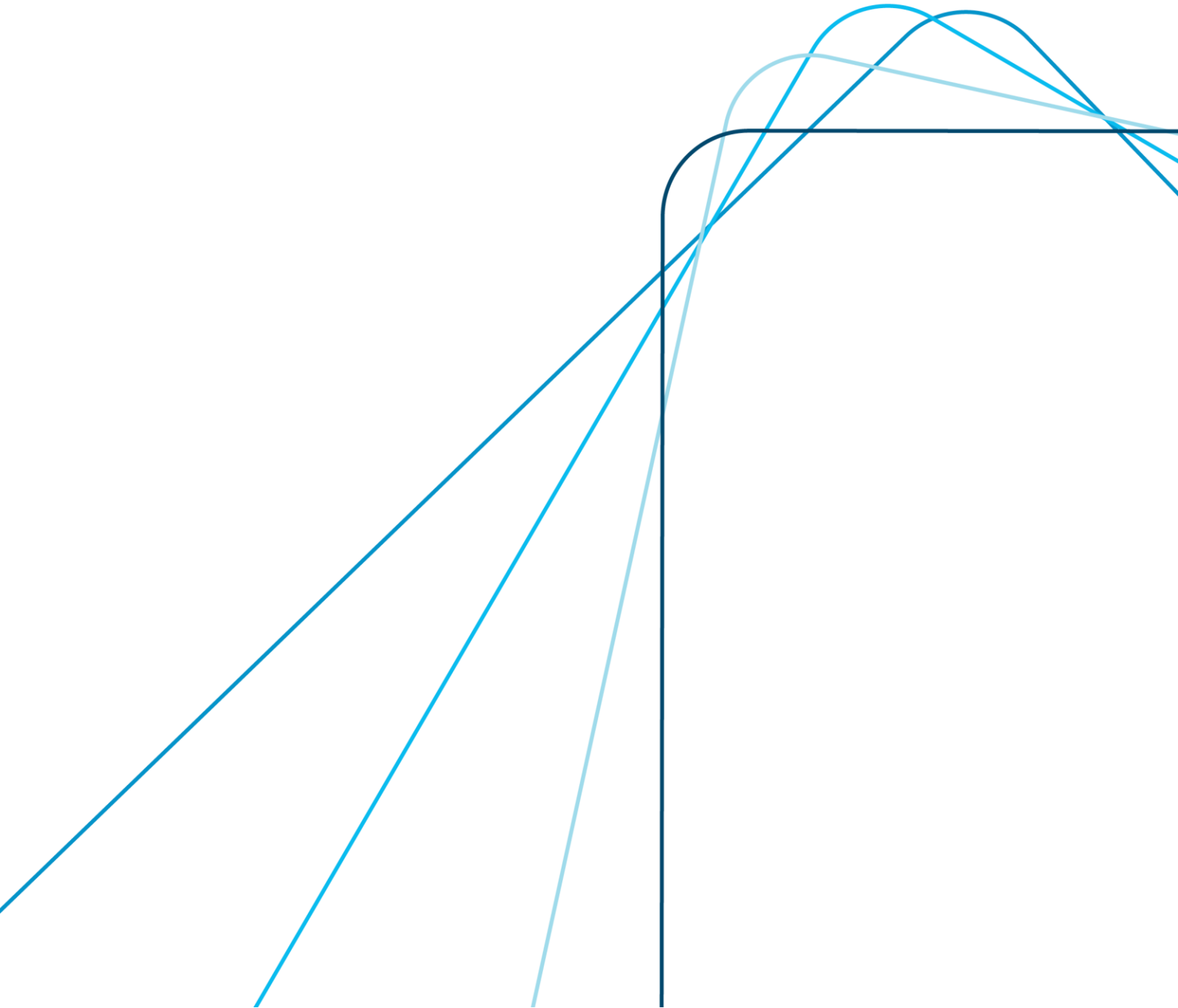
Information and Privacy Commission NSW

# IPC Human Resources Delegations

March 2026



# Contents

*1. Delegate Levels ..... 3*

*2. General conditions for delegates ..... 4*

*3. Delegated functions ..... 6*

*4. Appendix 1 – Instrument of delegation ..... 34*

# 1. Delegate Levels

## Level 1

Chief Executive Officer

## Level 2

Assistant Commissioner (Reviews and Compliance), SE Band 1

Director, Corporate Services and Business Improvement, SE Band 1

Director, Regulatory Advice and General Counsel, SE Band 1

## Level 3

Non-Executive roles with responsibility for the management of other employees

Manager Investigation and Review, Clerk 11/12

Manager Communications and Corporate Affairs, Clerk 11/12

Manager Systems and Corporate Services Clerk, 11/12

Manager Complaints and Proactive Compliance Clerk, 11/12

# 2. General conditions for delegates

The Human Resources Delegations are an important legal document conferring on delegates the authority to perform or authorise employment-related functions in the Information and Privacy Commission NSW (IPC).

The Human Resources Delegations and the Delegate Levels have been designed to represent a single statement of authority across the IPC.

The scope of the power delegated is limited to the scope of the Chief Executive Officer's power to act.

A delegation may be temporarily withdrawn by a more senior delegate at any time, provided it is within their area of responsibility. This is to be managed as a local administrative arrangement and must be communicated in writing to relevant delegates.

Managers have a responsibility to ensure that all their staff, particularly those who hold a delegation, are aware of, and understand the powers and limitations of, the delegations and the associated responsibilities.

Delegates found to have exercised a delegation improperly or exceeded the scope of their delegation may have their delegation(s) revoked without notice, in addition to any other disciplinary action.

A delegate is not authorised to sub-delegate any of the delegated functions to another person unless that power is specifically delegated by the CEO under section 27(2) of the Government Sector Employment Act.

It is the responsibility of delegates to ensure that they have complied with the legislation, award requirements and any other conditions relevant to the delegations they exercise. Department of Customer Service Human Resources officers will be available if required by delegates to clarify any procedures.

Delegates are encouraged to utilise the electronic version (and not print) as the delegations may be withdrawn or varied at any time. The Human Resources Delegations are published on the IPC website at Corporate Reports and Policies.

## 2.1 Levels

The Delegate Levels represent broad groups that are based on factors including the level of responsibility, salary and organisational structure. There may also be circumstances where some roles are specifically identified because the group is diverse in rank/grade or identified in a sub-group of a level because of the responsibilities. Where a role is identified in a sub-group, the delegate will also assume the generic functions for that level.

An appropriate level of delegation will usually be considered and assigned to a role at the time of its creation or as requested by the CEO. The delegation is attached to the role not the individual. A person formally acting in the role assumes the relevant delegations.

## 2.2 Exercising a Human Resources delegation

2.2.1 A delegate must exercise their delegated authority:

- in accordance with the relevant legislation, awards, Government and organisational policy, guidance, directives and any other conditions, restrictions or limitations to which the delegation is subject. Any references provided are not meant to be exhaustive. The onus is on the delegate to demonstrate that the conditions were satisfied before the delegation was exercised; and relevant to the delegate's area of responsibility only, unless otherwise specified; and
- in conjunction with the Minister's financial delegations under the Government Sector Finance Act 2018 and Regulations. The scope of a financial delegation should not be

taken to expand the scope of any human resources delegation, nor shall the scope of a human resources delegation be taken to expand the scope of a financial delegation; and

- subject to availability of appropriately allocated funds, resources and financial delegation to give effect to the decision; and
- by ensuring that all decisions are consistent with the Government Sector Core Values.

2.2.2 Within the context of the IPC, a delegate must not:

- exercise a delegated function in respect of herself/himself; or
- obtain approval from a subordinate delegate for authorisation or approval of their own claims or general authorities except in circumstances where there is sound documentation to explain the unique circumstances and the process adopted is documented and capable of systems reproduction; or
- approve any action that provides them with a personal benefit; or
- exercise a delegated function if doing so would involve a conflict of interest or might be perceived to be a conflict of interest; or
- exercise a delegation if, in the opinion of the delegate some special or unusual circumstances are involved which make it sensible that the issue should receive consideration at a more senior level.

