

# **DELEGATIONS MANUAL**

**COMBINED**

**ADMINISTRATIVE  
FINANCIAL  
STAFF**

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THE NEW SOUTH GOVERNMENT  
Managing better by putting people first

# **DELEGATIONS MANUAL**

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## NSW MINISTRY OF HEALTH

### SCHEDULE OF DELEGATES

Unless otherwise specified in the delegations the undermentioned generic titles as listed in list A cover the positions in list B.

<b>List A</b>	<b>List B</b>
Level 1	Secretary
Level 2	Deputy Secretary and State Health Services Functional Area Co-Ordinator
Level 3	Persons occupying position one level below Level 2 no matter how designated, the Executive Director, Office of the Secretary and the Director, Internal Audit.
Level 4	Persons occupying position one level below Level 3 no matter how designated.  As well as the positions listed below:  Registrar, Mental Health Review Tribunal; President, Mental Health Review Tribunal; Director, Health Professional Councils Authority; Program Manager, Official Visitors Program.
Level 5	Persons occupying position one level below Level 4 no matter how designated.

#### Conditions and Scope of Delegations

- (1) The Delegations contained in this manual are subject to the conditions and limitations as set out in the specific Delegations;
- (2) A delegate must exercise delegations in accordance with relevant NSW Health Policy Directives and/or whole of government policies in place and updated from time to time.
- (3) A delegation made to any person occupying a specified position may, in the absence of that person, be exercised by a person acting or relieving in that position.
- (4) A delegate may not, unless the specific delegation provides, further delegate or authorise another person to exercise the delegation.
- (5) If a supervisor does not consider it appropriate that an officer has a delegation that is listed, then a written administrative direction should be issued to direct the officer not to exercise the delegation.
- (6) The \$ limits specified for financial delegations are GST exclusive.
- (7) A delegate may not approve matters that are:
  - a. self-related e.g. own overtime; and
  - b. for an officer for whom the delegated officer has no responsibility.
- (8) In accordance with Section 49 of the Interpretations Act, a delegated function that is duly exercised by the delegate is taken to have been exercised by the Delegator (e.g. Minister or Secretary)



## NSW MINISTRY OF HEALTH

### DELEGATIONS OF AUTHORITY

#### 1. Delegation Format

Each delegation is identified by its own distinct number with the alpha prefix denoting the type of delegation, viz.:

A5 Administrative  
S10 Staff  
F25 Financial  
PH2 Public Health

Delegation format is as listed hereunder.

**Text:** The delegation text is a synopsis of what the delegation is empowering. Wherever possible text includes conditions and limitations that the delegate is required to comply with.

**Procedures:** This section incorporates, under “Refer”, details of the legal origin of the delegation and references to policy and procedures that specifically apply. This section can also include specific conditions and/or limitations that apply in exercise of the delegation.

**Delegates:** Delegates, in the main, are listed according to divisions in hierarchical order.

New or amended delegations will show the amendment number and month of year at the bottom of the page, e.g. 6(2/09).

Delegations where the number of the delegation is highlighted with asterisks (e.g. \*(‘31)\*) may **not** be exercised by officers other than the delegates listed.

#### 2. General Conditions and Responsibilities

Delegates are expected to exercise the powers, authorities, duties or functions delegated to them in a responsible, efficient and consistent manner. Whether a delegation should be exercised, or the matter referred to a higher authority, requires the exercise of discretion by the delegate in each case. The direction of the Ministry should be sought in matters which, in the opinion of the delegate, are outside the policy adopted by the Ministry or are of special importance or have special features.

Where practicable, delegates, when signing, should indicate under which delegation number the authority is being exercised.

When exercising a delegation of authority relating specifically to a Statute or delegated legislation (Regulation, Ordinance, Determination, etc.) a delegate must ensure that he/she is fully aware of the relevant provisions of the Statute or delegated legislation before exercising the delegation.

Contractors/consultants cannot exercise financial or staff delegations of a position against which they are held. Financial and staff delegations can only be exercised by **officers** of the organisations who are appropriately delegated. Separate provisions allow delegation of financial matters to employees of the NSW Health Service.

### **3. Delegation Powers**

In the main, power to delegate originates from Section 21 of the Health Administration Act 1982, viz.

21(1) The Minister, Director-General or Corporation may, by instrument in writing, under seal (in the case of the Corporation), delegate such of their functions (other than this power of delegation) conferred or imposed by or under this or any other Act as are specified in the instrument to any person, and may, by such an instrument, revoke wholly or in part any such delegation.

(2) A delegation under subsection (1) may be made to:

- (a) a specified person (whether a natural person or a corporation); or
- (b) a person for the time being holding a specified office.

Delegations also are made under the provisions of Section 4F of the Public Sector Employment and Management Act 2002 (Department Head) and Section 12 of the Public Finance and Audit Act 1983 (Ministerial).

