

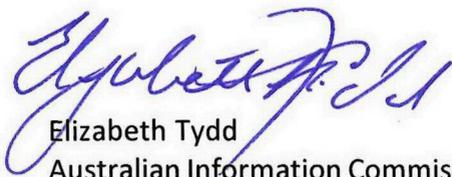
OFFICE OF THE AUSTRALIAN INFORMATION COMMISSIONER

DELEGATION OF AGENCY HEAD POWERS AND FUNCTIONS

I, Elizabeth Tydd, Agency Head of the Office of the Australian Information Commissioner (OAIC), in the exercise of my power of delegation under:

- a) section 9 of the *Long Service Leave (Commonwealth Employees) Act 1976*
- b) section 11 of the *Maternity Leave (Commonwealth Employees) Act 1973*
- c) subsection 78(7) of the *Public Service Act 1999*
- d) regulation 105(3) of the *Public Service Regulations 2023*
- e) rule 13 of the *Public Service Classification Rules 2000*
- f) clause 10 of the *Office of the Australian Information Commissioner Enterprise Agreement 2016–2019*
- g) section 41A of the *Safety, Rehabilitation and Compensation Act 1988*
- h) subsection 77(1) of the *Public Interest Disclosure Act 2013*
- i) subsection 69 of the *Australian Public Service Commissioner's Directions 2022*
- j) subsection 277(1) of the *National Anti-Corruption Commission Act 2022*.

1. revoke all previous delegations made for this purpose
2. delegate to the persons in the OAIC occupying or performing from time to time the duties relating to a position specified in Schedule 1 (including persons who are from time to time assigned to undertake those duties) my powers and functions under the authorities specified in Schedule 2 to the extent and subject to any limitations specified in Schedule 3.
3. direct that a delegate exercising powers and functions in relation to classification must comply with the requirements of section 23 of the *Public Service Act 1999* and the *Public Service Classification Rules 2000*; and
4. direct that the powers and functions delegated in Schedule 3 must be exercised by a delegate only in respect of matters arising in relation to, or in connection with, APS employees in the OAIC.



Elizabeth Tydd
Australian Information Commissioner
15 October 2024

**PERSONS TO WHOM AGENCY HEAD POWERS
AND FUNCTIONS ARE DELEGATED**

For the purposes of the delegation of Agency Head powers and functions to persons in the OAIC, those persons are the persons performing from time to time the duties of a position in one of the groups listed below.

GROUP 1: Freedom of Information Commissioner
Privacy Commissioner
SES Band 2 Officers
SES Band 1 Officers

GROUP 2: Directors, Principal Directors and Chief Financial Officer

GROUP 3: Director, People and Culture
Assistant Director, People and Culture

GROUP 4: Director, Governance and Risk

AUTHORITIES

PIDA	<i>Public Interest Disclosure Act 2013</i>
PSA	<i>Public Service Act 1999</i>
PS Regs	<i>Public Service Regulations 2023</i>
PS C Rules	Public Service Classification Rules 2000
APSCD	<i>Australian Public Service Commissioner's Directions 2022</i>
ML	<i>Maternity Leave (Commonwealth Employees) Act 1973</i>
LSL	<i>Long Service Leave (Commonwealth Employees) Act 1976</i>
SRC	<i>Safety, Rehabilitation and Compensation Act 1988</i>
OAIC EA	Office of the Australian Information Commissioner Enterprise Agreement 2024-2027
NACC	<i>National Anti-Corruption Commission Act 2022</i>

DELEGATIONS

CONTENTS

PART A - Delegations under the *Public Service Act 1999, Public Service Regulations 2023, Public Service Classification Rules 2000, Australian Public Service Commissioner’s Directions 2022, Maternity Leave (Commonwealth Employees) Act 1973, Long Service Leave (Commonwealth Employees) Act 1976, Public Interest Disclosure Act 2013, National Anti-Corruption Commission Act 2022 and the Safety, Rehabilitation and Compensation Act 1988*

Provision	Power or function				
		Group 1	Group 2	Group 3	Group 4

ALLOWANCES

Provision	Power or function	Group 1	Group 2	Group 3	Group 4
PSA s 31	Forfeiture of additional remuneration – authority to give notice to an employee in relation to additional remuneration.	X ²	NA ³	NA	NA

PROVISION OF INFORMATION TO THE PUBLIC SERVICE COMMISSIONER

Provision	Power or function	Group 1	Group 2	Group 3	Group 4
PSA s 44	Provide the PS Commissioner with whatever information the PS Commissioner requires for the purpose of preparing the PS Commissioner’s report on the state of the APS under PSA s 44(2).	XX	NA	NA	NA
APSCD s 54	Ensure that there are measures in place to collect certain information from each APS employee. Give that information to the Commissioner.	XX	NA	NA	NA
APSCD s 55	Give the Commissioner information or documents about workplace relations relating to APS employees in the OAIC, as required.	XX	NA	NA	NA
APSCD s 56	Ensure that there are measures in place to promptly give the Commissioner information collected under ss 54 and 55, and measures in place to give that information in a particular form if this is required.	XX	NA	NA	NA

¹ Unlimited delegation – delegate may exercise powers and functions within any statutory limitations that apply to employees.