## 2.3 Sources of authority

Human Resources related delegations are drawn from the following source documents:

**Legislation**

- Government Sector Employment Act 2013 – (GSE Act)
- Government Sector Employment Regulation 2014 – (GSE Regulation)
- Government Sector Employment Rules 2014 – (GSE Rules)

**Industrial instruments**

- Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 – (CECEA)
- Crown Employees (Transferred Employees Compensation) Award – (TECA)

# 3. Delegated functions

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| CECEA | 10.1 | Industrial matters | Local Arrangements | Negotiate local arrangements with the Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales in respect of the whole of the Agency or part of the Agency in relation to any matter contained in the Award subject to the provisions of clause 10.2. | | 1; 2 |
| CECEA | 11.1 | Hours of Work | Working Hours | Determine from time to time the working hours of staff and the manner of their recording in accordance with any direction from the Secretary Treasury. | | 1; 2; 3 |
| CECEA | 11.3 | Hours of Work | Working Hours | Require a staff member to perform duty beyond the hours determined under sub-clause 11.1 of the Award but only if it is reasonable for the staff member to be required to do so. | | 1; 2; 3 |
| CECEA | 11.6 | Hours of Work | Working Hours | Inform all staff of the hours of duty required to be worked and their rights and responsibilities in respect of such hours of duty. | | 1; 2; 3 |
| CECEA | 12.6.2 | Leave | Casual Employment | Agree on the period for which the casual employee will be entitled to not be available to attend work to care for a family member who is sick and requires care and support, or who requires care due to an unexpected emergency, or birth of a child, subject to evidentiary and notice requirements set out in 12.6.4(a) and 12.6.4(b) of the Award. | | 1; 2; 3 |
| CECEA | 12.7.2 | Leave | Casual Employment | Agree on the period for which the casual employee will be entitled to not be available to attend work upon the death in Australia of a family member on production of satisfactory evidence. | | 1; 2; 3 |
| CECEA | 13.1.2 | Hours of Work | Part-time Employment | Agree to a staff member undertaking part-time work in a part-time position or under a part-time work arrangement. | | 1; 2 |
| CECEA | 13.1.5 | Hours of Work | Part-time Employment | Agree to the hours to be worked, the days upon which they will be worked, commencing and finishing times; whether the hours may be rostered flexibly; whether flexible working hours provisions or standard hours provisions apply and the classification apply and the classification applying to the work to be performed. | | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| CECEA | 15A.5 | Hours of Work | Lactation Breaks | Provide access to a suitable, private space with comfortable seating for the purpose of breastfeeding or expressing milk. | | 1; 2; 3 |
| CECEA | 16.1 | Hours of Work | Variation of Hours | Vary a staff member's hours of attendance on a one-off, short-term or long-term basis, if that staff member is unable to comply with the general hours operating in the Agency because of limited transport facilities, urgent personal reasons, community or family reasons subject to sub-clauses (1) - (7). | | 1; 2 |
| CECEA | 18.2 | Hours of Work | Notification of Absence from Duty | Determine whether an explanation of an absence from duty without authorised leave is satisfactory | | 1; 2 |
| CECEA | 19.1 | Hours of Work | Public Holidays | Direct a staff member to attend for duty on a public holiday; or local holiday; or a public service holiday. | | 1,2; 3 |
| CECEA | 19.1.3 | Hours of Work | Public Holidays | Unless directed to attend for duty by the Department Head, a staff member is entitled to be absent from duty without loss of pay on any day which is a day between Boxing Day and New Year's Day determined by the appropriate Department Head as a public service holiday. | | Not Delegated |
| CECEA | 19.2 | Hours of Work | Public Holidays | Grant time off in lieu, on an hour for hour basis, to a staff member who is required to work on a local holiday. | | 1; 2; 3 |
| CECEA | 20.2 | Hours of Work | Standard Working Hours | Grant appropriate leave or time off where a staff member requires to undertake urgent personal business. | | 1; 2; 3 |
| CECEA | 20.3 | Hours of Work | Standard Working Hours | Approve of a staff member, who is late for work, making up time in accordance with sub-clause 20.4 of the Award. | | 1; 2; 3 |
| CECEA | 20.4 | Hours of Work | Standard Working Hours | Agree on a day or days on which a staff member, who has taken time off in circumstances outlined in sub-clauses 20.2 and 20.3 of the Award, may make up the time. | | 1; 2; 3 |
| CECEA | 21.2 | Hours of Work | Flexible Working Hours | Determine the operational requirements of the Agency or a section of the Agency for the purposes of a flexible working hours scheme. | | Not Delegated |
| CECEA | 21.8 | Hours of Work | Flexible Working Hours | Determine the span of hours of a lunch period. | | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| CECEA | 21.9.2 | Hours of Work | Flexible Working Hours | Extend the "settlement period" of flex leave from the standard 4-week period by a further 4 weeks when exceptional circumstances apply (e.g. a prolonged transport strike). | | 1; 2 |
| CECEA | 21.18 | Hours of Work | Flexible Working Hours | Direct a staff member to work standard hours and not flexible hours. | | 1; 2 |
| CECEA | 23 | Hours of Work | Non-Compliance | Investigate any persistent failure by a staff member to comply with the hours of duty required to be worked and to take appropriate remedial action. | | 1; 2 |
| CECEA | 26.10 | Payments and Remuneration | Travelling Compensation | Limit the allowance payable for part-days of travel to the expenses incurred during such part-day travel determined in 26.9. | | 1; 2; 3 |
| CECEA | 26.11 | Payments and Remuneration | Travelling Compensation | Require a staff member to work in the same temporary work location for more than 35 days and approve the payment at the appropriate rate as specified in the Award. | | 1; 2 |
| CECEA | 26.2 | Payments and Remuneration | Travelling Compensation | Require staff members to obtain an authorisation for all official travel prior to incurring any travel expense. | | 1; 2 |
| CECEA | 26.6 | Payments and Remuneration | Travelling Compensation | Require a staff member to work from a temporary work location. | | 1; 2 |
| CECEA | 26.9 | Payments and Remuneration | Travelling Compensation | Determine that payment of an allowance is appropriate where expenditure for accommodation and three meals has been incurred by the staff member despite the period being of less than 24 hours duration. | | 1; 2 |
| CECEA | 27.1 | Payments and Remuneration | Excess Travelling Time | Direct a staff member to travel on official business outside the usual hours of duty and determine appropriate compensation for such time in accordance with this clause. | | 1; 2 |
| CECEA | 29.1 | Payments and Remuneration | Meal Expenses on One-Day Journeys | Authorise a staff member to undertake a one-day journey on official business which does not require overnight accommodation and be paid an appropriate allowance. | | 1; 2 |
| CECEA | 30.1.2 | Payments and Remuneration | Restrictions on Payment of Travelling Allowances | Approve the payment of a travelling allowance under clause 26 during a period of leave. | | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| CECEA | 31.1.1 | Payments and Remuneration | Increase or Reduction in Payment of Travelling Allowances | Determine that a travelling allowance is insufficient to adequately reimburse a staff member for expenses properly and reasonably incurred and reimburse the staff member for the additional costs incurred. | | 1; 2 |
| CECEA | 31.1.2 | Payments and Remuneration | Increase or Reduction in Payment of Travelling Allowances | Determine that a travelling allowance exceeds the amount that would adequately reimburse a staff member for expenses properly and reasonably incurred and to reduce the allowance in such circumstances. | | 1; 2 |
| CECEA | 32 | Payments and Remuneration | Production of Receipts | Accept evidence from a staff member other than the production of receipts for actual expenses. | | 1; 2 |
| CECEA | 33 | Payments and Remuneration | Travelling Distance | Determine the need to obtain overnight accommodation. | | 1; 2 |
| CECEA | 33 | Payments and Remuneration | Travelling Distance | Grant overnight accommodation where staff members are required to make an early start at work in a location away from their normal workplace. | | 1; 2 |
| CECEA | 34.3 | Payments and Remuneration | Camping Allowances | Determine that it was not reasonable in the circumstances for a staff member to camp. | | 1; 2 |
| CECEA | 35.3 | Payments and Remuneration | Composite Allowance | Approve an election by a staff member to be paid an all-inclusive allowance for accommodation, meals and incidental expenses incurred as a result of being required to work in the field. | | 1; 2 |
| CECEA | 35.8 | Payments and Remuneration | Composite Allowance | Certify that it is necessary for a staff member to provide camping equipment at personal expense. | | 1; 2 |
| CECEA | 36.1 | Payments and Remuneration | Allowance Payable for Use of Private Motor Vehicle | Authorise a staff member to use a private motor vehicle for work in accordance with sub-clauses 36.1.1 and 36.1.2. | | 1; 2 |
| CECEA | 36.2 | Payments and Remuneration | Allowance Payable for Use of Private Motor Vehicle | Approve that a staff member uses a private motor vehicle for work and be paid an appropriate rate of allowance as specified in the Award. | | 1; 2 |
| CECEA | 36.5 | Payments and Remuneration | Allowance Payable for Use of Private Motor Vehicle | Approve the amount and form of comprehensive motor vehicle insurance in respect of a private motor vehicle used for work. | | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| CECEA | 41 | Payments and Remuneration | Overseas Travel | Determine that a staff member shall be paid travelling rates especially determined for the occasion for travel overseas on official business, and to determine such travelling rates. | | Not Delegated |
| CECEA | 42.1 | Employment | Exchanges | Arrange two way or one way staff exchanges with other organisations both public and private. | | 1; 2 |
| CECEA | 42.2 | Employment | Exchanges | Determine the conditions applicable to those staff members who participate in staff exchanges, according to the individual circumstances in each case. | | 1; 2 |
| CECEA | 46.1 | Employment | Uniforms, Protective Clothing and Laundry Allowance | Require or authorise a staff member to wear a uniform, protective clothing or other specialised clothing in connection with the performance of official duties. | | 1; 2 |