### **4. Officers Acting or Relieving in Other Positions**

A person acting or relieving in another position is entitled to exercise the delegations of the other position no matter the duration of the period of acting or relieving. The officer so acting or relieving does not have to be entitled to the payment of a higher duties allowance. However the officer does have to be vested with the authority, by the person so being relieved, to exercise the delegations of that person, e.g. if an officer in a more senior position is not going to be contactable for several days and indicates to a subordinate officer that they are to undertake that officer's duties.

Officers when exercising another officers delegation are to sign and indicate that they are acting in the higher position.

### **5. New Delegations**

Sections of the Ministry which require new delegations are to follow the undermentioned steps:

1. Prepare a submission outlining background, reason for delegation, proposed text and recommended delegates and obtain the approval of the relevant Division/Branch Head, etc.

2. Submit the proposal to Corporate Governance and Risk Management Branch.
3. The Corporate Governance and Risk Management Branch will prepare an Instrument of Delegation, obtain formal approval and promulgate the new delegation through the Ministry via the Delegations Manual.

**Under no circumstances are delegations to be processed without the involvement of the Legal Branch.**

#### **6. Amendments to Delegations**

Sections which require alteration to delegates, viz. deletion, addition or amendment to title, are to submit proposals to the Corporate Governance & Risk Management Branch after obtaining the approval of the relevant Division/Branch Head, etc. The Corporate Governance and Risk Management Branch will then prepare Instruments of Delegation and promulgate the amendment.

If amendment is required to delegation text the procedure as outlined for new delegations is to be followed.



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**RENTAL OF PUBLIC SECTOR HOUSING BY TRANSFERRED OFFICERS**

**Approve** the payment of an allowance to transferred staff who are required to rent public sector staff housing where full market rental is charged.

---

**PROCEDURES:**

- The allowance is payable on the same basis that the allowance may be granted to those transferred officers occupying private rented accommodation under the Crown Employees (Transferred Employees Compensation) Award; and
- The allowance is payable where the Department Head or delegate is satisfied that the circumstances of the transferred officer concerning rented accommodation warrants such payments.

**Refer** to Crown Employees (Transferred Employees Compensation) Award 2009;  
Public Service Commission Circular D2009-013  
Section 130(1) Public Sector Employment and Management Act 2009 and Public Service  
Commission Manual of Delegations to Department Heads. (DH)

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES*

**RELOCATION EXPENSES FOR SES OFFICERS**

**Determine** the type and amount of relocation expenses payable for SES officers, when distance considered sufficient to warrant such expenses.

---

**PROCEDURES:**

In accordance with the provisions of the SES Guidelines and Public Sector Employment and Management Regulation 2009 (Appendix 8-4 SES Relocation Guidelines).

**Refer** Section 75 Public Sector Employment and Management Act 2002;  
Clause 21 Public Sector Employment and Management Regulation 2009.  
Public Service Commission SES Guidelines. (DH)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES*

**GRANT AND PAYMENT OF ALLOWANCES**

**Approve** the grant and other permissions or approvals, and payment of the allowance as provided for in the Crown Employees (Public Service Conditions of Employment) Award 2009 as follows:

- Uniforms or specialised clothing allowance.
- First aid officers allowance.
- Meal expenses while travelling on official business – day trip.
- Use of privately owned vehicles.

---

**PROCEDURES:**

Delegates are to be satisfied that the circumstances exist for the payment of allowances.

**Refer** clauses 26, 29, 30, 36, 46, 51 Crown Employees (Public Service Conditions of Employment) Award.

**Subject** to conditions set out in the Personnel Handbook, Chapter 7.

**Refer** to Chapter 7-6 of Personnel Handbook for specific circumstances in which the allowance for the cost of travel to and from work is to be approved. (DH)

---

**DELEGATES:**

*LEVEL 2*

*LEVEL 3*

*LEVEL 4*

*LEVEL 5*

**RELOCATION EXPENSES OF TRANSFERRED EMPLOYEES AND OTHERS**

**Approve** (for transferred employees) the payment of allowances under, and in accordance with, the provisions of the Crown Employees (Transferred Employees Compensation) Award.

**Approve** (for officers and non-officers) the payment of fares, accommodation allowances, removal and other expenses in accordance with the provisions of the Personnel Handbook.

---

**PROCEDURES:**

Only Level 1 and 2 delegates can approve the payment of fares and expenses for inservice or non-inservice applicants for positions.

**Refer** Chapter 2-16.9.4, 2-16.9.5 and 2-16.9.6 of the Personnel Handbook. (DH)  
Crown Employees (Transferred Employees Compensation) Award. (DH)

---

**DELEGATES:**

*LEVEL 1*

*LEVEL 2*

*LEVEL 3*

**SKILL SHORTAGE ALLOWANCE**

**Determine** and approve the payment of a skill shortage allowance.

---

**PROCEDURES:**

- See “Guidelines for the Implementation of Skill Shortage Allowances” issued 9 February 1994 and the “Guidelines on Senior Officers Classification” issued December 1999.
- The delegate has to be satisfied that there has been strong evidence of difficulty in either attraction or retention which have had a significant disruptive effect on service delivery.
- Payment of the allowance is to be reviewed every twelve months or when the position becomes vacant.
- The allowance is payable to positions at or above Clerk Grade 12 or equivalent but is not payable to Senior Officers.
- The maximum allowance payable is \$13,000 per annum.