² X indicates all members of Group 1 are included. XX indicates that only General Manager, Enabling Services can exercise this delegation

³ Not applicable – delegate may not exercise this power or function.

CLASSIFICATION

PS C Rules cl 6	Allocate an approved classification to each APS employee in the Agency.	X	NA	NA	NA
PS C Rules cl 7	Allocate an approved classification to an incoming employee based on the allocated classification group of the employee prior to the temporary move.	X	NA	NA	NA
PS C Rules cl 9	Allocate an approved classification, or more than one classification, to each group of duties to be performed in the OAIC.	X	NA	NA	NA
PS C Rules cl 10	Issue in writing work level standards describing the work value for each classification other than APS, EL and SES classifications applying to a group of duties to be performed in the OAIC.	X	NA	NA	NA
PS C Rules cl 11	Allocate to an employee, who satisfactorily finishes a learning requirement for a training classification, a classification mentioned in column 3 of Schedule 2 of the Public Service Classification Rules 2000 that relates to the employee's training classification.	X	NA	NA	NA
PSA s 23(4)	Reduce the classification of an employee (subject to any procedures in a relevant award, enterprise agreement or determination).	X	NA	NA	NA

CODE OF CONDUCT BREACHES

PSA s 15(1)	Impose sanctions on an employee who is found to have breached the Code of Conduct.	X	NA	NA	NA
PSA s 15(3)	Establish written procedures, which must comply with procedural fairness and the Commissioners Directions, for determining whether an employee has breached the Code of Conduct.	X	NA	NA	NA
PSA s 15(7)	Ensure that the procedures for determining whether an APS employee has breached the Code of Conduct are made publicly available.	X	NA	X	X
PSA 41B	Request the Public Service Commissioner to inquire into an APS employee Code of Conduct matter and recommend a sanction where misconduct is proven.	XX	NA	NA	NA
PSA 50A (1)	Request the Merit Protection Commissioner to inquire into and determine whether an APS employee, (current or former) has breached the Code of Conduct.	XX	NA	NA	NA
PS Reg 14(2)-(4)	Suspend an APS employee with or without remuneration.	X	NA	NA	NA
PS Reg 14(5)	Review a suspension.	X	NA	NA	NA
PS Reg 14(6)	End a suspension where the Agency Head or	X	NA	NA	NA

	delegate no longer believes on reasonable grounds that the APS employee has, or may have, breached the Code of Conduct, or that the suspension is in the public's or OAIC's interest.				
PS Reg 14(7)	End the suspension once a sanction is imposed.	X	NA	NA	NA
PS Reg 79	Provide information and/or documents to the Merit Protection Commissioner (MPC) in response to a written request from the MPC.	XX	NA	NA	NA
APSCD s 20	Consult with the Commissioner before entering into an agreement with a current or former APS employee that: <ul style="list-style-type: none"> settles a dispute about a matter that relates to their APS employment and sexual harassment, and limits the person's freedom to disclose information about the matter, the dispute or its settlement. 	XX	NA	NA	NA
APSCD s 21	Notify the Commissioner of the number of agreements entered into with a current or former APS employee during a financial year, that settle a dispute about a matter that relates to their APS employment and limit the employees' freedom to disclose information about the matter, the dispute or its settlement.	XX	NA	NA	NA
APSCD s 61	Take reasonable steps to ensure that the person who determines whether an APS employee has breached the Code of Conduct, and the person who determines any sanction to be imposed, is, and appears to be, independent and unbiased.	XX	NA	X	NA
APSCD s 64	Consult with the Commissioner on the process for determining whether an SES employee has breached the Code of Conduct, and before imposing a sanction.	XX	NA	NA	NA