| CECEA | 47.2 | Payments and Remuneration | Compensation for Damage to or Loss of Staff Member's Personal Property | Compensate a staff member for damage or loss to private property that occurs in the course of employment, if a claim is rejected by the appropriate insurer. | | 1; 2 |
| CECEA | 47.3 | Payments and Remuneration | Compensation for Damage to or Loss of Staff Member's Personal Property | Compensate a staff member for damage or loss to private property that occurs in the course of employment by way of paying the cost of a replacement item. | | 1; 2 |
| CECEA | 48.1 | Payments and Remuneration | Garage and Carport Allowance | Determine that the use of a garage or carport is essential where a staff member garages a departmental vehicle in their own garage or carport and be paid an appropriate rate of allowance as specified in the Award. | | 1; 2 |
| CECEA | 50.3.1 | Payments and Remuneration | Community Language Allowance Scheme (CLAS) | Determine whether a staff member is regularly required to meet high levels of customer demand involving a regular pattern of usage of the staff member's language skills. | | 1; 2 |
| CECEA | 56.1.6 (c) | Industrial matters | Conditions Applying to On Loan Arrangements | Negotiate with the Association, the financial arrangements when a staff member is placed "on loan" to the Association. | | 1; 2 |
| CECEA | 56.1.8 | Industrial matters | Conditions Applying to On Loan Arrangements | Extend an "on loan" arrangement where the Association has made an approach in writing for an extension of time well in advance of the expiration of the current period of the loan arrangement. | | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| CECEA | 60.1.1 | Industrial matters | Responsibilities of the Trade Union | Request written confirmation about an accredited trade union delegate's attendance/participation in a trade union activity. | | 1; 2 |
| CECEA | 68.3 | Hours of Work | Absence from Work | Deduct from a staff member's pay an amount representing the period of absence from duty without authorised leave for which a satisfactory explanation has not been provided. | | 1; 2 |
| CECEA | 69.1 | Leave | Applying for Leave | Deal with an application by a staff member for leave of absence for recreation leave or extended leave. | | 1; 2; 3 |
| CECEA | 71.1 | Leave | Family and Community Services Leave | Grant a staff member, some or all of the available family and community service leave on full pay for reasons relating to unplanned and emergency family responsibilities or other emergencies in sub-clause 71.2 and for purposes in sub-clause 71.3. | | 1; 2; 3 |
| CECEA | 71.6 | Leave | Family and Community Services Leave | Grant additional family and community service leave, where available family and community service leave is exhausted as a result of natural disasters, if some other emergency arises. | | 1; 2; 3 |
| CECEA | 71.7 | Leave | Family and Community Services Leave | Grant additional paid family and community service leave, of up to 2 days per occasion, on the death of a person defined in sub-clause 81.4 of the Award, where available family and community service leave is exhausted or is unavailable. | | 1; 2; 3 |
| CECEA | 71.9 | Leave | Family and Community Services Leave | Grant a staff member other forms of leave such as accrued recreation leave, time off in lieu or flex leave for family and community service leave purposes. | | 1; 2; 3 |
| CECEA | 72.1 | Leave | Leave Without Pay | Grant leave without pay on a part-time or full-time basis, to a staff member if good and sufficient reason | | 1; 2 |
| CECEA | 72.5 | Employment | Leave Without Pay | Approve a staff member engaging in employment of any kind during a period of approved leave without pay. | Clause 7 GSE Regulation | 1; 2 |
| CECEA | 73.1 | Leave | Military Leave | Grant a staff member, who is a volunteer part-time member of the Defence Forces, military leave on full pay to undertake compulsory annual training and to attend schools, classes or courses of instruction or compulsory parades conducted by the staff member's unit. | | 1; 2; 3 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| CECEA | 73.3 | Leave | Military Leave | Grant up to 24 working days military leave per financial year to members of the Naval and Military Reserves and up to 28 working days per financial year to members of the Air Force Reserve for the activities specified in sub-clause 73.1. | | 1; 2; 3 |
| CECEA | 73.4 | Leave | Military Leave | Grant a staff member special leave of up to 1 day to attend medical examinations and tests required for acceptance as volunteer part-time members of the Australian Defence Forces. | | 1; 2; 3 |
| CECEA | 73.5 | Leave | Military Leave | Grant Military Leave Top up Pay to a staff member who is requested by the Australian Defence Forces to provide additional military services requiring leave in excess of the entitlement specified in sub-clause 73.3. | | 1; 2; 3 |
| CECEA | 73.8 | Leave | Military Leave | Require a staff member at the expiration of military leave, to provide a certificate of attendance and details of the staff member's reservist pay signed by the commanding officer or other responsible officer. | | 1; 2; 3 |
| CECEA | 74.2 | Leave | Observance of Essential Religious or Cultural Obligations | Grant recreation/extended leave to credit, flex leave or leave without pay to a staff member of any religious faith or ethnic or cultural background for the purpose of observing essential religious or cultural obligations of that faith or ethnic or cultural background provided adequate notice is given and it is operationally convenient to release the staff member from duty. | | 1; 2; 3 |
| CECEA | 74.3 | Leave | Observance of Essential Religious or Cultural Obligations | Grant time off during daily working hours to a staff member of any religious faith to attend to essential religious obligations, subject to adequate notice being given, prior approval being obtained and the time off is made up in an approved manner. | | 1; 2; 3 |
| CECEA | 74.3.3 | Leave | Observance of Essential Religious or Cultural Obligations | Approve of the manner in which time off is to be made up by a staff member of any religious faith who takes time off during daily working hours to attend to essential religious obligations. | | 1; 2; 3 |
| CECEA | 75.3.2 | Leave | Parental Leave | Grant adoption leave for a period not exceeding 12 months, if the child has commenced school at the date of the taking of custody. | | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| CECEA | 75.3.3 | Leave | Special Adoption Leave | Grant special adoption leave (without pay) for up to 2 days to attend interviews or examinations for the purposes of adoption. | | 1; 2 |
| CECEA | 75.9.1 | Leave | Parental Leave | Consider a written request made under 75.2, 75.3 or 75.4 to extend the period of unpaid parental leave for a further continuous period of leave not exceeding 12 months or to return from a period of full-time parental leave on a part-time basis until the child reaches school age - and only refuse the request on reasonable grounds related to the effect on the workplace. | | 1; 2 |
| CECEA | 75.10.4 | Leave | Parental Leave | Require a staff member's request to take parental leave and any decision made under 75.9 to be in writing. | | 1; 2; 3 |
| CECEA | 75.10.5 | Leave | Parental Leave | Require a staff member intending to request to return from parental leave on a part-time basis or seek an additional period of leave of up to 12 months, to do so in writing as soon as practicable and preferably before the parental leave commences. | | 1; 2; 3 |
| CECEA | 75.13 | Leave | Parental Leave | Approve a staff member returning to work on a part-time basis at the same grade and classification as the staff member's former position. | | 1; 2 |
| CECEA | 75.18 | Leave | Parental Leave | Take all reasonable measures to arrange safer alternative duties where a pregnant staff member is having difficulty in performing her normal duties or there is a risk to her health or that of her unborn child. | | 1; 2 |
| CECEA | 75.19 | Leave | Parental Leave | Grant a pregnant staff member maternity leave, or available sick leave, for as long as it is necessary where adjustments under 75.18 cannot reasonably be made. | | 1; 2 |
| CECEA | 76.1 | Leave | Purchased Leave | Enter into an agreement with a staff member to purchase additional leave in a 12-month period in accordance with sub-clauses 76.1 - 76.4. | | 1; 2 |
| CECEA | 77.2.1 | Leave | Recreation Leave | Agree, in special circumstances, that a staff member may take less than 2 consecutive weeks of recreation leave in a 12-month period. | | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| CECEA | 77.2.3 | Leave | Recreation Leave | Direct a staff member, who has been notified in writing that accrued recreation leave has reached 6 weeks or its hourly equivalent, to take at least 2 weeks recreation leave within 3 months of the notification of the accrued leave. | | 1; 2; 3 |
| CECEA | 77.2.4 | Leave | Recreation Leave | Direct a staff member, who has been notified in writing that accrued recreation leave has reached 8 weeks or its hourly equivalent, to take at least 2 weeks recreation leave within 6 weeks of the notification of the accrued leave. | | 1; 2; 3 |
| CECEA | 77.3 | Leave | Recreation Leave | Determine that a staff member is prevented by operational or personal reasons from taking sufficient recreation leave to reduce accrued leave below an acceptable level of between 4 and 6 weeks or its hourly equivalent. | | 1; 2; 3 |
| CECEA | 77.3.1 | Leave | Recreation Leave | Specify in writing the period of time during which excess recreation leave shall be conserved. | | 1; 2; 3 |
| CECEA | 77.3.2 | Leave | Recreation Leave | Grant leave, at the expiration of a period during which conservation of recreation leave applies, to enable accrued leave to be reduced to an acceptable level below the 8-week limit. | | 1; 2; 3 |
| CECEA | 77.3.3 | Leave | Recreation Leave | Inform a staff member in writing on a regular basis of the staff member's recreation leave accrual. | | 1; 2; 3 |
| CECEA | 77.6.3 | Leave | Recreation Leave | To determine the person who was, at the time of the staff member's death, a dependent relative of the staff member, if there is no widow, widower or children. | | 1; 2 |
| CECEA | 79.3.1 | Leave | Sick Leave | Grant sick leave on full pay to a staff member who is unable to perform duty because of the staff member’s illness or the illness of his/her family member. | | 1; 2; 3 |
| CECEA | 79.3.2 | Leave | Sick Leave | Grant sick leave without pay to a staff member who is unable to perform duty because of the staff member’s illness if the absence exceeds the staff member's entitlement to sick leave on full pay. | | 1; 2 |
