limit Vacancies to APS employees only	Decide that because of reasons of cost or operational efficiency, a non-SES vacancy should be filled by a person who is already an APS employee with the vacancy notified in the Public Service Gazette (APSJobs) as open only to current APS employees		APSCD	d20(3)
s22(1)(a)(ii)					

s22(1)(a)(ii)

s22(1)(a)(ii)

HOD

s22(1)(a)(ii)

s22(1)(a)(ii)

Item	Subject	Description	Conditions/Limitations	Main Source	Section
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HOD

s22(1)(a)(ii)

5.6	Issue notice of termination	Proceed to give notice of termination of employment on the grounds set out in s29(3)(a) of the PS Act	All delegates must consult with and have endorsement by People Branch before exercising this delegation	PS Act	29(1)
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s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

Item	Subject	Description	Conditions/Limitations	Main Source	Section
<b>7. Review of actions</b>					
7.1	Review of actions	Review the action, attempt to resolve the employee's concerns and confirm, vary or set aside the action or substitute a new action		PS Regs	r5.27
7.2	Referral of a review of actions	Refer an application for review, of a reviewable action to the Merit Protection Commissioner and advise the employee in writing		PS Regs	r5.25(1) & (3)
7.3	Provision of a review of actions application	Give the application and documents relating to a primary review of action to the MPC and copy the affected employee		PS Regs	r5.30
7.4	Provision of information for a review of actions	Provide, to the MPC, information and/or documents relevant to a review		PS Regs	r5.35
7.5	Recommendations from a review of actions	Consider and make decisions about recommendations received from the MPC regarding a review of actions		PS Regs	r5.32

s22(1)(a)(ii)



s22(1)(a)(ii)

s22(1)(a)(ii)

HOD

8.2	Termination of employment	By notice in writing, terminate the employment of an APS employee in the department	*Subject to limitations set out in 29(3) of the PS Act for ongoing employees. *All delegates must consult with and have endorsement by People Branch before exercising this delegation.	PS Act	s29(1)	<input checked="" type="checkbox"/>
8.3	Voluntary move (at level) to another agency	Agree in writing to the (ongoing or temporary) movement of an employee to another agency		PS Act	s26(1)	<input checked="" type="checkbox"/>

s22(1)(a)(ii)

9. Other

s22(1)(a)(ii)

s22(1)(a)(ii)

s22(1)(a)(ii)

Item	Subject	Description	Conditions/Limitations	Main Source	Section
s22(1)(a)(ii)		s22(1)(a)(ii)			
9.5	Disclosure of information	Authorise an employee to disclose information about which the employee has official knowledge <sup>2</sup>		PS Regs	r2.1(5)(b)
s22(1)(a)(ii)					

HOD

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<sup>2</sup> Official Information – Information obtained or generated in connection with APS employment that if disclosed could be prejudicial to the effective working of government, including the formulation and implementation of policies and program.



Australian Government  
 Department of Industry,  
 Science and Resources

# Instrument of Delegation and Authorisation for Human Resource Matters

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August 2022

I, Ms Meghan Quinn, Secretary of the Department of Industry, Science and Resources (the department), make this instrument of delegation and authorisation under:

- a) subsection 78(7) of the *Public Service Act 1999*;
- b) sub-regulation 9.3(3) of the *Public Service Regulations 1999*;
- c) subclause 69(1) of the *Australian Public Service Commissioner's Directions 2022*;
- d) sub-rule 13(1) of the *Public Service Classification Rules 2000*;

s22(1)(a)(ii)

Subject to this instrument, I:

- a) delegate to any person from time to time holding the classification or performing the duties of a position identified in the Human Resources Delegation Matrix (the Matrix), those powers and functions assigned in the Matrix to a particular classification or position; and
- b) revoke all previous human resource delegations.

The exercise of delegations described is subject to any directions or guidelines issued by me by instrument in writing, and the protocols outlined in Annexure 1.

The delegations and authorisation made by this instrument do not revoke current delegations and authorisations to the Director General, IP Australia; the Chief Executive Officer, Geoscience Australia and other employees of IP Australia and Geoscience Australia.

## Commencement

This instrument takes effect on the date it is signed by me.

s22(1)(a)(ii)

Meghan Quinn  
 Secretary  
 Department of Industry, Science and Resources

Date: 26 August 2022

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15. Other .....	10

## Annexure 1—Delegation protocols

Delegations are the means by which decision makers can exercise the power to undertake certain statutory functions.

A delegation is the conferral of the ability to exercise a power or duty to a person or body from a person or body that is vested with the responsibility to exercise that power or duty.

The department's employees are employed under the *Public Service Act 1999* (Cth) (PS Act) as employees of the Australian Public Service (APS)

As an Agency Head under section 20 of the PS Act, the Secretary has all the rights, duties and powers of an employer in respect of APS employees in the department. Section 78 of the PS Act enables the Agency Head to delegate those powers.

The attached delegations are given on the understanding that:

- The exercise of these delegations will at all times be in accordance with approved policies, practices and procedures of the department and/or as required in accordance with legislation, regulations and/or instructions from central agencies with appropriate authority to make those instructions; and
- Any requirements and/or limits specified in the delegations schedule are met/observed.

Delegates are accountable for the delegations that they exercise but should impress upon recommending employees that those employees are personally accountable for ensuring the quality and appropriateness of the recommendations and for ensuring that all relevant facts and other relevant considerations have been set out for the delegate so that the decision taken is fully informed and appropriate.

# Human Resources Delegations Legend

## Delegation and Authorisation

Subject to this instrument, each officer who occupies or performs the duties of the category shown as “Delegate” is authorised to exercise or perform the corresponding powers and functions.

