



Defence Enterprise Collective Agreement 2012-2014 Instrument of Delegation No. 3 of 2012

Fair Work Act 2009

Defence Enterprise Collective Agreement 2012-2014

I, LISA CLARE PHELPS, Acting Director General Personnel Policy and Employment Conditions, make this instrument of delegation using the powers vested in me under paragraph I3.1 of the *Defence Enterprise Collective Agreement 2012-2014*.

Dated 11 May 2012

A handwritten signature in black ink, appearing to read 'L Phelps'.

Acting Director General Personnel Policy and Employment Conditions
Department of Defence

1 Name of Instrument

This Instrument is the Defence Enterprise Collective Agreement 2012-2014 Instrument of Delegation No. 3 of 2012.

2 Commencement

This Determination commences on the date of signature.

3 Definition

Definitions used in this instrument are set out in Schedule 1.

4 Revocation

To avoid doubt, this instrument does not revoke any previous delegation of power under the *Defence Enterprise Collective Agreement 2012-2014* (DECA).

5 Delegations

I delegate those powers delegated to me by the Secretary of the Department of Defence under the DECA and referred to in Schedule 2, to the persons from time to time holding, occupying, acting in or performing the duties of:

- a. Associate Secretary, Chief Operating Officer.
- b. Director Workplace Relations.
- c. Director People Policy Reform.

Note: Previous delegations made by the Secretary and first delegate Director General Personnel Policy and Employment Conditions have also been published in Schedule 2. This instrument has no effect on those delegations which are published for administrative convenience, alongside the delegations made by this instrument.

6 Directions

In the exercise of a delegation made under this instrument, the delegate must observe the following directions specified in the Schedule.

- a. Express directions listed for the exercise of a power.
 - b. Directions as to the functional area in relation to which the power may be exercised.
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Schedule 1 Definitions

1. In this Instrument:

APS means Australian Public Service.

Civilian Exchange Officer means a person, military or civilian, who:

- a. is employed by a foreign government or an Australian Commonwealth, State or Territory Government body and seconded to work in the Department of Defence; and
- b. has been delegated powers as an 'outsider' for the purposes of subsections 78(7) and 78(8) of the *Public Service Act 1999*.

DECA means the Defence Enterprise Collective Agreement 2012-2014.

DEPSEC PSP means Deputy Secretary People Strategies and Policy.

DGPPEC means Director General Personnel Policy and Employment Conditions.

DWRM means Defence Workplace Relations Manual. The DWRM sets out lawful and reasonable directions of the employer under subsection 13(5) of the *Public Service Act 1999*. It includes detailed policy and administrative guidance for delegates on the terms and operation of the DECA.

Fair Work Act means *Fair Work Act 2009*.

Groups means the following parts of Defence:

- a. Office of the Secretary and CDF Group (**OSCDF Group**). This includes Strategy Executive, Office of the Inspector-General ADF, Office of the Judge Advocate General, Office of the Director of Military Prosecutions, Audit Division and Fraud Control and Investigations Branch.
- b. Vice Chief of Defence Force Group (**VCDF Group**). This includes the Australian Defence Force Investigative Services.
- c. Joint Operations Command (**JOC**).
- d. Navy.
- e. Army.
- f. Air Force.
- g. Capability Development Group (**CDG**).
- f. Chief Finance Officer Group (**CFOG**)
- i. Chief Information Officer Group (**CIOG**).
- j. Defence Science & Technology Organisation (**DSTO**).
- k. Defence Materiel Organisation (**DMO**).
- l. Defence Support Group (**DSG**).
- m. Intelligence & Security Group (**ISG**).

- n. People Strategies and Policy Group (**PSPG**).
- o. Chief Operating Officer is taken to be a Group for the purposes of these delegations. For personnel decision-making purposes, the Associate Secretary Chief Operating Officer has the powers of a Group Head for any Group within their line of control.
- p. Capability is taken to be a Group for the purposes of these delegations. For personnel decision-making purposes, the Associate Secretary Capability has the powers of a Group Head for any Group within their line of control.
- q. For personnel decision-making purposes, the Deputy Secretary Strategy has the powers of a Group Head for the whole of the OSCDF Group. Strategy Executive is not a group.

Group Heads includes any person who controls and directs a 'Group'. For the purposes of these delegations, Group Head includes the following positions.

- a. Chief of the Defence Force.
- b. Associate Secretary Chief Operating Officer.
- c. Associate Secretary Capability.
- d. Deputy Secretary Strategy.