| CECEA | 79.4.1 | Leave | Sick Leave | Direct a staff member to take sick leave if the delegate is satisfied that, due to the staff member's illness, the staff member is unable to carry out their duties without distress. | | 1; 2; 3 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| CECEA | 79.4.2 | Leave | Sick Leave | Direct a staff member to take sick leave if the delegate is satisfied that, due to the staff member's illness, the staff member risks further impairment of their health by reporting for duty. | | 1; 2; 3 |
| CECEA | 79.4.3 | Leave | Sick Leave | Direct a staff member to take sick leave if the delegate is satisfied that, due to the staff member's illness, the staff member is a risk to the health, wellbeing or safety of other staff members, Departmental clients or members of the public. | | 1; 2; 3 |
| CECEA | 79.5 | Leave | Sick Leave | Direct a staff member to participate in a return to work program if the staff member has been absent on a long period of sick leave. | | 1; 2 |
| CECEA | 79.7 | Leave | Sick Leave | Approve that paid sick leave of a staff member in the first 3 months of service not be limited to 5 days. | | 1; 2 |
| CECEA | 80.1 | Leave | Sick Leave – Requirements for Evidence of Illness | Require a staff member to furnish evidence of illness in respect of an absence from duty for more than 2 consecutive working days because of illness. | | 1; 2; 3 |
| CECEA | 80.2 | Leave | Sick Leave – Requirements for Evidence of Illness | Require a staff member who absents themselves in excess of 5 working days in a calendar year to furnish evidence of illness for each occasion absent for the balance of the calendar year. | | 1; 2; 3 |
| CECEA | 80.3 | Leave | Sick Leave – Requirements for Evidence of Illness | Grant sick leave for the entire period applied for, where the staff member provides evidence of illness covering the latter part of the absence only and the delegate is satisfied the reason for the absence is genuine. | | 1; 2; 3 |
| CECEA | 80.4 | Leave | Sick Leave – Requirements for Evidence of Illness | Advise a staff member in advance of any requirement to provide evidence of illness for an absence from duty for 2 consecutive working days or less because of illness. | | 1; 2; 3 |
| CECEA | 80.5 | Leave | Sick Leave – Requirements for Evidence of Illness | Refer evidence of illness provided by a staff member and a staff member's application for leave to an approved medical assessor for advice, after discussion with the staff member. | | 1; 2; 3 |
| CECEA | 80.5 | Leave | Sick Leave – Requirements for Evidence of Illness | Discuss with a staff member any concerns about the diagnosis described in the evidence of illness produced by a staff member. | | 1; 2; 3 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| CECEA | 80.5.1 | Leave | Sick Leave – Requirements for Evidence of Illness | Determine the nature of leave to be granted to a staff member based on the advice of an approved medical assessor. | | 1; 2 |
| CECEA | 80.5.2 | Leave | Sick Leave – Requirements for Evidence of Illness | Take into account the wishes of the staff member when determining the nature of leave to be granted where sick leave applied for is not granted. | | 1; 2 |
| CECEA | 80.7.1 | Leave | Sick Leave – Requirements for Evidence of Illness | Determine that a medical certificate for up to one week furnished by a registered health services provider as set out in the Award, rather than a registered medical practitioner, is acceptable. | | 1; 2; 3 |
| CECEA | 80.7.3 | Leave | Sick Leave – Requirements for Evidence of Illness | Accept other forms of evidence to satisfy that a staff member had a genuine illness. | | 1; 2; 3 |
| CECEA | 80.8 | Leave | Sick Leave – Requirements for Evidence of Illness | Grant sick leave to a staff member who is absent on recreation leave or extended leave and produces a satisfactory medical certificate for an illness which occurred during the leave. In respect of extended leave, the period set out in the medical certificate must be 5 working days or more. | | 1; 2; 3 |
| CECEA | 81.1 | Leave | Sick Leave to Care for a Family Member | Grant sick leave to a staff member, from sick leave accumulated over the previous 3 years, where family and community service leave provided in clause 71 is exhausted or is unavailable and the staff member has responsibilities in relation to a category of person set out in clause 81.4. | | 1; 2; 3 |
| CECEA | 81.2 | Leave | Sick Leave to Care for a Family Member | Grant additional sick leave to a staff member, in special circumstances, from sick leave accumulated during the staff member's eligible service, where family and community service leave provided in clause 71 is exhausted or is unavailable and the staff member has responsibilities in relation to a category of person set out in clause 81.4. | | 1; 2; 3 |
| CECEA | 81.3 | Leave | Sick Leave to Care for a Family Member | Require the production of evidence consistent with sub-clause 80.6 in respect of the illness of a person for which additional sick leave is sought following the exhaustion of family and community service leave. | | 1; 2; 3 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| CECEA | 82.1 | Leave | Sick Leave – Workers Compensation | Advise each staff member of their rights under the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998* and give assistance and advice, as necessary, in relation to the lodging of any claim. | | 1; 2; 3 |
| CECEA | 82.3 | Health | Sick Leave – Workers Compensation | Assist a staff member or the representative of a staff member who is unable to lodge a claim for compensation under the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998*, due to illness or injury, to lodge a claim for compensation. | | 1; 2; 3 |
| CECEA | 82.4 | Health | Sick Leave – Workers Compensation | Lodge a staff member's claim for compensation with the appropriate workers compensation insurer within the statutory period described in the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998*. | | 1; 2; 3 |
| CECEA | 82.5 | Leave | Sick Leave – Workers Compensation | Grant sick leave on full pay, or, if necessary, sick leave without pay or recreation leave or extended leave pending the determination of a claim for compensation under the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998*. | | 1; 2; 3 |
| CECEA | 82.8 | Leave | Sick Leave – Workers Compensation | Grant sick leave in respect of an absence where the staff member does not intend to make a claim for compensation under the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998*. | | 1; 2; 3 |
| CECEA | 83.2 | Leave | Sick Leave – Claims other than Workers Compensation | Determine that the refusal or failure of a staff member to complete an undertaking to repay the monetary value of any period of sick leave, in respect of which a claim for damages or compensation other than under the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998* is made, is unavoidable. | | 1; 2 |
| CECEA | 84.1.3 | Leave | Special Leave | Grant special leave on full pay on receipt of a certificate of attendance on jury service in respect of any period for which the staff member has been paid out-of-pocket expenses only. In any other case, grant, at the sole election of the staff member, | | 1; 2; 3 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| CECEA | 84.5.1 | Leave | Special Leave | Approve of an examination for which a staff member may be granted a maximum of 5 days special leave in any one year. | | 1; 2; 3 |
| CECEA | 84.10 | Leave | Special Leave | Grant special leave on full pay to a staff member, subject to the conditions specified in the Personnel Handbook at the time the leave is taken. | | 1; 2; 3 |
| CECEA | 84A.4 | Leave | Leave for Matters Arising from Domestic Violence | Be satisfied, on reasonable grounds, that domestic violence has occurred and may require proof presented in the form of an agreed document issued by the Police Force, a Court, a Doctor, a Domestic Violence Support Service or Lawyer. | | 1; 2; 3 |
| CECEA | 84A.6 | Leave | Leave for Matters Arising from Domestic Violence | Facilitate, where appropriate, flexible working arrangements subject to operational requirements, including changes to working times and changes to work location, telephone number and email address. | | 1; 2 |
| CECEA | 85.3.1 | Employment | Staff Development and Training Activities | Determine that a staff development or training related activity is essential for the efficient operation of the Agency. | | 1; 2; 3 |
| CECEA | 85.3.2 | Employment | Staff Development and Training Activities | Determine that a staff development or training activity is developmental and of benefit to the NSW public sector. | | 1; 2; 3 |
| CECEA | 85.4.5 | Employment | Staff Development and Training Activities | Determine that an approval to attend a staff development and training activity, where the activity could not be conducted during the staff member's normal working hours, constitutes a direction to work overtime. | | 1; 2; 3 |
| CECEA | 85.5.4 | Employment | Staff Development and Training Activities | Determine such other conditions to apply, such as compensatory leave for excess travel or payment of travelling expenses, in relation to activities which are developmental and of benefit to the Agency. | | 1; 2 |
| CECEA | 86.1 | Leave | Study Assistance | Grant or refuse study time subject to sub-clause 86.2. | | 1; 2 |
| CECEA | 86.2.1 | Leave | Study Assistance | Determine if a course is relevant to the Department and/or the public service. | | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| CECEA | 86.21 | Leave | Study Assistance | Determine the extent of financial assistance to be provided to a staff member who is granted study leave with financial assistance for full-time study, according to the relevance of the study to the workplace. The financial assistance may be granted up to the amount equal to full salary and for part or all of the study leave period. | | 1; 2 |
| CECEA | 86.21 | Leave | Study Assistance | Grant study leave with or without pay without financial assistance, for full-time study. | | 1; 2 |
| CECEA | 86.21 | Leave | Study Assistance | Grant study leave, with financial assistance, for full-time study. | | 1; 2 |
| CECEA | 87.9 | Hours of Work | Shift Work | Negotiate individual alternative arrangements where current or proposed shift arrangements are incompatible with a staff member's family, religious or community responsibilities. | | 1; 2; 3 |
| CECEA | 88.1 | Hours of work | Overtime - General | Direct a staff member to work overtime, provided it is reasonable for the staff member to be required to do so. | | 1; 2; 3 |