ANTI-CORRUPTION POWERS

NACC s 33	Refer a corruption issue to the National Anti-Corruption Commissioner (NAC Commissioner).	XX	NA	NA	X
NACC s 43(1)	Comply with a direction from the NAC Commissioner to stop the agency taking specified action in relation to a corruption issue.	XX	NA	NA	x
NACC s 43(2)(a)	Participate in consultation with the NAC Commissioner prior to the NAC Commissioner making a direction under s 43(1).	XX	NA	NA	X
NACC s 43(4)	Request the NAC Commissioner to permit the taking of a particular action.	XX	NA	NA	X
NACC s 44	Take certain actions despite a direction given by the NAC Commissioner under s 43(1),	XX	NA	NA	X

	provide details of such actions to the NAC Commissioner, and take reasonable steps to ensure the action does not prejudice any NACC Act process and to preserve evidence.				
NACC s 51	Ensure that the agency complies with any directions given by the NAC Commissioner about the planning and conduct of an investigation referred under s 41(1)(c).	XX	NA	NA	X
NACC s 52	Provide progress or completion reports to the NACC Commissioner about an investigation referred under s 41(1)(c).	XX	NA	NA	X
NACC s 53(3)	Respond to comments and recommendations given by the NAC Commissioner about a completion report prepared under s 52.	XX	NA	NA	X
NACC s 54(2)	Give details of any action taken with respect to recommendations contained in a completion report, or recommendations made by the NAC Commissioner in relation to the report, as required by the NAC Commissioner.	XX	NA	NA	X
NACC s 54(7)	Participate in consultation with the NAC Commissioner about whether certain material is sensitive.	XX	NA	NA	X
NACC s 57(4)	Comply with a direction by the NAC Commissioner to produce information, or a document or thing, that is relevant to a corruption investigation to a specified staff member of the National Anti-Corruption Commission as soon as practicable.	XX	NA	NA	X
NACC s 151(2)	Participate in consultation with the NAC Commissioner about whether information in an investigation report is sensitive information.	XX	NA	NA	X
NACC s 153(2)	Respond to a statement about information to be included in an investigation report.	XX	NA	NA	X
NACC s 157(3)	Respond to a statement about the publication of critical opinions, findings and recommendations in an investigation report.	XX	NA	NA	X
NACC ss 158(4) and 159(5)	Participate in consultation with the NAC Commissioner about whether information relating to the outcome of an investigation is sensitive information.	XX	NA	NA	X
NACC s 160(2)	Provide details of any actions taken or proposed to be taken with respect to recommendations contained in an investigation report, as required by the NAC Commissioner.	XX	NA	NA	X

NACC s 160(7)	Participate in consultation with the NAC Commissioner about whether information to be sent to the President of the Senate or the Speaker of the House of Representatives is sensitive information.	XX	NA	NA	X
NACC s 164(4)	Participate in consultation with the NAC Commissioner about whether information to be included in an inquiry report is sensitive information.	XX	NA	NA	X
NACC s 166(2)	Respond to a statement about information to be included in an inquiry report.	XX	NA	NA	X
NACC s 170	Respond to a statement about critical opinions, findings or recommendations to be published in an inquiry report.	XX	NA	NA	X
NACC s 171(2)	Provide details of any actions taken or proposed to be taken with respect to recommendations contained in a report into a public inquiry, as requested by the NAC Commissioner.	XX	NA	NA	X
NACC s 171(7)	Participate in consultation with the NAC Commissioner about whether material to be sent to the President or Speaker contains sensitive information.	XX	NA	NA	X
NACC s 217(2)	Participate in consultation with the Inspector about whether information in a NACC investigation report is sensitive information.	XX	NA	NA	X
NACC s 219(2)	Respond to a statement from the Inspector about information to be included in a NACC investigation report.	XX	NA	NA	X
NACC s 223(3)	Respond to a statement about a critical opinion, finding or recommendation to be published in a NACC investigation report.	XX	NA	NA	X
NACC ss 224(4) and 225(6)	Participate in consultation with the Inspector about whether information relating to the outcome of an investigation is sensitive information.	XX	NA	NA	X
NACC s 226(2)	Provide details of any actions taken or proposed to be taken with respect to recommendations contained in a NACC investigation report, as requested by the Inspector.	XX	NA	NA	X
NACC s 226(7)	Participate in consultation with the Inspector about whether material to be sent to the President or Speaker is sensitive.	XX	NA	NA	X

NACC s 230(6)	Participate in consultation with an authorised discloser about whether information to be disclosed under s 230 is sensitive information.	XX	NA	NA	X
NACC s 231(3)	Respond to a statement from the Commissioner and Inspector about the disclosure of information under s 230.	XX	NA	NA	X

DUTIES

PSA s 25	Determine the duties of an employee in the OAIC, and the place or places at which the duties are to be performed.	X	NA	NA	NA
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ENGAGEMENT OF APS EMPLOYEES