Legend	Delegate
s22(1)(a)(ii)	
<b>HOD</b>	An officer who occupies or performs duties of one of the following positions <sup>1</sup> : <ul style="list-style-type: none"><li>• Head of Division (SES Band 2 employee);</li></ul>

s22(1)(a)(ii)

## Source of Power

Legend	Main Source
<b>APSCD</b>	<i>Australian Public Service Commissioner’s Directions 2022</i>
s22(1)(a)(ii)	
s22(1)(a)(ii)	
<b>PS Act</b>	<i>Public Service Act 1999</i>
<b>PSCR</b>	<i>Public Service Classification Rules 2000</i>
<b>PS Regs</b>	<i>Public Service Regulations 1999</i>
s22(1)(a)(ii)	

<sup>1</sup> Can only exercise those powers for employees up to and including the classification one level below the delegate's equivalent classification.

s22(1)(a)(ii)



# Human Resources Delegation Matrix

s22(1)(a)(ii)

s22(1)(a)(ii)

Item	Section	Subject	Description	Conditions/Limitations	Main Source	Section
<b>1. Classifications</b>						

s22(1)(a)(ii)

1.2	Classification structure	Classification of position	Allocate, in writing, the creation or re-classification of an APS or Executive Level position based on the work value of the duties.		PSCR	cr9
1.4	Classification structure	Classification of duties	Allocate a classification to each group of duties and ensure the duties include a requirement to undergo training, if a training classification is allocated		PSCR	cr9(1) & 9(3)
1.5	Classification structure	Classification of duties in a broadband	Allocate more than one classification to the group of duties (a broadband), if the group of duties involves value requirements applying to more than one classification		PSCR	cr9(4)

s22(1)(a)(ii)

s22(1)(a)(ii)

1.8	Classification of employees	Classifications of employees	Allocate an approved classification to each employee		PSCR	cr6(1)
1.9	Classification of employees	Classification of employees on movement	Allocate to an employee, who moves under s26 of the PS Act, the classification allocated to the employee immediately before moving, or another classification in the same group		PSCR	cr7(3)
1.10	Classification of employees	Movement from a training classification	Allocate to an employee a classification mentioned in column 3 of schedule 2 of the Classification Rules that relates to the employee's training classification, upon satisfactory completion of the training requirements		PSCR	cr11(1)
1.11	Classification of employees	Reduction in classification	Reduce the classification of an employee, without the employee's consent	Section 23(4) of the PS Act prescribes the circumstances where this delegation can be exercised	PS Act	s23(4)

s22(1)(a)(ii)

s22(1)(a)(ii)

HOD







Item	Section	Subject	Description	Conditions/Limitations	Main Source	Section
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s22(1)(a)(ii)

HOD

8.18	Unpaid other leave	Grant leave	Grant leave without pay to an ongoing APS employee who applies for the leave to undertake or continue employment: (a) for the purposes of section 13 of the Governor-General Act 1974; or (b) for the purposes of section 13 or 20 of the Members of Parliament (Staff) Act 1984.	Subclause 49(1) of the APSCD provides that an application for leave in this circumstance must be approved	APSCD	d67(1)
8.19	Unpaid other leave	Return to work	Arrange for the APS employee to return to the department as soon as practicable; and arrange for the APS employee to undertake duties at the employee's classification immediately before the employee was granted leave without pay or, if the classification no longer exists, at an equivalent classification	If an APS employee who has been granted leave without pay to undertake or continue employment for the purposes mentioned in paragraph (1)(a) or (b) of the APSCD notifies the department, in writing, that he or she wishes to return to the department to undertake duties	APSCD	d67(2)
<b>9. Performance and Code of Conduct</b>						
9.1	Code of Conduct	Breaches of the Code of Conduct	Impose sanctions for breaches of the Code of Conduct		PS Act	s15(1)

s22(1)(a)(ii)

9.6	Code of Conduct	Suspension from duties	Suspend an employee from duty, with or without remuneration, review the suspension, end the suspension and have due regard to procedural fairness		PS Regs	r3.10
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s22(1)(a)(ii)

<b>10. Recruitment and Engagement</b>						
10.1	Assignment of duties	Assignment of duties	Determine the duties of an employee and the place or places at which the duties are to be performed	An employee cannot be assigned duties at a lower classification without their consent, other than in exceptional circumstances. These circumstances are described in subsection 23(4) of the Public Service Act 1999 (PS Act).	PS Act	s25
10.2	Advertising	Limit Vacancies to APS employees only	Decide that because of reasons of cost or operational efficiency, a non-SES vacancy should be filled by a person who is already an APS employee with the vacancy notified in the Public Service Gazette (APSJobs) as open only to current APS employees		APSCD	d25(4)