HPP means Head People Policy.

SES means Senior Executive Service.

2. For the purpose of this instrument, Members of the Australian Defence Force are referred to by their rank or alternatively by the numeric designation for the officer level.

The letter (E) following an Army rank indicates a reference to the equivalent military ranks in the Navy and Air Force. Equivalent positions are to be determined in accordance with this table:

	O Equivalent	Navy	Army	Air Force
a.	O-9	Vice-Admiral	Lieutenant-General	Air Marshal
b.	O-8	Rear-Admiral	Major-General	Air Vice-Marshal
c.	O-7	Commodore	Brigadier	Air Commodore
d.	O-6	Captain	Colonel	Group Captain
e.	O-5	Commander	Lieutenant-Colonel	Wing Commander
f.	O-4	Lieutenant-Commander	Major	Squadron Leader
g.	O-3	Lieutenant	Captain	Flight Lieutenant
h.	O-2	Sub-Lieutenant	Lieutenant	Flying Officer
i.		Petty Officer	Warrant Officer Class 2 Staff Sergeant	Sergeant

Schedule 2 Defence Enterprise Collective Agreement 2012-2014 Delegations

DEPARTMENT OF DEFENCE SCHEDULE OF DECA DELEGATIONS					
Category:	Part C – Managing Organisational Change				
Power or function:	Notify an employee in writing of the proposal to declare the employee excess to Defence's requirements				
Authority:	<u>Paragraph C5.4 DECA 2012-2014</u>				
Directions to delegates:	<p>1. The delegate may only provide the notice if they are satisfied that the Group has been unable to reassign the employee within a reasonable timeframe.</p> <p>2. The delegate must consider any written statement (refer paragraph C5.4 of DECA) provided by the employee, before making their decision.</p> <p>3. The delegate must have regard to the considerations in the excess status submission from the Group Excess Coordinator.</p>				
Delegates:	<p>For any decisions within Defence</p> <ul style="list-style-type: none"> ♦ Associate Secretary, Chief Operating Officer ♦ Deputy Secretary People Strategies and Policy ♦ Head Personnel Policy ♦ Director General Personnel Policy and Employment Conditions ♦ Head Reform and Corporate Services, SES Band 2 ♦ Director General People Services, SES Band 1 ♦ Director, People Management Practices and Programming, Executive Level 2 ♦ Director Workplace Relations, Executive Level 2 ♦ Director People Policy Reform, Executive Level 2 <p>For decisions about employees and positions in the delegate's line of supervision</p> <p>DMO</p> <ul style="list-style-type: none"> ♦ Chief Executive Officer, Defence Materiel Organisation <i>First delegate for DMO. CEO DMO sub-delegations are published on the DMO website.</i> <p>For decisions about any employees and positions within a specified part of Defence</p> <table border="0"> <thead> <tr> <th style="text-align: left;">Specified part of Defence</th> <th style="text-align: left;">Delegates</th> </tr> </thead> <tbody> <tr> <td>DSTO</td> <td> <ul style="list-style-type: none"> ♦ Chief Operating Officer, Defence Science and Technology Organisation, SES Band 2 ♦ Director People Strategies, Executive Level 2, ACT </td> </tr> </tbody> </table>	Specified part of Defence	Delegates	DSTO	<ul style="list-style-type: none"> ♦ Chief Operating Officer, Defence Science and Technology Organisation, SES Band 2 ♦ Director People Strategies, Executive Level 2, ACT
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**DEPARTMENT OF DEFENCE
SCHEDULE OF DECA DELEGATIONS**