| CECEA | 94.1 | Payments and Remuneration | Overtime – Meal Allowances | Determine that a meal allowance should be paid at the appropriate rate to a staff member directed to work overtime. | | 1; 2; 3 |
| CECEA | 94.2 | Payments and Remuneration | Overtime – Meal Allowances | Approve the payment of actual expenses where an overtime meal allowance is insufficient to reimburse a staff member the cost of a meal, properly and reasonably incurred. | | 1; 2; 3 |
| CECEA | 94.4 | Payments and Remuneration | Overtime – Meal Allowances | Require a staff member to provide receipts in support of any claims for additional expenses or when a staff member is required to substantiate the meal expenses claim. | | 1; 2; 3 |
| CECEA | 95 | Hours of work | Rate for Payment of Overtime | Approve payment for directed overtime at a staff member's salary or, where applicable, salary and allowance in the nature of salary, where the staff member's salary exceeds the maximum rate for Clerk Grade 8. | | 1; 2; 3 |
| CECEA | 96.1 | Leave | Payment for Overtime or Leave in Lieu | Grant compensation for directed overtime worked by payment at the appropriate rate or, if the staff member so elects, by the grant of leave in lieu in accordance with 96.2. | | 1; 2; 3 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| GSE Act | 29 | Employment | Acting appointments as head of agency (other than Department) | Act as the head of the agency if the office of the head is vacant or if the head is unavailable, and no other person has been duly appointed to act as a statutory officer who is the head of that office, with the person while acting having the functions of the head and the acting appointment may be terminated at any time. | | Not delegated as appointment occurs under GIIC Act 2009 |
| GSE Act | 31 | Employment | Employ Public Service employees | To carry out employer functions in relation to employees of an agency | | 1 |
| GSE Act | 32 | Employment | Employ Public Service employees (other than Senior Executives) | To carry out the following employer functions under s31 of the GSE Act; to employ Public Service employees (other than Senior Executives) and sign appointment letters. | | 1, 2 |
| GSE Act | 38 (2) | Employment | Assignment of senior executives to roles in bands across Public Service | Assign a senior executive to a role in the band in which they are employed. | Rule 11 | Not Delegated |
| GSE Act | 41 (1) | Termination | Termination of employment of senior executives | Approve the termination of employment of a senior executive at any time, for any or no stated reason and without notice. | | Not delegated |
| GSE Act | 46 (2) | Employment | Assignment to roles in work classifications | Assign non-executive employees to roles in the agency in the classification of work in which the employees are employed subject to the condition specified in subsection 46 (4). | Rule 11 | 1; 2 |
| GSE Act | 47 (1) | Termination | Termination of employment | Terminate the employment of an employee, by instrument in writing, on the basis of the failure to meet the condition of engagement imposed in section 54; lacks or has lost an essential qualification; unsatisfactory performance; retirement on medical grounds; refusal to perform duties; abandonment of employment; a finding of misconduct; a conviction; employee to be excess and any other grounds as prescribed by the regulation. | Rule 14<br>Section 68 GSE Act | 1; 2 |
| GSE Act | 47 (2) | Termination | Termination of employment | Terminate the employment of an employee, by instrument in writing, at any time if the employment is not ongoing employment. | Rule 14 | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| GSE Act | 53 (4) | Employment | Industrial Relations provisions | Notify the Industrial Relations Secretary of such industrial matters affecting the agency as the Industrial Relations Secretary specifies in a notice given to the head of the agency. | | 1, 2 |
| GSE Act | 55 | Termination | Resignation | Deal with the written resignation from a non-executive employee. | | 1; 2 |
| GSE Act | 56 | Termination | Retirement on medical grounds | Approve the retirement of a person who is an employee if the person is found to be unfit to perform or incapable of performing the duties of the person's employment and the person's unfitness or incapacity appears likely to be of a permanent nature and has not arisen from actual misconduct on the part of the person, or from causes within the person's control. | | 1; 2 |
| GSE Act | 65 | Employment | Cross-agency employment | Determine in conjunction with the head of another government sector agency that a person employed in 2 or more government sector agencies be regarded as employed in one of those agencies for any conditions of employment purposes. | | 1; 2 |
| GSE Act | 66 (2) | Employment | Temporary assignments of staff between government sector agencies and other relevant bodies | Arrange for a temporary assignment to be made between the heads of the government sector agencies or between the head of the government sector agency and the person responsible for the employment of persons in or by the non-government sector body. | | 1; 2 |
| GSE Act | 66 (3) | Employment | Temporary assignments of staff between government sector agencies and other relevant bodies | Approve of a person employed in or by a non-government sector body (other than a local council or State owned corporation) is not to be temporarily assigned to carry out work in or for a government sector agency unless the head of the agency is satisfied that the temporary assignment is justified because of the special skills of the person or the special circumstances of the case and the period of any one assignment does not exceed 2 years. | | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| GSE Act | 68 (2) | Unsatisfactory Performance | Unsatisfactory performance of government sector employees | Take any of the following actions, in accordance with this section and the rules, if the performance of an employee is determined to be unsatisfactory (without limitation on relevant action) namely to, terminate the employment (after giving the employee an opportunity to resign), reduce the remuneration paid, reduce the classification or grade or assign the employee to a different role subject to rule 36. | Rule 36 | 1; 2 |
| GSE Act | 69 (2) | Misconduct | Misconduct – Public Service and other prescribed government sector employees | Deal with any misconduct by employees or any conviction for a serious offence by any such employees. | Rules 37-41 | 1; 2 |
| GSE Act | 69 (4) | Misconduct | Misconduct – Public Service and other prescribed government sector employees | Take any of the following actions, in accordance with the rules, where there is a finding of misconduct by an employee or an employee is found to have been convicted of a serious offence, namely to terminate the employment of the employee, with or without giving the employee an opportunity to resign; impose a fine on the employee; reduce the remuneration payable to the employee; reduce the classification or grade of the employee; assign the employee to a different role and/or caution or reprimand the employee subject to rule 40 (2). | Rule 40 (2) | 1; 2 |
| GSE Act | 70 (2) | Misconduct | Suspension of employees from duty pending decision in relation to misconduct, criminal charge or corrupt conduct | Suspend an employee from duty until an allegation of misconduct or a criminal charge for a serious offence has been dealt with and any subsequent action has been taken. | | 1; 2 |
| GSE Act | 70 (3) | Misconduct | Suspension of employees from duty pending decision in relation to misconduct, criminal charge or corrupt conduct | Suspend an employee from duty until the completion of any corrupt conduct finding by the Independent Commission Against Corruption, against an employee of the kind referred to in section 114A of the Independent Commission Against Corruption Act 1988, or any investigation into the conduct of an employee that may lead to such a finding is completed. | | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
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| GSE Act | 70 (4) | Misconduct | Suspension of employees from duty pending decision in relation to misconduct, criminal charge or corrupt conduct | Direct that any remuneration payable to an employee while the employee is suspended from duty under section 70 is to be withheld. | | 1; 2 |
| GSE Act | 70 (5) | Misconduct | Suspension of employees from duty pending decision in relation to misconduct, criminal charge or corrupt conduct | Direct that any remuneration withheld under section 70 (4) from the employee is not to be forfeited to the State. | | 1; 2 |
| GSE Act | 70 (6) | Misconduct | Suspension of employees from duty pending decision in relation to misconduct, criminal charge or corrupt conduct | Remove a suspension from duty imposed on an employee under this section. | | 1; 2 |
| GSE Act | 74 | Employment | Excess employees – jurisdiction of Industrial Relations Commission | Determine that an employee is excess to requirements where his or her role, position or work has been abolished or terminated, and he or she is an excess or displaced employee. | Rule 13 (1) & 23 | 1; 2 |
| GSE Act | Schedule 4 8 (2) (b) (ii) | Employment | Senior executives (other than Secretaries and other heads of agencies) – transitional arrangements | Approve an additional period of employment for a transitional former senior executive who is a former SES executive before the implementation of the new executive structure. | | Not delegated |
| GSE Act | Schedule 4 8 (5) (d) (iii) | Employment | Senior executives (other than Secretaries and other heads of agencies) – transitional arrangements | Approve limiting the initial recruitment action to fill a role in the new senior executive structure to any employees in the Agency. | | Not delegated |
| GSE Act | Schedule 4 8B (4) | Payments and Remuneration | Transitional provisions relating to remuneration of senior executives | Determine the allowance to be paid to a former Senior Officer who is subsequently employed as a senior executive and is assigned to a role that is of equivalent work value as under the previous Act, to avoid any financial hardship compared to the remuneration payable immediately before the repeal of the former Act. | | Not delegated |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| | | Employment | Employ independent contractors | To hire independent contractors, sign appointment letters for independent contractors, approve timesheets for independent contractors, extend the contract term for independent contractors and terminate the employment of independent contractors. | | 1; 2 |