Item	Section	Subject	Description	Conditions/Limitations	Main Source	Section
10.3	Affirmative measures	Aboriginal and Torres Strait Islander employment	As an affirmative measure, identify a vacancy as open only to Aboriginal and/or Torres Strait Islander persons		APSCD	d31(1)
10.4	Affirmative measures	Disability employment	As an affirmative measure, identify a vacancy as only open to persons who have a disability or a particular type of disability		APSCD	d33(1)
10.5	Engagement	Engagement of employees	Engage a person as either an ongoing or non-ongoing employee	Subject to the person being an Australian Citizen	PS Act	s22(1) & (2)
10.6	Engagement	Non-ongoing employment	Engage a person for a specified term, or for the duration of a specified task in accordance with s22(2)(b) of the PS Act		PS Regs	r3.5(2), (3) & (6)
10.7	Engagement	Extend non-ongoing employment past 18 months	Extend or further extend the engagement of a non-ongoing Employee if: (a) there is a continuing need for the duties to be performed; and (b) the person engaged is performing the duties satisfactorily or better; and (c) the delegate is satisfied that: (i) it is still appropriate for the duties to be performed on a non-ongoing basis; and (ii) the extension, or further extension, will contribute to efficient and effective organisational performance.	The total period of engagement (including any extension), must not exceed 3 years.	APSCD	d(27)(2)
10.8	Engagement	Ongoing to non-ongoing	Engage an ongoing APS employee as a non-ongoing in certain circumstances as described in direction 29 of the APSCD.		APSCD	d29
10.9	Engagement	Non-ongoing employment for training purposes	Approve a scheme for employees engaged for a specified term, or for the duration of a specified task, to gain skills and experience for the purpose of assisting them to participate in the workforce		PS Regs	r3.3(1)
10.10	Engagement	Redundancy benefit recipients	Engage a redundancy benefit recipient as an ongoing APS/SES employee or a non-ongoing SES employee.		APSCD	d66(1)
10.11	Engagement	Engagement of a parliamentary service employee	Engage an ongoing parliamentary service employee as an ongoing employee (if the person is to be employed at a comparable classification or lower)		APSCD	d36

s22(1)(a)(ii)

s22(1)(a)(ii)

HOD



s22(1)(a)(ii)

10.16	Engagement	Extension of non-ongoing employment	Extend the specified period of non-ongoing employment		PS Regs	r3.5(4) & (5)
10.18	Engagement	Overseas engagement	Engage persons overseas to perform duties overseas as employees (locally engaged employees)		PS Act	s74(1)
10.19	Movement	Transfer at Level	Agree in writing to the (ongoing or temporary) movement of an APS employee		PS Act	s26(1)
10.20	Movement	Between agencies	Agree to a date of effect for a voluntary movement between agencies		APSCD	d46(2)
10.21	Movement	Code of Conduct	Agree to the movement of an employee taking effect prior to a suspected breach of the Code of Conduct matter being resolved		APSCD	d46(5) & (6)
10.22	Movement	Date of effect of promotion	Agree to the promotion of an employee taking effect prior to a suspected breach of the Code of Conduct matter being resolved		APSCD	d47(1)

s22(1)(a)(ii)



s22(1)(a)(ii)

Item	Section	Subject	Description	Conditions/Limitations	Main Source	Section
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s22(1)(a)(ii)

s22(1)(a)(ii)

HOD

s22(1)(a)(ii)

10.31	Independent Selection Advisory Committee (ISAC)	Constitution of an ISAC	Nominate a person to participate as a member of an ISAC		PS Regs	r4.3(1)
10.32	Organisational structure	Position creation and occupancy	Create positions and nominate employees to occupy these positions		PS Act	s77(1) & (2)

s22(1)(a)(ii)

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⚙️

s22(1)(a)(ii)

11.6	Excess Employee	Issue notice of termination	Proceed to give notice of termination of employment on the grounds set out in s29(3)(a) of the PS Act	All delegates must consult with and have endorsement by People Branch before exercising this delegation	PS Act	29(1)
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s22(1)(a)(ii)

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s22(1)(a)(ii)

**13. Review of actions**

13.2	Primary review	Internal Review	Review the action, attempt to resolve the employee's concerns and confirm, vary or set aside the action or substitute a new action		PS Regs	r5.27	s22(1)(a)(ii)					
13.4	Primary review	Provision of a review of actions application	Give the application and documents relating to a primary review of action to the MPC and copy the affected employee		PS Regs	r5.30						
13.5	Review of actions	Provision of information for a review of actions	Provide, to the MPC, information and/or documents relevant to a review		PS Regs	r5.35						
13.6	Review of actions	Recommendations from a review of actions	Consider and make decisions about recommendations received from the MPC regarding a review of actions		PS Regs	r5.32						

**14. Separation of employment**

14.2	Termination of employment	Termination of employment	By notice in writing, terminate the employment of an APS employee in the department	- Subject to limitations set out in 29(3) of the PS Act for ongoing employees. - All delegates must consult with and have endorsement by People Branch before exercising this delegation.	PS Act	s29(1)	s22(1)(a)(ii)		s22(1)(a)(ii)			
14.3	Termination of employment	Voluntary move (at level) to another agency	Agree in writing to the (ongoing or temporary) movement of an employee to another agency		PS Act	s26(1)						

**15. Other**

s22(1)(a)(ii)

Item	Section	Subject	Description	Conditions/Limitations	Main Source	Section
15.5	Disclosure of information	Disclosure of information	Authorise an employee to disclose information about which the employee has official knowledge <sup>3</sup>		PS Regs	r2.1(5)(b)

s22(1)(a)(ii)

s22(1)(a)(ii)



s22(1)(a)(ii)

<sup>3</sup> Official Information – Information obtained or generated in connection with APS employment that if disclosed could be prejudicial to the effective working of government, including the formulation and implementation of policies and program.  
Instrument of Delegation and Authorisation for Human Resource Matters



Australian Government  
 Department of Industry,  
 Science and Resources

# Instrument of Delegation and Authorisation for Human Resource Matters

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June 2023

I, Ms Meghan Quinn, Secretary of the Department of Industry, Science and Resources (the department), make this instrument of delegation and authorisation under:

- a) subsection 78(7) of the *Public Service Act 1999*;
  - b) subsection 105(3) of the *Public Service Regulations 2023*;
  - c) subclause 69(1) of the *Australian Public Service Commissioner's Directions 2022*;
  - d) sub-rule 13(1) of the *Public Service Classification Rules 2000*;
- s22(1)(a)(ii)

Subject to this instrument, I:

- a) delegate to any person from time to time holding the classification or performing the duties of a position identified in the Human Resources Delegation Matrix (the Matrix), those powers and functions assigned in the Matrix to a particular classification or position; and
- b) revoke all previous human resource delegations.