APSCD s 7	Decide a vacancy exists.	XX	NA	NA	NA
APSCD s 9(b)(iii) and (iv)	Agree in certain circumstances for a vacancy to be a 'similar vacancy' to a vacancy that has been notified in the Public Service Gazette.	X	NA	NA	NA
APSCD s 25	Notify a vacancy in the Public Service Gazette.	X	NA	NA	NA
APSCD s 25(2)(b)(i)	Approve a vacancy notification period of less than 7 days.	X	NA	X	NA
APSCD s 25(3)	Obtain the Commissioner's approval before notifying a specified vacancy or specified class of vacancies in the Public Service Gazette, if required.	X	NA	NA	NA
APSCD s 25(4)	Decide, for reasons of cost or operational efficiency, to notify a vacancy as open only to persons who are already an eligible employee.	X	NA	NA	NA
APSCD s 27	Engage a person to perform duties as a non-ongoing APS employee for a specified term or the duration of a specified task, if the period of employment is 18 months or less. Extend such an engagement in certain circumstances. Engage a person to perform duties that are irregular or intermittent. Ensure as far as practicable that vacancies are brought to the notice of the community in a way that gives eligible community members a reasonable opportunity to apply.	X	NA	NA	NA
APSCD s 28	Engage an employee of a State or Territory, or an authority of a State or Territory, as a non-ongoing APS employee for a specified term, if agreed with the State or Territory or State or Territory authority. Enter into agreements with States, Territories and State or Territory authorities for this purpose.	X	NA	NA	NA
APSCD s 29	Engage an ongoing APS employee to perform duties as a non-ongoing APS employee in	X	NA	NA	NA

	certain circumstances.				
APSCD s 30	Request the Commissioner to authorise the engagement of a non-ongoing APS employee as an ongoing APS employee in certain circumstances.	X	NA	NA	NA
APSCD s 31	Identify a vacancy as open only to Aboriginal persons and/or Torres Strait islander persons, and ensure that certain conditions are met for such vacancies.	X	NA	NA	NA
APSCD s 33	Identify a vacancy as open only to persons who have a disability or a particular type of disability, and ensure that certain conditions are met for such vacancies.	X	NA	NA	NA
APSCD s 37	In certain circumstances, re-engage a former APS employee whose employment ended because they resigned to contest a federal, State or Territory election.	X	NA	NA	NA
APSCD s 38	Re-engage a former APS employee in certain circumstances.	X	NA	NA	NA
APSCD s 66	Obtain the Commissioner's approval before engaging a redundancy benefit recipient as an ongoing APS employee, or non-ongoing SES employee, before the redundancy benefit period has ended.	X	NA	NA	NA
PSA s 22 (1)	Engage persons as employees for the purposes of the OAIC.	X	NA	L ⁴	NA
PSA s 22(5)	Extend an engagement for a specified term, subject to any limitations prescribed by the regulations.	X	NA	L	NA
PSA s 22(6)	Approve conditions for engagement as an APS employee including length, or extension of, period of probation.	X	NA	L	NA
PSA s 22(8)	Determine whether it is appropriate to engage a person who is not an Australian citizen.	X	NA	NA	NA
PSA s 32	Re-engage an unsuccessful election candidate.	X	NA	NA	NA
PSA s 39	Comply with a direction from the Agency Minister to engage a particular person as an APS employee so that the person can become a Head of Mission, or assign particular duties to an APS employee who has been appointed as a Head of Mission.	X	NA	NA	NA
PSA s 74	Engage persons overseas to perform duties overseas as employees.	X	NA	NA	NA
PSA s 77	Create positions in the OAIC and nominate APS employees to occupy such positions.	X	NA	NA	NA
PS Reg 13(7)	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 non-SES	X	NA	NA	NA

⁴ L indicates limited delegation – Delegate may exercise powers and functions in respect of all employees up to and including Executive Level 2 employees.

	employee for a specified term.				
PS Reg 10	Direct an employee whose engagement is subject to a condition dealing with health clearances to undergo a medical examination to assess their fitness for duty, and/or give the delegate a medical report of the examination within a specified timeframe.	X	NA	L	NA
PS Reg 11	Direct an employee to undergo a medical examination for fitness for duty purposes, and/or give the delegate a medical report of the examination within a specified timeframe.	X	NA	L	NA
APSCD s 19	Make arrangements for newly engaged employees to undergo a program of training about integrity.	X		X	X
APSCD s 40(1)	Notify certain employment decisions in the Public Service Gazette.	X		X	X
APSCD s 40(4)-(6)	Decide not to include an employee's name in a Public Service Gazette notification, in certain circumstances. In that case, advise the Commissioner of the employee's name as soon as practicable after the notification is published. If the notification relates to a promotion that is subject to review, notify all parties eligible to seek review of the promotion of their rights of review, and advise the MPC that eligible parties have been notified, on or before the day the decision is notified in the Public Service Gazette.	X		X	
APSCD s 41	Notify the cancellation of certain employment decisions in the Public Service Gazette.	X		X	
APSCD s 44	Ensure that an APS employee is engaged on probation. Waive this requirement if satisfied that there are reasonable circumstances justifying the waiver. Ensure that suitable processes are in place to assess the suitability of APS employees to perform their duties whilst on a period of probation.	X			