Category:	Part C – Managing Organisational Change				
Power or function:	Declare an employee excess to Defence’s requirements				
Authority:	<u>Paragraph C5.5 DECA 2012-2014</u>				
Directions to delegates:	1. The delegate may not make this decision unless they hold delegated powers to terminate employment under section 29(3)(a) of the <i>Public Service Act 1999</i> .				
Delegates:	<p>For any decisions within Defence</p> <ul style="list-style-type: none"> ♦ Associate Secretary, Chief Operating Officer ♦ Deputy Secretary People Strategies and Policy ♦ Head Personnel Policy ♦ Director General Personnel Policy and Employment Conditions ♦ Head Reform and Corporate Services, SES Band 2 ♦ Director General People Services, SES Band 1 ♦ Director, People Management Practices and Programming, Executive Level 2 ♦ Director Workplace Relations, Executive Level 2 ♦ Director People Policy Reform, Executive Level 2 <p>For decisions about employees and positions in the delegate’s line of supervision</p> <p>DMO</p> <ul style="list-style-type: none"> ♦ Chief Executive Officer Defence Materiel Organisation <i>First delegate for DMO. CEO DMO sub-delegations are published on the DMO website.</i> <p>For decisions about any employees and positions within a specified part of Defence</p> <table border="0"> <thead> <tr> <th style="text-align: left;">Specified part of Defence</th> <th style="text-align: left;">Delegates</th> </tr> </thead> <tbody> <tr> <td>DSTO</td> <td> <ul style="list-style-type: none"> ♦ Chief Operating Officer, Defence Science and Technology Organisation, SES Band 2 ♦ Director People Strategies, Executive Level 2, ACT </td> </tr> </tbody> </table>	Specified part of Defence	Delegates	DSTO	<ul style="list-style-type: none"> ♦ Chief Operating Officer, Defence Science and Technology Organisation, SES Band 2 ♦ Director People Strategies, Executive Level 2, ACT
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Category:	Part C – Managing Organisational Change				
Power or function:	Extend the retention period for a fixed period				
Authority:	<u>Paragraph C6.3 DECA 2012-2014</u>				
Delegates:	<p>For any decisions within Defence</p> <ul style="list-style-type: none"> ♦ Associate Secretary, Chief Operating Officer ♦ Deputy Secretary People Strategies and Policy ♦ Head Personnel Policy ♦ Director General Personnel Policy and Employment Conditions ♦ Head Reform and Corporate Services, SES Band 2 ♦ Director General People Services, SES Band 1 ♦ Director, People Management Practices and Programming, Executive Level 2 ♦ Director Workplace Relations, Executive Level 2 ♦ Director People Policy Reform, Executive Level 2 <p>For decisions about employees and positions in the delegate's line of supervision</p> <p>DMO</p> <ul style="list-style-type: none"> ♦ Chief Executive Officer Defence Materiel Organisation <i>First delegate for DMO. CEO DMO Sub-delegations are published on the DMO website.</i> <p>For decisions about any employees and positions within a specified part of Defence</p> <table border="0"> <thead> <tr> <th style="text-align: left;">Specified part of Defence</th> <th style="text-align: left;">Delegates</th> </tr> </thead> <tbody> <tr> <td>DSTO</td> <td> <ul style="list-style-type: none"> ♦ Chief Operating Officer, Defence Science and Technology Organisation, SES Band 2 ♦ Director People Strategies, Executive Level 2, ACT </td> </tr> </tbody> </table>	Specified part of Defence	Delegates	DSTO	<ul style="list-style-type: none"> ♦ Chief Operating Officer, Defence Science and Technology Organisation, SES Band 2 ♦ Director People Strategies, Executive Level 2, ACT
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DEPARTMENT OF DEFENCE SCHEDULE OF DECA DELEGATIONS					
Category:	Part C – Managing Organisational Change				
Power or function:	Advise an employee when their excess status is ended due to their redeployment				
Authority:	<u>Paragraph C7.7 DECA 2012-2014</u>				
Delegates:	<p>For any decisions within Defence</p> <ul style="list-style-type: none"> ♦ Associate Secretary, Chief Operating Officer ♦ Deputy Secretary People Strategies and Policy ♦ Head Personnel Policy ♦ Director General Personnel Policy and Employment Conditions ♦ Head Reform and Corporate Services, SES Band 2 ♦ Director General People Services, SES Band 1 ♦ Director, People Management Practices and Programming, Executive Level 2 ♦ Director Workplace Relations, Executive Level 2 ♦ Director People Policy Reform, Executive Level 2 <p>For decisions about employees and positions in the delegate's line of supervision</p> <p>DMO</p> <ul style="list-style-type: none"> ♦ Chief Executive Officer Defence Materiel Organisation <i>First delegate for DMO. CEO DMO Sub-delegations are published on the DMO website.</i> <p>For decisions about any employees and positions within a specified part of Defence</p> <table border="0"> <thead> <tr> <th style="text-align: left;">Specified part of Defence</th> <th style="text-align: left;">Delegates</th> </tr> </thead> <tbody> <tr> <td>DSTO</td> <td> <ul style="list-style-type: none"> ♦ Chief Operating Officer, Defence Science and Technology Organisation, SES Band 2 ♦ Director People Strategies, Executive Level 2, ACT </td> </tr> </tbody> </table>	Specified part of Defence	Delegates	DSTO	<ul style="list-style-type: none"> ♦ Chief Operating Officer, Defence Science and Technology Organisation, SES Band 2 ♦ Director People Strategies, Executive Level 2, ACT