The exercise of delegations described is subject to any directions or guidelines issued by me by instrument in writing, and the protocols outlined in Annexure 1.

The delegations and authorisation made by this instrument do not revoke current delegations and authorisations to the Director General, IP Australia; the Chief Executive Officer, Geoscience Australia and other employees of IP Australia and Geoscience Australia.

## Commencement

This instrument takes effect on the date it is signed by me.

s22(1)(a)(ii)

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 Meghan Quinn  
 Secretary  
 Department of Industry, Science and Resources

Date: 4 July 2023

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## Annexure 1—Delegation protocols

Delegations are the means by which decision makers can exercise the power to undertake certain statutory functions.

A delegation is the conferral of the ability to exercise a power or duty to a person or body from a person or body that is vested with the responsibility to exercise that power or duty.

The department's employees are employed under the *Public Service Act 1999* (Cth) (PS Act) as employees of the Australian Public Service (APS)

As an Agency Head under section 20 of the PS Act, the Secretary has all the rights, duties and powers of an employer in respect of APS employees in the department. Section 78 of the PS Act enables the Agency Head to delegate those powers.

The attached delegations are given on the understanding that:

- The exercise of these delegations will at all times be in accordance with approved policies, practices and procedures of the department and/or as required in accordance with legislation, regulations and/or instructions from central agencies with appropriate authority to make those instructions; and
- Any requirements and/or limits specified in the delegations schedule are met/observed.

Delegates are accountable for the delegations that they exercise but should impress upon recommending employees that those employees are personally accountable for ensuring the quality and appropriateness of the recommendations and for ensuring that all relevant facts and other relevant considerations have been set out for the delegate so that the decision taken is fully informed and appropriate.



# Human Resources Delegations Legend

## Delegation and Authorisation

Subject to this instrument, each officer who occupies or performs the duties of the category shown as “Delegate” is authorised to exercise or perform the corresponding powers and functions.

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<b>Legend</b>	<b>Delegate</b>
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s22(1)(a)(ii)

### **HOD**

An officer who occupies or performs duties of one of the following positions<sup>1</sup>:

- Head of Division (SES Band 2);

s22(1)(a)(ii)

s22(1)(a)(ii)

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## Source of Power

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<b>Legend</b>	<b>Main Source</b>
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**APSCD**

*Australian Public Service Commissioner’s Directions 2022*

s22(1)(a)(ii)

**PS Act**

*Public Service Act 1999*

**PSCR**

*Public Service Classification Rules 2000*

**PS Regs**

*Public Service Regulations 2023*

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s22(1)(a)(ii)

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<sup>1</sup> Can only exercise those powers for employees up to and including the classification one level below the delegate's equivalent classification.

s22(1)(a)(ii)



# Human Resources Delegation Matrix

s22(1)(a)(ii)

s22(1)(a)(ii)

Item	Section	Subject	Description	Conditions/Limitations	Main Source	Section
<b>1. Classifications</b>						
s22(1)(a)(ii)						
1.2	Classification structure	Classification of position	Allocate, in writing, the creation or re-classification of an APS or Executive Level position based on the work value of the duties.		PSCR	cr9
s22(1)(a)(ii)						
1.4	Classification structure	Classification of duties	Allocate a classification to each group of duties and ensure the duties include a requirement to undergo training, if a training classification is allocated		PSCR	cr9(1) & 9(3)
1.5	Classification structure	Classification of duties in a broadband	Allocate more than one classification to the group of duties (a broadband), if the group of duties involves value requirements applying to more than one classification		PSCR	cr9(4)
s22(1)(a)(ii)						
1.8	Classification of employees	Classifications of employees	Allocate an approved classification to each employee		PSCR	cr6(1)
1.9	Classification of employees	Classification of employees on movement	Allocate to an employee, who moves under s26 of the PS Act, the classification allocated to the employee immediately before moving, or another classification in the same group		PSCR	cr7(3)
1.10	Classification of employees	Movement from a training classification	Allocate to an employee a classification mentioned in column 3 of schedule 2 of the Classification Rules that relates to the employee's training classification, upon satisfactory completion of the training requirements		PSCR	cr11(1)
1.11	Classification of employees	Reduction in classification	Reduce the classification of an employee, without the employee's consent	Section 23(4) of the PS Act prescribes the circumstances where this delegation can be exercised	PS Act	s23(4)
s22(1)(a)(ii)						

HOD



Item	Section	Subject	Description	Conditions/Limitations	Main Source	Section
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s22(1)(a)(ii)

s22(1)(a)(ii)

HOD  
1)(a)(ii)

8.37	Other leave	Grant leave	Grant leave without pay to an ongoing APS employee who applies for the leave to undertake or continue employment: (a) for the purposes of section 13 of the Governor-General Act 1974; or (b) for the purposes of section 13 or 20 of the Members of Parliament (Staff) Act 1984.	Subclause 49(1) of the APSCD provides that an application for leave in this circumstance must be approved	APSCD	d67(1)
8.38	Other leave	Return to work	Arrange for the APS employee to return to the department as soon as practicable; and arrange for the APS employee to undertake duties at the employee's classification immediately before the employee was granted leave without pay or, if the classification no longer exists, at an equivalent classification	If an APS employee who has been granted leave without pay to undertake or continue employment for the purposes mentioned in paragraph (1)(a) or (b) of the APSCD notifies the department, in writing, that he or she wishes to return to the department to undertake duties	APSCD	d67(2)

