



Web section 4

Decision making and other powers affecting members of the public

This section contains additional detailed information, further to that contained in the print version of the *Defence Annual Report 2006–07*.

Note: Many powers invested in the specific positions described in this section may be delegated formally to subordinate officers.

Web Table 4.1—Decision making powers of specific positions

Secretary	Under clause 19 of the <i>Defence Certified Agreement 2004–2006</i> and clause G15 of the <i>Defence Collective Agreement 2006–2009</i> , which came into effect on 1 July 2006, the Secretary may authorise the payment of entitlements and benefits to the partner, dependants or legal representative of a deceased employee. Under Part 16 (sections 333–347) of the <i>Telecommunications Act 1997</i> , the Secretary may require a carriage service provider to supply a specified carriage of service for the use of Defence or the ADF, and may enter into an agreement with a carrier or carriage service provider about planning for network survivability or operational requirements in times of crisis. Under regulations 101.065 and 101.430 of the <i>Civil Aviation Safety Regulations 1998</i> , the Secretary may give permission to a person to launch a rocket (including a model rocket) or to operate an unmanned aircraft in or over a prohibited area.
Vice Chief of the Defence Force/ Chief of Joint Operations	May make decisions relating to the planning and conduct of campaigns, operations and other activities to achieve national objectives within Australia and overseas; may make decisions regarding the planning and conduct of combined and joint training activities and major exercises at the operational and tactical levels. The Vice Chief of the Defence Force oversees the provision of Defence assistance to the civil community at the operational level.
Chief of Navy, Chief of Army and Chief of Air Force	May prescribe conditions for entry or re-entry, however described (for example, appointment, re-appointment, recruitment, enlistment, re-enlistment, engagement and re-engagement) to their respective Service; place names of officers and former officers on the retired list; grant to officers on the retired list military title or rank and authorise such persons to wear uniform and insignia; determine appointments in respect of Cadets; approve the provision of Defence assistance to the civil community; authorise the use of words and letters protected under the <i>Defence (Prohibited Words and Letters) Regulations 1957</i> ; approve the wearing, manufacture or supply of protected Service emblems, crests and flags; determine who should be employed, reside or stay in a Service establishment; approve the possession, sale, supply and consumption of intoxicating liquor at gatherings of Service members and their guests; declare an area in or adjacent to Australia to be a firing or practice area; and grant licences to trade in an establishment of their respective Service.
Commander Joint Logistics	May issue invitations to register interest and requests for tender, evaluate tenders, exempt notification of contract details, recommend source selection and award contracts.
Capability Development Group Delegates	Delegates within Capability Development Group have the authority to determine the method of procurement; issue invitations to register interest and requests for tender; evaluate tenders; recommend source selection; and approve contracts.
Chief Finance Officer	May exempt notification of contract details on the basis that the information is exempt from disclosure under the <i>Freedom of Information Act 1982</i> ; approve a payment pending probate; approve a payment of a debt by instalments; approve non-recovery of a debt; approve deferred payment of a debt; approve gifts of public property; approve the loan or hire of public property; determine rates and charges for goods and services provided or lent by Defence and approve the waiving of charges for public property provided or lent or services provided by Defence.
First Assistant Secretary Coordination and Public Affairs	Has the authority to issue invitations to register interest and requests for tender; evaluate tenders; and recommend source selection in relation to contracts for the provision of public affairs services for Defence.
Chief Information Officer	May determine the method of procurement; issue invitations to register interest and requests for tender; evaluate tenders; recommend source selection; and approve contracts.