LEAVE

LSL 12	Determine continuity of service provisions.	X	NA	NA	NA
LSL 12 (7) & (8)	Deem service to be continuous where satisfied that termination of previous employment was due to ill health and recommencement occurred within 12 months of being able to work again.	X	NA	NA	NA
LSL 16	Grant long service leave.	X	NA	NA	NA
LSL 17	Authorise payment in lieu of LSL.	X	NA	NA	NA

LSL 19	Determine the length of a period of full salary LSL where the leave was not granted on full or half salary and determine the period of LSL deemed to have been taken in respect of recognised prior service for which a payment in lieu of LSL has been made.	X	NA	NA	NA
LSL 23 (1)-(4)	Authorise additional provisions relating to death of an employee.	X	NA	NA	NA
LSL 24	Authorise payment of an excess amount under the transitional provision of the LSL Act.	X	NA	NA	NA
ML 6(4C)	Determine if unauthorised absence of a pregnant employee immediately before the start of the period of required absence has occurred in extenuating circumstances.	X	NA	NA	NA
ML 6(4F)	Determine if an employee should receive maternity leave before the expiry of approved leave without pay exceeding 6 weeks.	X	NA	NA	NA
ML 7A(4)-(6)	Review decision refusing permission for an employee to resume duty from maternity leave.	X	NA	NA	NA
APSCD s 67	Grant leave without pay to an ongoing APS employee who applies for leave to undertake or continue employment under certain Acts. Arrange for an APS employee to return to the OAIC as soon as practicable after they notify the Agency Head or delegate that they wish to do so, and arrange for the employee to undertake duties at the same classification, or a classification that is equivalent to, the employee's classification immediately before they were granted leave without pay.	XX	NA	NA	NA

PUBLIC INTEREST DISCLOSURE

PIDA s 59(3)	Establish procedures for facilitating and dealing with public interest disclosures relating to the agency.	X	NA	NA	NA
PIDA s 36	Appoint authorised officers.	XX	NA	NA	NA
PIDA s 45A(4)	Give the Inspector-General of Intelligence and Security (IGIS) regular written notice about matters relating to certain investigations.	XX	NA	NA	NA
PIDA s 47	Investigate a disclosure.	L⁵	NA	NA	X
PIDA s 50, 50A	Notify the discloser and the Ombudsman or IGIS (as appropriate) of applicable matters, as soon as reasonably practicable.	X	X	NA	NA
PIDA s 50AA(2)	Refer (or facilitate the referral of) conduct for investigation under another law or power.	X	NA	NA	X

⁵ Limited to those in Group 1 who hold relevant investigation qualifications.

PIDA s 51	Prepare an investigation report. Give written notice of the completion of an investigation and a copy of the investigation report to the discloser, the Ombudsman and/or the IGIS, as appropriate. Delete certain material from investigation reports.	L ⁶	NA	NA	X
PIDA s 53(2)	Obtain information from such persons, and make such inquiries, as the delegate thinks fit for the purposes of an investigation.	XX	X	NA	NA
PIDA ss 55(7) and (8)	Respond to any recommendations an investigative agency makes under s 55(5), and give written notices to the relevant investigation agency of this.	XX	NA	NA	X
PIDA s 59(1)	Take reasonable steps to ensure that there is a sufficient number of authorised officers, and that public officials who belong to the agency are aware of the identity of each authorised officer of the agency.	XX	NA	NA	X
PIDA s 59(2)	Take reasonable steps to encourage and support public officials who make, or are considering making, public interest disclosures, and any other persons who provide, or are considering providing, assistance in relation to such disclosures.	X	NA	NA	NA
PIDA s 59(6)	Ensure that appropriate action is taken in response to an investigation report.	X	NA	NA	NA
PIDA s 59(7)	Take reasonable steps to provide ongoing training and education about the PIDA to public officials belonging to the agency.	X	NA	X	NA
PIDA s 59(8)	Take reasonable steps to ensure that public officials in positions that might require them to perform the functions or duties, or exercise the powers, of an authorised officer or supervisor, are given appropriate training and education within a reasonable time of their appointment.	X	NA	NA	NA
PIDA s 59(9)	Take reasonable steps to protect public officials against reprisals.	X	NA	NA	NA
PIDA s 73D(2)	Provide specified information to the principal officer of another agency when there is a machinery of government change.	X	NA	NA	X
PIDA s 76(3)	Provide information and assistance to the Ombudsman as required in relation to the Ombudsman's PID Act annual reporting.	X	NA	NA	X