Item	Section	Subject	Description	Conditions/Limitations	Main Source	Section
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s22(1)(a)(ii)

s22(1)(a)(ii)

HOD

s22(1)(a)(ii)

9. Performance and Code of Conduct

9.1	Code of Conduct	Breaches of the Code of Conduct	Impose sanctions for breaches of the Code of Conduct		PS Act	s15(1)	<input checked="" type="checkbox"/>
9.6	Code of Conduct	Suspension from duties	Suspend an employee from duty, with or without remuneration, review the suspension, end the suspension and have due regard to procedural fairness		PS Regs	s14	<input checked="" type="checkbox"/>

s22(1)(a)(ii)

s22(1)(a)(ii)

10. Recruitment and Engagement

10.1	Assignment of duties	Assignment of duties	Determine the duties of an employee and the place or places at which the duties are to be performed	An employee cannot be assigned duties at a lower classification without their consent, other than in exceptional circumstances. These circumstances are described in subsection 23(4) of the Public Service Act 1999 (PS Act).	PS Act	s25	<input checked="" type="checkbox"/>
10.2	Advertising	Limit Vacancies to APS employees only	Decide that because of reasons of cost or operational efficiency, a non-SES vacancy should be filled by a person who is already an APS employee with the vacancy notified in the Public Service Gazette (APSJobs) as open only to current APS employees		APSCD	d25(4)	<input checked="" type="checkbox"/>
10.3	Affirmative measures	Aboriginal and Torres Strait Islander employment	As an affirmative measure, identify a vacancy as open only to Aboriginal and/or Torres Strait Islander persons		APSCD	d31(1)	<input checked="" type="checkbox"/>
10.4	Affirmative measures	Disability employment	As an affirmative measure, identify a vacancy as only open to persons who have a disability or a particular type of disability		APSCD	d33(1)	<input checked="" type="checkbox"/>
10.5	Engagement	Engagement of employees	Engage a person as either an ongoing or non-ongoing employee	Subject to the person being an Australian Citizen	PS Act	s22(1) & (2)	<input checked="" type="checkbox"/>
10.6	Engagement	Non-ongoing employment	Engage a person for a specified term, or for the duration of a specified task in accordance with s22(2)(b) of the PS Act		PS Regs	s13	<input checked="" type="checkbox"/>
10.7	Engagement	Non-ongoing employment	Enter into an agreement with a State or Territory, or an authority of a State or Territory, to engage a person as a non-ongoing APS employee for a specified term.		PS Regs	s13	<input checked="" type="checkbox"/>
10.8	Engagement	Extend non-ongoing employment past 18 months	Extend or further extend the engagement of a non-ongoing Employee if: (a) there is a continuing need for the duties to be performed; and (b) the person engaged is performing the duties satisfactorily or better; and (c) the delegate is satisfied that: (i) it is still appropriate for the duties to be performed on a non-ongoing basis; and (ii) the extension, or further extension, will contribute to efficient and effective organisational performance.	The total period of engagement (including any extension), must not exceed 3 years.	APSCD	d(27)(2)	<input checked="" type="checkbox"/>

Item	Section	Subject	Description	Conditions/Limitations	Main Source	Section
10.9	Engagement	Ongoing to non-ongoing	Engage an ongoing APS employee as a non-ongoing in certain circumstances as described in direction 29 of the APSCD.		APSCD	d29
10.10	Engagement	Redundancy benefit recipients	Engage a redundancy benefit recipient as an ongoing APS/SES employee or a non-ongoing SES employee.		APSCD	d66(1)
10.11	Engagement	Engagement of a parliamentary service employee	Engage an ongoing parliamentary service employee as an ongoing employee (if the person is to be employed at a comparable classification or lower)		APSCD	d36

s22(1)(a)(ii)

s22(1)(a)(ii)

HOD



s22(1)(a)(ii)

10.16	Engagement	Extension of non-ongoing employment	Extend the specified period of non-ongoing employment		PS Regs	s13
10.18	Engagement	Overseas engagement	Engage persons overseas to perform duties overseas as employees (locally engaged employees)		PS Act	s74(1)
10.19	Movement	Transfer at Level	Agree in writing to the (ongoing or temporary) movement of an APS employee		PS Act	s26(1)
10.20	Movement	Between agencies	Agree to a date of effect for a voluntary movement between agencies		APSCD	d46(2)
10.21	Movement	Code of Conduct	Agree to the movement of an employee taking effect prior to a suspected breach of the Code of Conduct matter being resolved		APSCD	d46(5) & (6)
10.22	Movement	Date of effect of promotion	Agree to the promotion of an employee taking effect prior to a suspected breach of the Code of Conduct matter being resolved		APSCD	d47(1)

s22(1)(a)(ii)



s22(1)(a)(ii)

10.31	Independent Selection Advisory Committee (ISAC)	Constitution of an ISAC	Nominate a person to participate as a member of an ISAC		PS Regs	s62
10.32	Organisational structure	Position creation and occupancy	Create positions and nominate employees to occupy these positions		PS Act	s77(1) & (2)

s22(1)(a)(ii)





Item	Section	Subject	Description	Conditions/Limitations	Main Source	Section
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s22(1)(a)(ii)

s22(1)(a)(ii)

HOD

s22(1)(a)(ii)

### 13. Review of actions

s22(1)(a)(ii)