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DEPARTMENT OF DEFENCE SCHEDULE OF DECA DELEGATIONS					
Category:	Part C – Managing Organisational Change				
Power or function:	Make an offer of voluntary retrenchment to an employee who has been declared excess				
Authority:	<u>Paragraph C8.1 DECA 2012-2014</u>				
Directions to delegates:	<p>1. The delegate must make an offer as set out in section C8 of the DECA within 12 weeks from the date when the employee is declared excess, and noting the impact of the National Employment Standards redundancy pay entitlement on the timing of the offer should the employee decline voluntary retrenchment.</p> <p>2. The delegate must consider the employee's preferred timing that is indicated in their written statement that accompanies the recommendation to the delegate.</p>				
Delegates:	<p>For any decisions within Defence</p> <ul style="list-style-type: none"> ♦ Associate Secretary, Chief Operating Officer ♦ Deputy Secretary People Strategies and Policy ♦ Head Personnel Policy ♦ Director General Personnel Policy and Employment Conditions ♦ Head Reform and Corporate Services, SES Band 2 ♦ Director General People Services, SES Band 1 ♦ Director, People Management Practices and Programming, Executive Level 2 ♦ Director Workplace Relations, Executive Level 2 ♦ Director People Policy Reform, Executive Level 2 <p>For decisions about employees and positions in the delegate's line of supervision</p> <p>DMO</p> <ul style="list-style-type: none"> ♦ Chief Executive Officer Defence Materiel Organisation <i>First delegate for DMO. CEO DMO sub-delegations are published on the DMO website.</i> <p>For decisions about any employees and positions within a specified part of Defence</p> <table border="0"> <thead> <tr> <th style="text-align: left;">Specified part of Defence</th> <th style="text-align: left;">Delegates</th> </tr> </thead> <tbody> <tr> <td>DSTO</td> <td> <ul style="list-style-type: none"> ♦ Chief Operating Officer, Defence Science and Technology Organisation, SES Band 2 ♦ Director People Strategies, Executive Level 2, ACT </td> </tr> </tbody> </table>	Specified part of Defence	Delegates	DSTO	<ul style="list-style-type: none"> ♦ Chief Operating Officer, Defence Science and Technology Organisation, SES Band 2 ♦ Director People Strategies, Executive Level 2, ACT
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DEPARTMENT OF DEFENCE SCHEDULE OF DECA DELEGATIONS					
Category:	Part C – Managing Organisational Change				
Power or function:	Defer an offer of voluntary retrenchment to an employee where redeployment outcomes have been delayed				
Authority:	<u>Paragraph C8.1 DECA 2012-2014</u>				
Delegates:	<p>For any decisions within Defence</p> <ul style="list-style-type: none"> ♦ Associate Secretary, Chief Operating Officer ♦ Deputy Secretary People Strategies and Policy ♦ Head Personnel Policy ♦ Director General Personnel Policy and Employment Conditions ♦ Head Reform and Corporate Services, SES Band 2 ♦ Director General People Services, SES Band 1 ♦ Director, People Management Practices and Programming, Executive Level 2 ♦ Director Workplace Relations, Executive Level 2 ♦ Director People Policy Reform, Executive Level 2 <p>For decisions about employees and positions in the delegate's line of supervision</p> <p>DMO</p> <ul style="list-style-type: none"> ♦ Chief Executive Officer Defence Materiel Organisation <i>First delegate for DMO. CEO DMO sub-delegations are published on the DMO website.</i> <p>For decisions about any employees and positions within a specified part of Defence</p> <table border="0"> <thead> <tr> <th style="text-align: left;">Specified part of Defence</th> <th style="text-align: left;">Delegates</th> </tr> </thead> <tbody> <tr> <td>DSTO</td> <td> <ul style="list-style-type: none"> ♦ Chief Operating Officer, Defence Science and Technology Organisation, SES Band 2 ♦ Director People Strategies, Executive Level 2, ACT </td> </tr> </tbody> </table>	Specified part of Defence	Delegates	DSTO	<ul style="list-style-type: none"> ♦ Chief Operating Officer, Defence Science and Technology Organisation, SES Band 2 ♦ Director People Strategies, Executive Level 2, ACT
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**DEPARTMENT OF DEFENCE
SCHEDULE OF DECA DELEGATIONS**