REDEPLOYMENT, RETIREMENT AND REDUNDANCY

PSA s 27	Notify the Public Service Commissioner in writing that an employee is excess to the requirements of the Department.	X	NA	NA	NA
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⁶ Limited to those in Group 1 who hold relevant investigation qualifications.

PSA s 30	Accept notice in writing from an employee who has reached the minimum retiring age of the employee's intention to retire.	X	NA	NA	NA
PSA s 37	Give a notice in writing to an SES employee in the OAIC, stating that the employee will become entitled to a payment of a specified amount if the employee retires within a period specified in the notice.	X	NA	NA	NA
PS Reg 72(2)	Make a decision about a recommendation by the MPC about a complaint made by a former employee in relation to their entitlements on separation from the APS.	XX	NA	NA	NA

RELEASE OF PERSONAL INFORMATION

PS Reg 103(2)	Use personal information in specified circumstances.	X	NA	NA	NA
PS Reg 103(3)	Disclose personal information in specified circumstances.	X	NA	NA	NA

REVIEW OF ACTION

PS Reg 38(1)	Receive an application for primary review of an APS action.	X	NA	NA	NA
PS Reg 39	Refer an application for a review of an APS matter, with the agreement of the MPC, to the MPC and notify the employee of this in writing.	X	NA	NA	NA
PS Reg 40	Advise an employee that an APS action is not reviewable and related matters.	X	NA	NA	NA
PS Reg 41	Conduct a review of an APS action upon the application of an affected employee.	X	NA	X	NA
PS Reg 44	Give an application for secondary review and any relevant documents relating to the primary review of the relevant action to the MPC and the affected employee.	X	NA	X	NA
PS Reg 46 (1)	Consider and decide on the action to be taken in respect of a recommendation by the MPC.	X	NA	NA	NA
PS Reg 46 (2)	Confirm, vary or set aside and substitute an action recommended by the MPC.	X	NA	NA	NA
PS Reg 46(7)	Advise the MPC and the affected employee of the decision made in relation to the MPC's recommendation, and the reasons for the decision.	X	NA	X	NA
PS Reg 48(2)	Provide information and/or documents to a person or committee in response to a written request from the MPC.	X			

REMUNERATION

PSA s 24	Determine the remuneration and other terms and conditions of employment applying to an APS employee or employees in the OAIC.	X	NA	NA	NA
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SALARY ATTACHMENT

PS Reg 90(1)	Appoint one or more persons as paying officers for the purpose of making deductions from the salary of a debtor in the OAIC.	X	NA	X	NA
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TERMINATION OF EMPLOYMENT

PSA s 29	Terminate the employment of an employee.	X	NA	NA	NA
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TRANSFERS/PROMOTIONS

PSA s 26	Enter into an agreement in writing with an APS employee for the employee to move to the OAIC from another Agency.	X	NA	X	NA
PS Reg 85(4)(a)	Consult with APS employees who have transferred, or will transfer, to the OAIC from another agency, before the terms and conditions of their employment are varied.	X	NA	X	NA
PS Reg 86(2)(a)	Consult with persons who have ceased being employed as a non-APS employee and become engaged as an APS employee, or who will cease being employed as a non-APS employee and become engaged as an APS employee, before the terms and conditions of their employment are varied.	X	NA	X	NA
PS Reg 60	Request the MPC to establish an Independent Selection Advisory Committee (ISAC).	X	NA	X	NA
PS Reg 62(1)(c)	Nominate a person as a member of an ISAC.	X	NA	X	NA

PS Reg 26(1)	Nominate an APS employee to be a member of a Promotion Review Committee (PRC).	X	NA	X	NA
PS Reg 32(2)	Provide information and/or documents to a PRC in response to a written request from a PRC.	X	NA	X	NA
PS Reg 35(6)	If the PRC recommends that an applicant for review of a promotion decision or engagement decision should be engaged to the relevant employment, consider and make a decision about that recommendation and inform the applicant, the MPC, and (if the review is of a promotion decision) the person promoted, of the decision and the reasons for it.	X	NA	NA	NA
PS Reg 35(7)	Consult with an applicant for review and (if the review is of a promotion decision) the person promoted before deciding to act otherwise than in accordance with a PRC recommendation about the review.	X	NA	NA	NA
APSCD s 34	Request the Commissioner to authorise the promotion of an ongoing APS employee who has held a statutory office, in certain circumstances. Promote the employee, if the Commissioner authorises this.	X	NA	X	NA