13.2	Primary review	Internal Review	Review the action, attempt to resolve the employee's concerns and confirm, vary or set aside the action or substitute a new action		PS Regs	s41	<input checked="" type="checkbox"/>
13.4	Primary review	Provision of a review of actions application	Give the application and documents relating to a primary review of action to the MPC and copy the affected employee		PS Regs	s44	<input checked="" type="checkbox"/>
13.5	Review of actions	Provision of information for a review of actions	Provide, to the MPC, information and/or documents relevant to a review		PS Regs	s48	<input checked="" type="checkbox"/>
13.6	Review of actions	Recommendations from a review of actions	Consider and make decisions about recommendations received from the MPC regarding a review of actions		PS Regs	s46	<input checked="" type="checkbox"/>

### 14. Separation of employment

s22(1)(a)(ii)

14.2	Termination of employment	Termination of employment	By notice in writing, terminate the employment of an APS employee in the department	- Subject to limitations set out in 29(3) of the PS Act for ongoing employees. - All delegates must consult with and have endorsement by People Branch before exercising this delegation.	PS Act	s29(1)	<input checked="" type="checkbox"/>
14.4	Termination of employment	Voluntary move (at level) to another agency	Agree in writing to the (ongoing or temporary) movement of an employee to another agency		PS Act	s26(1)	<input checked="" type="checkbox"/>

s22(1)(a)(ii)

### 15. Other

s22(1)(a)(ii)

15.5	Disclosure of information	Disclosure of information	Authorise an employee to disclose information about which the employee has official knowledge <sup>3</sup>		PS Regs	s7	<input checked="" type="checkbox"/>
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s22(1)(a)(ii)

<sup>3</sup> Official Information – Information obtained or generated in connection with APS employment that if disclosed could be prejudicial to the effective working of government, including the formulation and implementation of policies and program.  
Instrument of Delegation and Authorisation for Human Resource Matters







Australian Government  
Department of Industry,  
Science and Resources

# Instrument of Delegation and Authorisation for Human Resource Matters

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December 2023

I, Ms Meghan Quinn, Secretary of the Department of Industry, Science and Resources (the department), make this instrument of delegation and authorisation under:

- a) subsection 78(7) of the *Public Service Act 1999*;
  - b) subsection 105(3) of the *Public Service Regulations 2023*;
  - c) subclause 69(1) of the *Australian Public Service Commissioner's Directions 2022*;
  - d) sub-rule 13(1) of the *Public Service Classification Rules 2000*;
- s22(1)(a)(ii)

Subject to this instrument, I:

- a) delegate to any person from time to time holding the classification or performing the duties of a position identified in the Human Resources Delegation Matrix (the Matrix), those powers and functions assigned in the Matrix to a particular classification or position; and
- b) revoke all previous human resource delegations.

The exercise of delegations described is subject to any directions or guidelines issued by me by instrument in writing, and the protocols outlined in Annexure 1.

s22(1)(a)(ii)

## Commencement

This instrument takes effect on the date it is signed by me.

s22(1)(a)(ii)

Meghan Quinn  
Secretary  
Department of Industry, Science and Resources

Date: 20/12/2023

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## Annexure 1—Delegation protocols

Delegations are the means by which decision makers can exercise the power to undertake certain statutory functions.

A delegation is the conferral of the ability to exercise a power or duty to a person or body from a person or body that is vested with the responsibility to exercise that power or duty.

The department's employees are employed under the *Public Service Act 1999* (Cth) (PS Act) as employees of the Australian Public Service (APS)

As an Agency Head under section 20 of the PS Act, the Secretary has all the rights, duties and powers of an employer in respect of APS employees in the department. Section 78 of the PS Act enables the Agency Head to delegate those powers.

The attached delegations are given on the understanding that:

- The exercise of these delegations will at all times be in accordance with approved policies, practices and procedures of the department and/or as required in accordance with legislation, regulations and/or instructions from central agencies with appropriate authority to make those instructions; and
- Any requirements and/or limits specified in the delegations schedule are met/observed.

Delegates are accountable for the delegations that they exercise but should impress upon recommending employees that those employees are personally accountable for ensuring the quality and appropriateness of the recommendations and for ensuring that all relevant facts and other relevant considerations have been set out for the delegate so that the decision taken is fully informed and appropriate.

# Human Resources Delegations Legend

## Delegation and Authorisation

Subject to this instrument, each officer who occupies or performs the duties of the category shown as “Delegate” is authorised to exercise or perform the corresponding powers and functions.

Legend	Delegate
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s22(1)(a)(ii)

### HOD

An officer who occupies or performs duties of one of the following positions<sup>1</sup>:

- Head of Division (SES Band 2);

s22(1)(a)(ii)

s22(1)(a)(ii)

## Source of Power

Legend	Main Source
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APSCD

*Australian Public Service Commissioner's Directions 2022*

s22(1)(a)(ii)

PS Act

*Public Service Act 1999*

PSCR

*Public Service Classification Rules 2000*

PS Regs

*Public Service Regulations 2023*

s22(1)(a)(ii)

<sup>1</sup> Can only exercise those powers for employees up to and including the classification one level below the delegate's equivalent classification.

s22(1)(a)(ii)



## Table 1: Human Resources Delegation Matrix

s22(1)(a)(ii)

s22(1)(a)(ii)