Category:	Part C – Managing Organisational Change				
Power or function:	Agree to a retrenchment date nominated by an employee who has been offered a voluntary retrenchment, within 14 days of the offer				
Authority:	<u>Paragraph C8.3 DECA 2012-2014</u>				
Directions to delegates:	1. The delegate may not make this decision unless they hold delegated powers to terminate employment under section 29(3)(a) of the <i>Public Service Act 1999</i> .				
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SCHEDULE OF DECA DELEGATIONS**

Category:	Part C – Managing Organisational Change				
Power or function:	Withdraw an offer of voluntary retrenchment prior to formal acceptance by the employee				
Authority:	<u>Paragraph C8.5 DECA 2012-2014</u>				
Delegates:	<p>For any decisions within Defence</p> <ul style="list-style-type: none"> ♦ Associate Secretary, Chief Operating Officer ♦ Deputy Secretary People Strategies and Policy ♦ Head Personnel Policy ♦ Director General Personnel Policy and Employment Conditions ♦ Head Reform and Corporate Services, SES Band 2 ♦ Director General People Services, SES Band 1 ♦ Director, People Management Practices and Programming, Executive Level 2 ♦ Director Workplace Relations, Executive Level 2 ♦ Director People Policy Reform, Executive Level 2 <p>For decisions about employees and positions in the delegate's line of supervision</p> <p>DMO</p> <ul style="list-style-type: none"> ♦ Chief Executive Officer Defence Materiel Organisation <i>First delegate for DMO. CEO DMO sub-delegations are published on the DMO website.</i> <p>For decisions about any employees and positions within a specified part of Defence</p> <table border="0"> <thead> <tr> <th style="text-align: left;">Specified part of Defence</th> <th style="text-align: left;">Delegates</th> </tr> </thead> <tbody> <tr> <td>DSTO</td> <td> <ul style="list-style-type: none"> ♦ Chief Operating Officer, Defence Science and Technology Organisation, SES Band 2 ♦ Director People Strategies, Executive Level 2, ACT </td> </tr> </tbody> </table>	Specified part of Defence	Delegates	DSTO	<ul style="list-style-type: none"> ♦ Chief Operating Officer, Defence Science and Technology Organisation, SES Band 2 ♦ Director People Strategies, Executive Level 2, ACT
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**DEPARTMENT OF DEFENCE
SCHEDULE OF DECA DELEGATIONS**

Category:	Part C – Managing Organisational Change				
Power or function:	Determine there is insufficient productive work available for an employee in the remainder of the retention period				
Authority:	<u>Paragraph C9.6 DECA 2012-2014</u>				
Directions to delegates:	1. The delegate may not make this decision unless they hold the delegated powers to terminate employment under section 29(3)(a) of the <i>Public Service Act 1999</i> .				
Delegates:	<p>For any decisions within Defence</p> <ul style="list-style-type: none"> ♦ Associate Secretary, Chief Operating Officer ♦ Deputy Secretary People Strategies and Policy ♦ Head Personnel Policy ♦ Director General Personnel Policy and Employment Conditions ♦ Head Reform and Corporate Services, SES Band 2 ♦ Director General People Services, SES Band 1 ♦ Director, People Management Practices and Programming, Executive Level 2 ♦ Director Workplace Relations, Executive Level 2 ♦ Director People Policy Reform, Executive Level 2 <p>For decisions about employees and positions in the delegate's line of supervision</p> <p>DMO</p> <ul style="list-style-type: none"> ♦ Chief Executive Officer Defence Materiel Organisation <i>First delegate for DMO. CEO DMO sub-delegations are published on the DMO website.</i> <p>For decisions about any employees and positions within a specified part of Defence</p> <table border="0"> <thead> <tr> <th style="text-align: left;">Specified part of Defence</th> <th style="text-align: left;">Delegates</th> </tr> </thead> <tbody> <tr> <td>DSTO</td> <td> <ul style="list-style-type: none"> ♦ Chief Operating Officer, Defence Science and Technology Organisation, SES Band 2 ♦ Director People Strategies, Executive Level 2, ACT </td> </tr> </tbody> </table>	Specified part of Defence	Delegates	DSTO	<ul style="list-style-type: none"> ♦ Chief Operating Officer, Defence Science and Technology Organisation, SES Band 2 ♦ Director People Strategies, Executive Level 2, ACT
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