| GSE Regulation | 4 | Employment | Decisions under Regulation to be notified | Approve of any decision by a relevant person under this Regulation to be published or notified as considered necessary. | | 1; 2 |
| GSE Regulation | 7 | Employment | Employees not to undertake other paid work without permission | Give permission for an employee to undertake other paid employment. | CECEA 72.5 | 1; 2 |
| GSE Regulation | 10 (1) | Employment | Employee to report bankruptcy | Specify the period in which information is to be provided with respect to the cause of the bankruptcy or of the making of composition, arrangement or assignment. | | 1; 2 |
| GSE Regulation | 10 (3) | Employment | Employee to report bankruptcy | Require as a condition of engagement of a person in a role relating to financial management to declare, before the person is engaged in the role, whether or not the person has at any time been declared bankrupt or made a composition, arrangement or assignment for the benefit of the person's creditors. | | 1; 2 |
| GSE Regulation | 12 (a) (b) | Hours of Work | Public holidays | Require an employee to attend for duty on a day that is a public holiday throughout the state; or a day (or part of a day) that is a public holiday in that part of the state at or from which the employee is working or a day between Boxing Day and New Year's Day. | | 1; 2 |
| GSE Regulation | 13 (3) | Hours of Work | Absence from duty | Cause the deduction of pay from an employee who is absent from duty without reasonable cause or a satisfactory explanation. | | 1; 2 |
| GSE Regulation | 14 (1) | Payments and Remuneration | Increments | Approve the payment of an increment to an employee in accordance with any State industrial instrument or public service determination. | | 1; 2; 3 |
| GSE Regulation | 14 (2) | Payments and Remuneration | Increments | Determine that the payment of the increment is subject to the performance requirements of the performance management system and the conduct and performance of an employee is satisfactory. | | 1; 2; 3 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
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| GSE Regulation | 14 (2) | Payments and Remuneration | Increments | Approve the acceleration of the progression of an employee through the increment scale applying to the employee. | | 1; 2 |
| GSE Regulation | 14 (4) | Payments and Remuneration | Increments | Determine the criteria for satisfactory performance of duties and satisfactory conduct of the employee prior to the performance management system being in operation. | | 1; 2; 3 |
| GSE Regulation | 14 (5) | Payments and Remuneration | Increments | Defer the payment of an increment from time to time but for no more than 12 months at any one time. | | 1; 2 |
| GSE Regulation | 14 (6) | Payments and Remuneration | Increments | Notify an employee in writing of any decision to defer payment of an increment, including the reasons for the decision. | | 1; 2 |
| GSE Regulation | 15 (2) | Health | Fitness for duty | Direct an employee to submit to a medical examination or other health assessment as considered necessary, on the advice of a nominated medical assessor, if there is reason to believe that an employee is not fit for duty. | | 1; 2 |
| GSE Regulation | 15 (4) | Health | Fitness for duty | Direct in writing that an employee, if absent from duty, must resume duty if the nominated health assessor determines that the employee is fit for duty. | | 1; 2 |
| GSE Regulation | 15 (5) | Health | Fitness for duty | Approve the employee ceasing duty with written notification provided and not resuming duty unless the nominated medical assessor determines. | | 1; 2 |
| GSE Regulation | 15 (6) | Health | Fitness for duty | Determine the nature of leave, if any, to be granted to the employee during the absence from duty if directed under subclause (4) or (5). | | 1; 2 |
| GSE Regulation | 15 (7) | Health | Fitness for duty | Provide the health care professional with the requested employment information reasonably required for the assessment. | | 1; 2 |
| GSE Regulation | 20 (2) | Payments and Remuneration | Allowance for temporary assignments to higher non-executive roles | Determine the appropriate point in the salary range of the other role, taking into account the employee's capabilities, knowledge and experience, before the employee starts the temporary assignment. | | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
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| GSE Regulation | 20 (3) | Payments and Remuneration | Allowance for temporary assignments to higher non-executive roles | Determine the amount of the allowance to be paid to a Public Service non-executive employee temporarily assigned to another non-executive role, before the employee starts the temporary assignment. | | 1; 2 |
| GSE Regulation | 20 (4) | Payments and Remuneration | Allowance for temporary assignments to higher non-executive roles | Determine that an allowance is paid for being temporarily assigned to another non-executive role for a single period of less than 5 working days. | | 1; 2 |
| GSE Regulation | 21 (3) | Payments and Remuneration | Allowance for temporary assignments to executive roles | Approve the payment of an allowance, to an executive employee temporarily assigned to a higher executive role, based on the difference between the person's usual role and the notional salary of the executive role. | | Not delegated |
| GSE Regulation | 21 (4) | Payments and Remuneration | Allowance for temporary assignments to executive roles | Determine that the amount of the allowance to be paid is the difference between the executive's remuneration package and the total amount of the remuneration package of the executive role to which the executive is temporarily assigned and corresponds to a point in the remuneration range for that executive role. | | Not delegated |
| GSE Regulation | 21 (5) | Payments and Remuneration | Allowance for temporary assignments to executive roles | Determine the amount of the allowance to be paid, proportionate to the duties to be performed, to an executive or non-executive employee temporarily assigned to executive role, before the employee starts the temporary assignment. | | 1 |
| GSE Regulation | 21 (6) | Payments and Remuneration | Allowance for temporary assignments to executive roles | Determine that an allowance is paid for being temporarily assigned to another executive role for a single period of less than 5 working days. | | Not delegated |
| GSE Regulation | 23 (1) | Payments and Remuneration | Payment where allowance not adequate or available | Determine that the actual expenses properly and reasonably incurred by an employee in the performance of official duties are not adequately covered by an allowance to which the employee is entitled under this Regulation, or are not covered by an allowance under this Regulation or under any State industrial instrument. | | 1; 2 |
| GSE Regulation | 23 (3) | Payments and Remuneration | Payment where allowance not adequate or available | Reduce an allowance if it exceeds without good cause any limit for expenses approved in advance. | | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
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| GSE Regulation | 38 | Payments and Remuneration | Allowances for Public Service senior executives | Approve a Public Service senior executive being paid travelling, subsistence, reasonable relocation expenses and other allowances for expenses incurred in the discharge of duties as the executive's employer may determine. | | Not delegated |
| GSE Regulation | Schedule1<br>5 (1) (c) | Leave | Leave to be paid out to dependents in cases of death | Determine who, at the time of an employee's death, was a dependent relative of the employee for the purposes of the payment of the money value of extended leave not taken or not completed. | | 1; 2 |
| GSE Regulation | Schedule 1<br>5 (2) (c) | Leave | Leave to be paid out to dependents in cases of death | Determine who, at the time of an employee's death with at least 5 years' service but less than 7 years' service, was a dependent relative of the employee for the purposes of the payment of the money value of extended leave not taken or not completed. | | 1; 2 |
| GSE Regulation | Schedule 4<br>3 (2) | Employment | Recruitment action | Choose to proceed with recruitment action that was pending under the former Act immediately before 24 February 2014 or that is commenced under the new Act before 24 February 2015:<br>(a) under the provisions of the former Act, or<br>(b) under the provisions of the new Act. | | 1; 2 |
| GSE Rules | 5 (1) | Employment | Probation periods | Determine that a person engaged in ongoing employment in the public service for the first time is required to serve a period of probation and satisfy the requirements of the role. | Sections 36, 48(c) GSE Act | 1; 2 |
| GSE Rules | 5 (2) (a) | Employment | Probation periods | Approve a period of probation for a senior executive of no more than 3 months. | Sections 36, 48(c) GSE Act | Not delegated |
| GSE Rules | 5 (2) (b) | Employment | Probation periods | Direct that a non-executive employee serve a period of probation that is longer than 6 months but cannot exceed 12 months. | Section 48(c) GSE Act | 1; 2 |
| GSE Rules | 5 (3) & (4) | Employment | Probation periods | Extend a period of probation for a non-executive employee before it expires, as long as the period does not exceed 12 months. | Section 48(c) GSE Act | 1; 2 |
| GSE Rules | 5 (5) (a) | Employment | Probation periods | Confirm a senior executives' employment at any time during or at the end of the probationary period. | Section 36, 48(c) GSE Act | Not delegated |
| GSE Rules | 5 (5) (a) | Employment | Probation periods | Confirm a non-executive employees' employment at any time during or at the end of the probationary period. | Sections 36, 48(c) GSE Act | 1; 2; 3 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
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| GSE Rules | 5 (5) (b) | Employment | Probation periods | Terminate a senior executives' employment at any time during or at the end of the probationary period. | Sections 36, 41 GSE Act | Not delegated |
| GSE Rules | 5 (5) (c) | Employment | Probation periods | Terminate employment of a non-executive employee at any time during or at the end of the probationary period if the person has not satisfied the requirements of the role in which they are employed. | Sections 47, 48(c) GSE Act | 1; 2 |
| GSE Rules | 7 (1) | Employment | Formal qualifications | Determine the qualifications necessary for performing the duties of the role in which a person is to be engaged. | | 1; 2 |
| GSE Rules | 7 (2) | Employment | Formal qualifications | Determine the time and manner in which a person is to provide evidence of their qualifications which have not been provided when conditionally engaged. | | 1; 2 |