APSCD s 36	Engage an ongoing Parliamentary Service employee as an ongoing APS employee at a comparable or lower classification.	X	NA	NA	NA
APSCD s 46	Approve the date of effect of a temporary move of an ongoing APS employee to another agency. Approve a variation to the period of a temporary move of an ongoing APS employee to another agency. Agree to the move of an APS employee who is suspected of having breached the Code of Conduct to take effect.	X	NA	NA	NA
APSCD s 47	When an APS employee who is suspected of having breached the Code of Conduct is moving between agencies to take up a promotion, agree for that promotion to take effect.	X	NA	NA	NA

WORKPLACE DIVERSITY PROGRAM

PSA s 18	Establish a workplace diversity program to assist in giving effect to the APS Employment Principles.	X	NA	NA	NA
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WORK HEALTH SAFETY REHABILITATION AND COMPENSATION

SRC Part III	Exercise all powers and functions of a rehabilitation authority under Part III of the Act.	X	NA	NA	NA
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PART B – Delegations under the Office of the Australian Information Commissioner Enterprise Agreement 2016–2019

Provision	Power or function				
		1	2	3	4

LEARNING AND DEVELOPMENT

OAIC EA Clause 388, 389, 392	Approve learning and development activity.	X	NA	X	NA
OAIC EA Clause 393	Approve reasonable expenses associated with learning and development activities.	X	NA	X	NA
OAIC EA Clause 381, 382, 387	Approve a course of study.	X	NA	NA	NA
OAIC EA Clause 383	Approve access to, and amount of, study leave with or without pay.	X	NA	NA	NA
OAIC EA Clause 384	Approve financial assistance.	X	NA	NA	NA

MANAGING UNDERPERFORMANCE

OAIC EA Clause 372-376.4	Approve the commencement of a process to address and support improvement where an employee's performance is not effective in accordance with the OAIC EA considerations and policy.	X	NA	NA	NA
OAIC EA Clause 376-376.4	Determine appropriate action relating to performance plan remaining unsatisfactory, including termination, reduction in classification or reassignment or other actions.	X	NA	NA	NA

CLASSIFICATION AND REMUNERATION

OAIC EA Clause 25-27	Approve salary level for employee movement or promotion to OAIC and authorise payment of salary above OAIC base salary or barrier, but within relevant classification range.	X	NA	L	NA
OAIC EA Clause 32	To authorise the correct salary point.	X	NA	L	NA
OAIC EA Clause 39	Direct or approve a reduction of an employee's classification and determine their salary rate at the lower classification. <i>Applies to both temporary and permanent reductions, including at an employee's request.</i>	X	NA	L	NA

⁵ Unlimited delegation – delegate may exercise powers and functions within any statutory limitations that apply to employees.

⁶ Not applicable – delegate may not exercise this power or function.

⁷ L indicates limited delegation – Delegate may exercise powers and functions in respect of all employees up to and including Executive Level 2 employees.

Provision	Power or function				
		1	2	3	4

HIGHER DUTIES

OAIC EA Clause 56-62	Assign temporary duties to an employee at a higher non-SES classification level and approve a higher duties allowance at the base salary of that higher classification.	X	NA	L	NA
OAIC EA Clause 56-62	Assign temporary duties to an employee at a higher non-SES classification level and approve a higher duties allowance above the base salary of that higher classification, but within the salary bands of that classification as per the EA.	X	NA	NA	NA
OAIC EA Clause 59	Approve retention of higher duties salary on promotion of an employee.	X	NA	NA	NA
OAIC EA Clause 59	Determine level of remuneration for partial assignment of duties at a higher classification.	X	NA	NA	NA

PART TIME EMPLOYMENT

OAIC EA Clause 141-168	Approve application to work part-time and/or job share.	X	NA	NA	NA
OAIC EA Clause 141-168	Approve request to revert to full-time hours.	X	NA	NA	NA
OAIC EA Clause 141-168	Approve variation of part-time arrangements.	X	NA	NA	NA

HOME BASED WORK

OAIC EA Clause 141-168	Approve an application for or variation of flexible work or home-based work (temporary or permanent), including compressed hours.	X	NA	X	NA
OAIC EA Clause 141-168	Terminate temporary home-based work arrangement.	X	NA	L	NA

