



Defence (Public Service Framework) Delegation Instrument 2017 (No. 1)

Public Service Act 1999, Public Service Regulations 1999, Public Service Classification Rules 2000, Australian Public Service Commissioner's Directions 2016 and Long Service Leave (Commonwealth Employees) Act 1976

I, DENNIS RICHARDSON, Secretary of the Department of Defence, make the following delegation under:

- (a) subsection 78(7) of the *Public Service Act 1999*; and
- (b) subregulation 9.3(3) of the *Public Service Regulations 1999*; and
- (c) subsection 52(1) of the *Australian Public Service Commissioner's Directions 2016*; and
- (d) subrule 13(1) of the *Public Service Classification Rules 2000*; and
- (e) subsection 9(1) of the *Long Service Leave (Commonwealth Employees) Act 1976*.

Dated 15th March 2017

Secretary of the Department of Defence

1 Name of Instrument
This instrument is the Defence (Public Service Framework) Delegation Instrument 2017 (No. 1).

2 Commencement
This instrument commences on date of signature.

3 Revocation
This instrument is revoked on 9 January 2019.

4 Definitions
In this instrument:

Commissioner means the Australian Public Service Commissioner.

DECA means the Department's enterprise agreement as in force from time to time.

PS Act means the *Public Service Act 1999*.

SES means Senior Executive Service.

5 Delegations

1. The powers and functions mentioned in Schedule 1 are delegated to Glenn Dumbier while he performs the role of Deputy Executive Director, Australian Civil Military Centre.

Note: Schedule 1 identifies the provision to which the delegation relates and includes a summary of the provision for information.

2. The Commissioner has provided consent for this delegation, in accordance with the requirements under the following legislation.

a. Subsection 78(8) of the *Public Service Act 1999*.

b. Subregulation 9.3(4) of the of the *Public Service Regulations 1999*.

c. Subsection 52(2) of the *Australian Public Service Commissioner's Directions 2016*.

d. Subrule 13(2) of the *Public Service Classification Rules 2000*.

6 Directions

1. Any powers or function delegated in this instrument must be exercised subject to the relevant direction mentioned for the power or function in Schedule 1.
2. The delegate must consider the relevance of the Defence Values described in the DECA and the APS Values, Employment Principles and the Code of Conduct contained in the *Public Service Act 1999* to any employees that their decision may affect.

Schedule 1 Public Service Framework Delegations

Item	Description	Target of delegation	Power or Function	Directions
1.1	Engagement of APS employees	section 22 <i>Public Service Act 1999</i>	Engage a person as an ongoing APS employee.	<ol style="list-style-type: none"> 1. The delegate may only make decisions in relation to employees and positions in the delegate's line of supervision. 2. The delegate must refer decisions in relation to the engagement of a person who is not an Australian citizen to the First Assistant Secretary People Services, Assistant Secretary Human Resources Services or Executive Level 1 (E) and above within APS Recruitment. 3. The delegate must be satisfied that any pre-engagement conditions imposed under subsection 22(6) of the PS Act have been met. Engagement can only be confirmed once the applicant has met the conditions. 4. The delegate must be satisfied that the applicant has formally been advised of the conditions of engagement and that any engagement decision is dependent on any such conditions being met.
2.1	Assignment of duties	section 25 <i>Public Service Act 1999</i>	Determine the duties of an APS employee in the Department and the place or places at which the duties are to be performed.	<ol style="list-style-type: none"> 1. The delegate may only make this decision in relation to employees and positions in the delegate's line of supervision. 2. Decisions regarding positions with a local classification of EL2.1 or EL2.2 must be referred to the relevant Group Head.
3.1	Classification of employees	rule 6 <i>Public Service Classification Rules 2000</i>	Allocate an approved classification to each APS employee in the Department	<ol style="list-style-type: none"> 1. The delegate may only make this decision in relation to employees and positions in the delegate's line of supervision.
3.2	Classification of employees	rule 7 <i>Public Service Classification Rules 2000</i>	Allocate a classification to an employee who moves to the Department of Defence under a section 26 agreement, that is the same or in the same classification group as they held in the losing agency.	<ol style="list-style-type: none"> 1. The delegate may only make this decision in relation to employees and positions in the delegate's line of supervision.

3.3	Classification of employees	rule 11 <i>Public Service Classification Rules 2000</i>	Allocate an operational classification from Column 3 of Schedule 2 of the <i>Public Service Classification Rules 2000</i> that relates to the training classification of an employee who satisfactorily finishes each training requirement for the training classification.	1. The delegate may only exercise this power for employees up to the same classification as the delegate.
3.4	Classification of employees	sub-section 77(2) <i>Public Service Act 1999</i>	Nominate an employee to occupy a position in the Department.	1. The delegate may only make this decision in relation to employees and positions in the delegate's line of supervision. 2. Decisions regarding positions with a local classification of EL2.1 or EL2.2 must be referred to the relevant Group Head.
4.1	Promotion	Subsection 36(2) <i>APS Commissioner's Directions 2016</i>	Agree with relevant parties (or on Parliamentary Service employee) the date of effect of a promotion decision.	1. The delegate may only make this decision in relation to employees and positions in the delegate's line of supervision.
5.1	Movement to Another Agency	subsection 37(1) <i>APS Commissioner's Directions 2016</i>	Make decisions or receive notices as the 'original Agency Head' for the purpose of clause 37 of the Australian Public Service Commissioner's Directions 2016 in relation to the movement of an employee out of the Defence to another APS Agency.	1. The delegate may only make this decision for employees who would be under the delegate's line of supervision, if not for the movement. 2. This power is not to be used for secondment of an employee.
6.1	Selection of APS employees	regulation 4.2 <i>Public Service Regulations 1999</i>	Request the Merit Protection Commissioner establish an Independent Selection Advisory Committee.	1. The delegate may only make this decision in relation to employees and positions in the delegate's line of supervision.
6.2	Selection of APS employees	paragraph 4.3(1) (b) <i>Public Service Regulations 1999</i>	Nominate a person to be a member of an Independent Selection Advisory Committee.	1. The delegate may only make this decision in relation to employees and positions in the delegate's line of supervision. 2. The delegate must be satisfied that the nominated employee has the skills and personal qualities necessary to undertake they role independently and impartially.

6.3	Selection of APS employees	sub-regulation 5.11 (1) (b) <i>Public Service Regulations 1999</i>	Nominate an APS employee to be a member of a Promotion Review Committee.	<p>1. The delegate may only make this decision in relation to employees and positions in the delegate's line of supervision.</p> <p>2. The delegate must be satisfied that the nominated employee has the skills and personal qualities necessary to undertake their role independently and impartially.</p>
7.1	Reduction in Classification	sub-section 23(4) <i>Public Service Act 1999</i>	Reduce an employee's classification.	<p>1. The delegate may only make this decision in relation to employees in the delegate's line of supervision.</p> <p>2. The delegate may only exercise this power for decisions relating to unsatisfactory performance of duties at the higher classification.</p>
8.1	Termination of employment	sub-section 29(1) <i>Public Service Act 1999</i>	By notice in writing, terminate the employment of an ongoing employee under paragraph 29(3)(c) of the PS Act.	1. The delegate may only exercise this power for decisions relating to unsatisfactory performance.
9.1	Long service leave	sub-sections 16(2), 16(3) and 17(1) <i>Long Service Leave (Commonwealth Employees) Act 1976</i>	Grant long service leave on full or half pay.	1. The delegate may only make this decision in relation to employees and positions in the delegate's line of supervision.