| GSE Rules | 8 (1) | Employment | Security and other clearances | Determine the security or other clearances necessary for performing the duties of the role in which a person is to be assigned. | | 1; 2 |
| GSE Rules | 9 (4) | Health | Health assessment | Provide the health care professional with any requested information about the role concerned that is reasonably required in order to provide the assessment. | | 1; 2; 3 |
| GSE Rules | 11 (2) (a) | Employment | Temporary assignment | Approve the temporary assignment of an employee to another role in the agency or another role in another Public Service agency, with the agreement of the agency head, if the employee is a senior executive and the person usually assigned to the role in unavailable or no person is assigned to the role. | Section 48(g) GSE Act<br>Clause 21 (3) GSE Regulation | Not delegated |
| GSE Rules | 11 (2) (b) | Employment | Temporary assignment | Approve the temporary assignment of an employee to another role in the agency if the employee is a non-executive employee and is assigned to a senior executive role and the person usually assigned to the role in unavailable or no person is assigned to the role. | Section 48(g) GSE Act<br>Clause 21 (1) GSE Regulation | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| GSE Rules | 11 (2) (c) | Employment | Temporary assignment | Approve the temporary assignment of an employee in all other circumstances not prescribed in sub rule 11 (2) (a) & (b) where the person usually assigned to the role in unavailable or no person is assigned to the role. | Section 48(g) GSE Act<br>Section 64 GSE Act<br>Clause 20 GSE Regulation | 1; 2 |
| GSE Rules | 11 (3) | Employment | Temporary assignment | Approve the temporary assignment of a senior executive to a role in another agency with the agreement of the head of that other agency. | Section 64 GSE Act | Not delegated |
| GSE Rules | 11 (4) | Employment | Temporary assignment | Terminate a temporary assignment made under sub rule 11 (2) at any time. | | 1; 2 |
| GSE Rules | 12 (1) | Employment | Converting temporary or term employment to ongoing employment | Convert the employment of a person in temporary or term employment to ongoing employment, if the person has been employed in the temporary or term employment for at least 12 months and the ongoing employment is at-level, subject to the conditions specified in sub rules 12 (2) (a) & (b). | Section 48(b) GSE Act | 1; 2 |
| GSE Rules | 13 (1) | Employment | Excess non-executive employees | Determine that a person who is employed in ongoing employment in the agency, other than as a senior executive, to be excess to the requirements of the relevant part of the agency having regard to sub rule 13 (2). | Section 74(1) GSE Act, Rule 23 | 1; 2 |
| GSE Rules | 14 (1) | Termination | Termination of employment | Consider submission made in relation to the proposed termination of a non-executive employee. | Section 47 GSE Act | 1; 2 |
| GSE Rules | 23 | Employment | Limited advertising for employment | Consider that a significant number of employees affected by a restructure are likely to be excess and limit recruitment to the candidates employed in ongoing employment and in temporary employment for a period of at least 12 months. | Section 74 GSE Act, Rule 13 | 1; 2 |
| GSE Rules | 25 (1) | Employment | Conduct and findings of review | Appoint a senior executive who was not involved in the selection process to be the reviewer of a promotion decision in accordance with rule 24. | Rule 24 | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| GSE Rules | 25 (3) (b) | Employment | Conduct and findings of review | Revoke a promotion decision and carry out another selection process for the role. | Rule 24 | 1; 2 |
| GSE Rules | 26 (1) | Employment | Employment of eligible persons | Employ an eligible person as a Public Service non-executive employee subject to the conditions specified in sub rules (2), (3) & (4). | Section 63(3) GSE Act | 1; 2 |
| GSE Rules | 29 (1) | Employment | Transfer of employees between government sector agencies | Agree to transfer a non-executive employee at the same grade or level to or from another government sector agency in accordance with the conditions specified in sub rules 29 (2), (3), (4) & (5) and subject to sub rule 30 (1). | Section 64 GSE Act | 1; 2 |
| GSE Rules | 31 (1) | Employment | Secondment of employees between government sector agencies | Agree to the secondment of a non-executive employee for a period not exceeding 2 years to or from another government sector agency in accordance with the conditions specified in sub rules 31 (2), (3), (4), (5), (6), (7) & (8). | Section 64 GSE Act | 1; 2 |
| GSE Rules | 34 (10) | Employment | Review of employer-initiated transfers or secondments | Decide on the outcome of a review of an employer-initiated transfer or secondment and notify the employee concerned of the decision. | Sections 64 & 66 GSE Act | 1; 2 |
| GSE Rules | 38 (2) | Misconduct | Initial stage of dealing with allegations of misconduct | Assess an allegation of misconduct by an employee and decide whether to proceed or not to proceed with the matter in accordance with the conditions specified in sub rules 38 (2), (3), (4), (5) & (6). | Section 69 GSE Act | 1; 2 |
| GSE Rules | 38 (5) | Misconduct | Initial stage of dealing with allegations of misconduct | Decide to proceed or not to proceed with the allegation of misconduct as a result of a statement provided by the relevant employee. | Section 69 GSE Act | 1; 2 |
| GSE Rules | 39 (1) | Misconduct | Inquiries | Conduct such inquiries as appropriate for the purposes of determining whether misconduct has occurred. | Section 69 GSE Act | 1 |
| GSE Rules | 40 (1) | Misconduct | Findings by agency head | Make a finding of whether misconduct by the relevant employee has or has not occurred. | Section 69 GSE Act | 1 |
| GSE Rules | 40 (3) | Misconduct | Findings by agency head | Require the conduct of the employee to be monitored over a specified period instead of taking action under section 69(4) if a finding of misconduct is made. | Section 69 GSE Act | 1 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| GSE Rules | 40 (4) | Misconduct | Findings by agency head | Take action under section 69 (4) of the Act where satisfied that an employee has engaged in misconduct of the same or similar kind as the misconduct the subject of the previous finding. | Section 69 GSE Act, Rule 40 (5) | 1 |
| GSE Rules | 41 (2) | Misconduct | Records relating to misconduct | Decide to include information about any finding of misconduct by the employee that is in the public interest, to include on an employee's personnel file, having regard to the nature and seriousness of the misconduct and the need to minimise any unnecessary or prejudicial information being kept on a personal file. | Section 69 GSE Act | 1 |
| GSE Rules | 42 | Termination | Report on termination of employment of Public Service senior executives | Provide a written report to the PSC Commissioner on the termination of a public service senior executive. | | Not delegated |
| GSE Rules | 48 (1) | Employment | Part-time work | Approve a request by a senior executive to undertake work on a part-time basis. | Section 36(e) GSE Act | Not delegated |
| TECA | 3.2 | Payments and Remuneration | Application | Offer any or all of the benefits available under TECA in writing to a new or existing staff member on recruitment or appointment as part of an attraction and retention measure, where the staff member is otherwise ineligible for the benefits under TECA. | | 1; 2 |
| TECA | 4.8 | Payments and Remuneration | Definition | To determine that reimbursement of an expense which is actually incurred by the staff member is reasonable, and for which adequate evidence is produced by the staff member. | | 1; 2 |
| TECA | 4.10 | Payments and Remuneration | Definition | Approve that an employee is a "Transferred Employee" where the employee does not fit within the definition of a transferred employee in clause 4.10. | | 1; 2 |
| TECA | 5.1 | Payments and Remuneration | Notice of transfer | To give, in writing, as long a period of notice of transfer as is practicable but will not be transferred with less than ten working days' notice in writing except in special or urgent circumstances. | | 1; 2 |
| TECA | 6.2 | Payments and Remuneration | Leave | Grant additional special leave, as considered necessary if satisfied that the activities referred to in subclause 6.1 cannot be completed within five working days. | | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| TECA | 6.4 | Payments and Remuneration | Leave | Determine, in consultation with the transferred employee, a time suitable for taking accumulated special leave to return home. | | 1; 2; 3 |
| TECA | 8.4 | Payments and Remuneration | Temporary accommodation | Require full particulars to be supplied where the period of four weeks referred to in subclause 8.1 is not sufficient for the transferred employee to obtain suitable permanent accommodation and consider each case on its merits. | | 1; 2 |
| TECA | 8.6 | Payments and Remuneration | Temporary accommodation | Discontinue the payment of Temporary Accommodation Benefits where satisfied that a transferred employee has rejected suitable accommodation. | | 1; 2 |
| TECA | 9.3 | Payments and Remuneration | Temporary accommodation | Require transferred employees to show evidence of difficulties in obtaining cheaper private accommodation, including the provision by a transferred employee of a statutory declaration. | | 1; 2 |
| TECA | 9.4 | Payments and Remuneration | Temporary accommodation | Extend, in exceptional circumstances, excess rent payments beyond six months, including in areas where there is an acute shortage of housing of a reasonable standard, and areas experiencing extremely high rents due to conditions which are abnormal compared with those generally in New South Wales. | | 1; 2 |
| TECA | 10.1.3 | Payments and Remuneration | Removal and storage expenses | Consider cases where the cost of insuring furniture and effects whilst in transit up to an amount of $38,000 is exceeded. | | 1; 2 |
| TECA | 10.1.4 | Payments and Remuneration | Removal and storage expenses | Determine that an advanced payment to cover the whole or part of the removal expenses is not appropriate. | | 1; 2 |
| TECA | 10.2 | Payments and Remuneration | Removal and storage expenses | Reimburse the cost of transport and storage if satisfied that a transferred employee is unable to secure suitable accommodation at the new location and allow the cost of insurance of furniture while in storage on the same basis as prescribed in paragraph 10.1.3 of this clause. | | 1; 2 |