LEAVE

OAIC EA Clause 187	Approve annual leave.	X	RL ⁸	L	NA
OAIC EA Clause 190	Approve an employee to carry an annual leave balance above 6 weeks.	X	NA	L	NA
OAIC EA Clause 193-195	Approve cash out option for annual leave.	X	NA	NA	NA
OAIC EA Clause 196-204	Approve request for purchased leave.	X	NA	L	NA
OAIC EA Clause 205-220	Approve personal/carers leave.	X	RL	L	NA
OAIC EA Clause 213-214.3	Request the production of reasonable evidence.	X	RL	L	NA

⁸ RL indicates limited delegation – Directors may exercise powers and functions in respect of all employees up to and including the classification immediately below the delegate's own classification within their own work area. Principal Directors may exercise powers and functions in respect of all employees up to and including their own classification within their own work area.

Provision	Power or function				
		1	2	3	4
OAIC EA Clause 210	Approve conversion of half pay personal/carers leave.	X	NA	L	NA
OAIC EA Clause 269-276	Approve compassionate and bereavement leave.	X	RL	L	NA
OAIC EA Clause 250-268	Approve parental leave (paid and unpaid) in accordance with the ML Act and EA.	X	NA	NA	NA
OAIC EA Clause 284-287	Approve jury leave.	X	RL	NA	NA
OAIC EA Clause 292-300	Approve Defence Force Reserve or Continuous Full-time service (CFTS)/Cadet Force leave.	X	RL	NA	NA
OAIC EA Clause 301-306	Approve war service sick leave	X	NA	NA	NA
OAIC EA Clause 240-249	Approve cultural, ceremonial or NAIDOC leave in line with the limited prescribed clause 240, 242 & 246.	X	RL	NA	NA
OAIC EA Clause 311	Approve moving house leave	X	RL	NA	NA
OAIC EA Clause 233-239	Approve miscellaneous leave (with pay)	X	RL	NA	NA
OAIC EA Clause 278-283	Approve emergency response leave	X	NA	NA	NA
OAIC EA Clause 288-291	Approve community volunteering leave in line with EA clause 288.	X	RL	NA	NA
OAIC EA Clause 231-232	Determine whether long service leave will be granted at full pay or half pay.	X	NA	NA	NA

SEPARATION PROCEDURES

OAIC EA Clause 460	Endorse and accept an employee resignation or retirement of at least 14 calendar days' notice.	X	NA	X	NA
OAIC EA Clause 461	Where initiated by the Information Commissioner, endorse paid compensation in lieu of a notice period being worked.	X	NA	X	NA
OAIC EA Clause 462	Endorse and accept a resignation or retirement with a notice period less than 14 calendar days.	X	NA	X	NA

Provision	Power or function				
		1	2	3	4

OVERTIME

OAIC EA Clause 121-135	Direct staff to work overtime	X	NA	NA	NA
OAIC EA Clause 125	Approve overtime for staff above APS level 6.	X	NA	NA	NA
OAIC EA Clause 135	Approve reimbursement of reasonable additional costs associated with additional care arrangements due to overtime requirements.	X	NA	NA	NA

FLEXTIME AND HOURS OF WORK

OAIC EA Clause 100-108	Determine hours of duty.	X	NA	NA	NA
OAIC EA Clause 168	Approve request to vary bandwidth.	X	NA	NA	NA

ALLOWANCES

OAIC EA Clause 312-313	Approve healthy lifestyle allowance.	X	NA	X	NA
OAIC EA Clause 321	Approve financial assistance associated with retirement transition.	X	NA	X	NA
OAIC EA Clause 314-315.2	Approve payment of eye health costs.	X	NA	X	NA
OAIC EA Clause 78	Approve payment of motor vehicle allowance.	X	NA	X	X
OAIC EA Clause 396-409	Approve payment of travelling allowance.	X	NA	X	X

Provision	Power or function				
		1	2	3	4
OAIC EA Clause 406-407	Approve reimbursement for carer's costs.	X	NA	NA	NA
OAIC EA Clause 408	Approve and determine a specified financial cash advance to be paid to an employee required up front to support international travel costs (recoverable).	X	NA	NA	NA
OAIC EA Clause 412-414.4	Approve reasonable relocation assistance in accordance with the OAIC Relocation guideline.	X	NA	NA	NA
OAIC EA Clause 365	Approve reimbursement for loss or damage to clothing or personal effects which occurred in the course of the employee's work.	X	NA	NA	NA

INDIVIDUAL FLEXIBILITY ARRANGEMENT

OAIC EA Clause 10	Approve individual flexibility arrangement	X	NA	NA	NA
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