Item	Section	Subject	Description	Conditions/Limitations	Main Source	Section	HOD
<b>1. Classifications</b>							
s22(1)(a)(ii)							
1.2	Classification structure	Classification of position	Allocate, in writing, the creation or re-classification of an APS or Executive Level position based on the work value of the duties.		PSCR	cr9	<input checked="" type="checkbox"/>
s22(1)(a)(ii)							
1.4	Classification structure	Classification of duties	Allocate a classification to each group of duties and ensure the duties include a requirement to undergo training, if a training classification is allocated		PSCR	cr9(1) & 9(3)	<input checked="" type="checkbox"/>
1.5	Classification structure	Classification of duties in a broadband	Allocate more than one classification to the group of duties (a broadband), if the group of duties involves value requirements applying to more than one classification		PSCR	cr9(4)	<input checked="" type="checkbox"/>
s22(1)(a)(ii)							
1.8	Classification of employees	Classifications of employees	Allocate an approved classification to each employee		PSCR	cr6(1)	<input checked="" type="checkbox"/>
1.9	Classification of employees	Classification of employees on movement	Allocate to an employee, who moves under s26 of the PS Act, the classification allocated to the employee immediately before moving, or another classification in the same group		PSCR	cr7(3)	<input checked="" type="checkbox"/>
1.10	Classification of employees	Movement from a training classification	Allocate to an employee a classification mentioned in column 3 of schedule 2 of the Classification Rules that relates to the employee's training classification, upon satisfactory completion of the training requirements		PSCR	cr11(1)	<input checked="" type="checkbox"/>
1.11	Classification of employees	Reduction in classification	Reduce the classification of an employee, without the employee's consent	Section 23(4) of the PS Act prescribes the circumstances where this delegation can be exercised	PS Act	s23(4)	<input checked="" type="checkbox"/>
s22(1)(a)(ii)							







Item	Section	Subject	Description	Conditions/Limitations	Main Source	Section	HOD
8.38	Other leave	Return to work	<p>(a) for the purposes of section 13 of the Governor-General Act 1974; or (b) for the purposes of section 13 or 20 of the Members of Parliament (Staff) Act 1984.</p> <p>Arrange for the APS employee to return to the department as soon as practicable; and arrange for the APS employee to undertake duties at the employee's classification immediately before the employee was granted leave without pay or, if the classification no longer exists, at an equivalent classification</p>	<p>in this circumstance must be approved</p> <p>If an APS employee who has been granted leave without pay to undertake or continue employment for the purposes mentioned in paragraph (1)(a) or (b) of the APSCD notifies the department, in writing, that he or she wishes to return to the department to undertake duties</p>	APSCD	D67(2)	<input checked="" type="checkbox"/>

s22(1)(a)(ii)

## 10. Recruitment and Engagement

10.1	Recruitment	Vacant positions	Determine that a specified group of duties needs to be performed, and it is appropriate to consider engaging a person to perform those duties, promoting an APS employee to perform the duties, or assigning the duties to an APS employee, for the purposes of establishing a vacancy exists. Approve a vacancy to be filled through a merit based process, including approval of external advertising, approval of the recruitment selection report and use of subsequent merit lists.		APSCD	D7	<input checked="" type="checkbox"/>
10.2	Recruitment	Merit processes	For the avoidance of doubt, this also includes approval of use of merit lists to fill a similar vacancy, approval of a shorter period of time for notification of the vacancy, and obtaining approval from the APS Commissioner before notifying a specified vacancy or class of vacancy (where required by the Commissioner).		APSCD	D23, 24 & 25	<input checked="" type="checkbox"/>
10.3	Assignment of duties	Assignment of duties	Determine the duties of an employee and the place or places at which the duties are to be performed	An employee cannot be assigned duties at a lower classification without their consent, other than in exceptional circumstances. These circumstances are described in subsection 23(4) of the Public Service Act 1999 (PS Act).	PS Act	s25	<input checked="" type="checkbox"/>
10.4	Recruitment	Similar vacancies	Agree with another Agency Head that a vacancy is a similar vacancy (for the purpose of APSCD D9).		APSCD	D9	<input checked="" type="checkbox"/>
10.5	Advertising	Limit Vacancies to APS employees only	Decide that because of reasons of cost or operational efficiency, a non-SES vacancy should be filled by a person who is already an APS employee, and <b>not</b> to provide an opportunity to all eligible members of the community to apply.	This does not apply to APS1 or training classification vacancies.	APSCD	D25(4)	<input checked="" type="checkbox"/>
10.6	Affirmative measures	Aboriginal and Torres Strait Islander employment	As an affirmative measure, identify a vacancy as open only to Aboriginal and/or Torres Strait Islander persons in a manner that is compliant with the requirements of section 31.		APSCD	D31	<input checked="" type="checkbox"/>
10.7	Affirmative measures	Disability employment	As an affirmative measure, identify a vacancy as only open to persons who have a disability or a particular type of disability in a manner that is compliant with the requirements of APSCD section 33.		APSCD	D33	<input checked="" type="checkbox"/>
10.8	Engagement	Engagement of employees	Engage a person as either an ongoing or non-ongoing employee	Subject to the person being an Australian Citizen	PS Act	s22(1) & (2)	<input checked="" type="checkbox"/>
10.9	Engagement	Non-ongoing employment	Engage a person for a specified term, or for the duration of a specified task in accordance with s22(2)(b) of the PS Act		PS Regs	s13	<input checked="" type="checkbox"/>
10.10	Engagement	Non-ongoing employment	Enter into an agreement with a State or Territory, or an authority of a State or Territory, to engage a person as a non-ongoing APS employee for a specified term.		PS Regs	s13	<input checked="" type="checkbox"/>
10.11	Engagement	Engage or extend non-ongoing employment using a modified process	Subject to the conditions of APSCD section 27, and S333E(1) of the Fair Work Act 2009, being satisfied, engage a person on a non-ongoing basis using a modified merit process for an initial period of no more than 18 months and extend up to a maximum period of 3 years.	S.333E(1) of the Fair Work Act 2009 limits employment periods using fixed-term contracts. From 6 December 2023, the initial period is limited to 12 months, and can be	APSCD	D27 (1) and (2)	<input checked="" type="checkbox"/>

s22(1)(a)(ii)

s22(1)(a)(ii)