| Source Document | Reference | Keyword | Subject | Summary of Provision | Related References | Level of Delegation |
|---|---|---|---|---|---|---|
| TECA | 11.1 | Payments and Remuneration | Depreciation and disturbance allowance | Pay a Depreciation and Disturbance Allowance of $1,126 compensation for the accelerated depreciation of personal and/or household effects to the value of $7,037 or pro rata if the value is less, if satisfied that a transferred employee has removed a substantial portion of the household's furniture, furnishings and fittings. | | 1; 2 |
| TECA | 13.7 | Payments and Remuneration | Reimbursement of transaction expenses | Consider payment of transaction expenses on a sale and/or purchase of a residence more than 2 years after relocation, if satisfied there is good reason. The transferred employee must provide full details of why the sale and/or purchase could not be completed within the 2-year period. | | 1; 2 |
| TECA | 16.1 | Payments and Remuneration | Additional benefits | Offer additional support or benefits not specifically referred to in this award to assist in the attraction, recruitment or relocation of a staff member to a location subject to approval from the Secretary Treasury. For example, this may include assistance with housing, education or career development expenses. | | 1; 2 |

# 4. Appendix 1 – Instrument of delegation

Information and Privacy Commission NSW

## INSTRUMENT OF DELEGATION

Under section 32 of the *Government Sector Employment Act 2013*, ("the Act"), I, Emeritus Professor Rosalind Croucher AM, Information Commissioner and Chief Executive Officer, Information and Privacy Commission, hereby delegate my functions as agency head to the delegate levels as specified at Schedule 3.

The functions of agency head delegated are limited to those described in Schedule 3 and cannot be sub-delegated unless specifically authorised under section 32(2) of the Act.

These delegations replace any existing delegations on these matters.

This delegation is to have effect on and from 24 March 2026.

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Emeritus Professor Rosalind Croucher AM FAAL

Chief Executive Officer and Information Commissioner

## Document information

| Identifier/Title: | IPC Human Resources Delegations |
|---|---|
| **Business Unit:** | IPC |
| **Author:** | Director, Corporate Services and Business Improvement |
| **Approver:** | IPC CEO, Information Commissioner |
| **Date of Effect:** | March 2026 |
| **Next Review Date:** | June 2027 |
| **EDRMS File Reference:** | D18/357334/DJ |
| **Key Words:** | Delegation, Human Resources, Legislation, Regulation, CEO, Delegates |

### Document history

| Version | Date | Source Document | Reason for Amendment |
|---|---|---|---|
| **0.1** | 26/05/2014 | Government Sector Employment Act; Regulation; and Rules; Crown Employees (Public Service Conditions of Employment) Award and the Crown Employees (Transferred Employees Compensation) Award; Inaugural DAGJ Human Resources Delegations | To issue new delegations consistent with the GSE Act and the DPJ approach. |
| **0.2** | 30/10/2014 | Instrument of Delegation – Commissioner Head PSC re rule 9 | Added delegation. |
| **0.3** | 11/11/2014 | Instrument of Delegation | Revisions and corrections |
| **1.0** | 12/11/2014 | Human Resources Delegation | Final |
| **1.1** | 9/11/2020 | Human Resources Delegation | Delegation reviewed and updated |
| **1.2** | 28/10/2021 | Human Resources Delegation | Addition of a new role under Level 3, inclusion of employer functions under Section 31 of GSE Act, amended reference to legislation and signed delegation |
| **1.3** | 22/11/2022 | Human Resources Delegation | Delegation reviewed and updated |
| **1.4** | 31/05/2023 | Human Resources Delegation | Delegation reviewed and updated |
| **1.5** | March 2026 | Human Resources Delegation | Delegation reviewed and updated |