Web Table 4.1 continued

Commander Australian Fleet	May make decisions relating to public access to naval ships and military (Navy) areas; may provide assistance to civilian authorities in disaster relief or rescue situations; and may make public comment in relation to visiting naval forces or ships.
Land Commander Australia	May make decisions relating to public access to military (Army) areas; select private, state or Commonwealth property for training exercises; provide Defence assistance to the civil community; may release Army personnel information; and may approve local hire or lease of Army property.
Air Commander Australia	May provide Defence assistance to the civil community.
Commander Australian Navy Systems Command	May make decisions relating to public access to naval establishments and military (Navy) areas; may provide assistance to civilian authorities in disaster relief or rescue situations; and may provide Defence assistance to the civil community.
Commander Training Command—Army	May authorise the provision of Defence assistance to the civil community by any of the schools, colleges or training establishments within the Command; and may release information from the records of any member or ex-member who has undergone training by the Command.
Heads of Industry, Chief Operating Officer, Finance and General Council Divisions in the Defence Materiel Organisation	May accept tenders and recommendations about quotations for the purchase of supplies and services.
Head National Operations Division	May provide Defence assistance to the civil community; control public access to military areas; approve the loan, hire or purchase of Defence stores and equipment and, in defined cases, determine the method of procurement; issue invitations to register interest and requests for tender; evaluate tenders and recommend or approve sourcing; and approve contracts and the purchase of supplies and services.
Head Infrastructure Division	May determine the method of procurement; issue invitations to register interest and requests for tender; evaluate tenders; recommend source selection; and approve contracts for capital facilities, property transactions and the purchase of services; and has responsibility for environmental and heritage issues within Defence. Head Infrastructure has the delegated authority to determine Defence facilities and infrastructure construction standards. Head Infrastructure has the delegated authority for implementation of Defence (Areas Control) Regulations that are made under the <i>Defence Act 1903</i> and to give the legal basis for restrictions to be placed by Defence on the height of buildings and other structures and introduced objects, such as trees, in the vicinity of Defence airfields and related facilities.
Head Strategic Policy Division	May issue approvals for the export of certain Defence equipment and goods with dual civil and military applications.
Head Defence Health Services	May authorise the release of serving and former members' medical and dental records.
Assistant Secretary Housing Relocations Awards and Amenities	May authorise the release of serving and former ADF members' honours and awards histories.
Director-General Personnel Policy and Employment Conditions, Director Workplace Relations	Under the <i>Financial Management and Accountability Act 1997</i> (FMA Act), the Director-General Personnel Policy and Employment Conditions and the Director Workplace Relations may exercise powers to approve claims against Defence brought by former employees in respect of the termination of their employment. These claims of unfair dismissal are made under section 170CE of the <i>Workplace Relations Act 1996</i> and are lodged with and heard by the Australian Industrial Relations Commission. The powers are exercised in accordance with the Attorney-General's Legal Services Directions.
Director-General Navy Personnel and Training	May authorise the release of serving and former Navy members' military records.

Web Table 4.1 continued

Registrar of Military Justice	May summon civilian witnesses to attend courts martial and Defence Force Magistrate trials.
Director Classified Archival Records Review	In accordance with an arrangement made between Defence and the National Archives of Australia pursuant to section 35 of the <i>Archives Act 1983</i> , the Director Classified Archival Records Review provides advice to the Director-General National Archives of Australia and the Director of the Australian War Memorial specifying which matter, if any, contained in Defence archival records requested by the public under the Archives Act, is considered to be exempt under paragraphs 33(1)(a) and (b) of the Act.
Director Defence Force Psychology Organisation	May allow the release of information from individual psychological records.
Chief Executive Officer of the Defence Materiel Organisation	May determine methods of procurement and approve contracts for major capital equipment and through-life support requirements, issue invitations to register interest and requests for tender, evaluate tenders and recommend source selection.
Heads of Maritime Systems, Land Systems, Aerospace Systems, and Helicopter Systems, Electronic and Weapons and senior Program Managers (Division Head equivalent) in the Defence Materiel Organisation	May issue invitations to register interest and requests for tender; evaluate tenders; and recommend source selection for major and minor capital equipment projects. In specific cases, they have the authority to determine the method of procurement and approve major and minor capital equipment contracts.