Item	Section	Subject	Description	Conditions/Limitations	Main Source	Section	HOD
				extended once for a further duration (to a maximum of 18 months total).			
10.12	Engagement	Notifying the community	Ensure that notification of short-term (18 months or less) and irregular and intermittent vacancies are notified to the community.		APSCD	D27(3)	<input checked="" type="checkbox"/>
10.13	Engagement	Ongoing to non-ongoing	Engage an ongoing APS employee as a non-ongoing in certain circumstances as described in direction 29 of the APSCD.		APSCD	D29	<input checked="" type="checkbox"/>
10.14	Engagement	Redundancy benefit recipients	Decide that the engagement of a person who has received a redundancy benefit is essential for the agency's operations and obtain the approval of and consult with the APS Commissioner before engaging the person as necessary.		APSCD	D66(1)	<input checked="" type="checkbox"/>
10.15	Engagement	Engagement of a parliamentary service employee	Engage an ongoing parliamentary service employee as an ongoing employee (if the person is to be employed at a comparable classification or lower)		APSCD	D36	<input checked="" type="checkbox"/>
s22(1)(a)(ii)							
10.21	Engagement	Overseas engagement	Engage persons overseas to perform duties overseas as employees (locally engaged employees)		PS Act	s74(1)	<input checked="" type="checkbox"/>
10.22	Movement	Transfer at Level	Agree in writing to the (ongoing or temporary) movement of an APS employee		PS Act	s26(1)	<input checked="" type="checkbox"/>
10.23	Movement	Between agencies	Agree to a date of effect for a voluntary movement between agencies		APSCD	D46(2)	<input checked="" type="checkbox"/>
s22(1)(a)(ii)							
10.33	Independent Selection Advisory Committee (ISAC)	Constitution of an ISAC	Nominate a person to participate as a member of an ISAC		PS Regs	s62	<input checked="" type="checkbox"/>
10.34	Organisational structure	Position creation and occupancy	Create positions in the department, and nominate any APS employee to occupy a position in the Department.	HR EL2/EL1/5-6- may only exercise delegation in relation to area of delegate's functional responsibility	PS Act	s77(1) & (2)	<input checked="" type="checkbox"/>

s22(1)(a)(ii)

Item	Section	Subject	Description	Conditions/Limitations	Main Source	Section
10.35	Promotion Review Committee (PRC)	Constitution of Promotion Review Committee (PRC)	Nominate a person to participate as a member of a PRC	having regard to the duties that the delegate is performing.	PS Regs	s26

s22(1)(a)(ii)

s22(1)(a)(ii)

HOD

Item	Section	Subject	Description	Conditions/Limitations	Main Source	Section
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s22(1)(a)(ii)

HOD

13. Review of actions

s22(1)(a)(ii)

s22(1)(a)(ii)

13.2	Primary review	Internal Review	Review the action, attempt to resolve the employee's concerns and confirm, vary or set aside the action or substitute a new action		PS Regs	s41	<input checked="" type="checkbox"/>
13.4	Primary review	Provision of a review of actions application	Give the application and documents relating to a primary review of action to the MPC and copy the affected employee		PS Regs	s44	<input checked="" type="checkbox"/>
13.5	Review of actions	Provision of information for a review of actions	Provide, to the MPC, information and/or documents relevant to a review		PS Regs	s48	<input checked="" type="checkbox"/>
13.6	Review of actions	Recommendations from a review of actions	Consider and make decisions about recommendations received from the MPC regarding a review of actions		PS Regs	s46	<input checked="" type="checkbox"/>

14. Separation of employment

s22(1)(a)(ii)

14.2	Termination of employment	Termination of employment	By notice in writing, terminate the employment of an APS employee in the department	- Subject to limitations set out in 29(3) of the PS Act for ongoing employees. - All delegates must consult with and have endorsement by People Branch before exercising this delegation.	PS Act	s29(1)	<input checked="" type="checkbox"/>
14.4	Termination of employment	Voluntary move (at level) to another agency	Agree in writing to the (ongoing or temporary) movement of an employee to another agency		PS Act	s26(1)	<input checked="" type="checkbox"/>

s22(1)(a)(ii)

15. Other

s22(1)(a)(ii)

15.4	Disclosure of information	Disclosure of information	Authorise an employee to disclose information about which the employee has official knowledge <sup>3</sup>		PS Regs	s7	<input checked="" type="checkbox"/>
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<sup>3</sup> Official Information – Information obtained or generated in connection with APS employment that if disclosed could be prejudicial to the effective working of government, including the formulation and implementation of policies and program.  
Instrument of Delegation and Authorisation for Human Resource Matters



Table 2: Code of Conduct Delegation Matrix

Item	Section	Subject	Description	Conditions/Limitations	Main Source	Section	
16. Code of Conduct							
16.1	Code of Conduct	Breaches of the Code of Conduct	Impose sanctions for breaches of the Code of Conduct		PS Act	s15(1)	<div style="text-align: right;">s22(1)(a)(ii)</div> <div style="text-align: right;">s22(1)(a)(ii)</div>
16.6	Code of Conduct	Suspension from duties	Suspend an employee from duty, with or without remuneration, review the suspension, end the suspension and have due regard to procedural fairness		PS Regs	s14	<div style="text-align: right;">s22(1)(a)(ii)</div>
16.7	Probation	Mandatory Integrity Training	Make arrangements for APS employees to undergo a program of training about integrity within specified timeframes from time of engagement		APSCD	D19	<div style="text-align: right;">s22(1)(a)(ii)</div>