**Refer** Chapter 1-3.3.6. and 7-20 of the Personnel Handbook and Section Two paragraph 4 of the Public Service Commission Manual of Delegations to Department Heads 2012. (DH)

**Refer** Section 130(1) Public Sector Employment and Management Act 2002.

---

**DELEGATES:**

*LEVEL 2*

*DIRECTOR WORKPLACE RELATIONS*

*DEPUTY DIRECTOR WORKPLACE RELATIONS*

*ASSOCIATE DIRECTOR HUMAN RESOURCES*

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**ALLOWANCES**

**1.7**

---

REVOKED.

**JOB EVALUATION ALLOWANCE**

**Determine** and **approve** the payment of a job evaluation allowance.

---

**PROCEDURES:**

The delegate has to be satisfied that:

- The work has not changed substantially.
- Job evaluation using one of the three accredited systems of HAY, OCR or CED results in the work being evaluated at a higher level.
- The existing occupant of the position was appointed following a process of competitive merit selection (albeit to the pre-job evaluation level); and
- The existing occupant of the position is performing the job satisfactorily.

**Refer** Public Service Commission Directive 1998-006 Implementation of Job Evaluation Outcomes

Public Service Commission Directive 1997-006 “Implementation of Job Evaluation Outcomes”

Section 2, paragraph 5 of Manual of Delegations to Department Heads 2012. (DH)

Section 130(1) Public Sector Employment and Management Act 2002.

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**DELEGATES:**

*LEVEL 2*

*DIRECTOR WORKPLACE RELATIONS*

*DEPUTY DIRECTOR WORKPLACE RELATIONS*

*ASSOCIATE DIRECTOR HUMAN RESOURCES*



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**SERVICE PROCUREMENT PLAN (PRELIMINARY BUSINESS CASE) OPTION**

**Approval** to initiate and finalise a preferred Service Procurement Plan (Preliminary Business Case) or Information & Communications Technology (ICT) Business Case option.

---

**PROCEDURES:**

- **Projects** over \$10 Million require Treasury or Budget Committee of Cabinet approval.
- **Subject to** approval to include in forward capital program;
- **Subject to** any total project cost limit specified against a delegate.
- **Subject to** review and endorsement by Deputy Director-General, Strategy and Resources, Chief Executive HealthShare NSW and Director, Health System Planning and Investment.

**Refer** section 12 Public Finance & Audit Act 1983  
section 5(2) Health Administration Act 1982. (M)

---

**DELEGATES:**

<i>LEVEL 1</i>	<i>10 Million</i>
<i>DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES</i>	<i>10 Million</i>
<i>CHIEF FINANCIAL OFFICER</i>	<i>10 Million</i>
<i>DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT</i>	<i>10 Million</i>

---

***For Information & Communications Technology (ICT) only***

<i>DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES</i>	<i>10 Million</i>
<i>CHIEF EXECUTIVE HEALTHSHARE</i>	<i>1 Million</i>

---

***For Ministry of Health, Gladesville and Rozelle sites only***

<i>DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE</i>	<i>10 Million</i>
<i>DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER</i>	<i>10 Million</i>

---

**CONTRACT VARIATIONS**

**Approve** contract variations within approved project budget contingency allowance and within annual funding allocation.

---

**PROCEDURES:**

- **Subject to** contract variation amount being within approved project budget and available allocation of funds.
- **Subject to** compliance with NSW Health and Government procurement policy.
- **Subject to** the limits specified for a delegate.

**Refer** section 13 Health Administration Act 1982. (HAC)

---

**DELEGATES:**

*DEPUTY SECRETARY STRATEGY AND RESOURCES  
CHIEF FINANCIAL OFFICER  
DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT*

**The delegates hereunder have authority to approve variation up to 10% of original approved contract value, but not exceeding \$1 million.**

*ASSOCIATE DIRECTOR TREASURY REPORTING  
ASSOCIATE DIRECTOR SERVICE AND CAPITAL PLANNING  
CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, SPECIALTY NETWORK*

---

***For Information & Communications Technology (ICT) only***

*DEPUTY SECRETARY STRATEGY AND RESOURCES  
CHIEF EXECUTIVE HEALTHSHARE NSW*

***For Ministry of Health, Gladesville and Rozelle sites only***

*DEPUTY SECRETARY GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER  
ASSOCIATE DIRECTOR ASSET SERVICES*

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**The delegates hereunder have authority to approve variation up to 10% of original approved contract value, but not exceeding \$1 million.**

*DEPUTY DIRECTOR COMMERCIAL AND PROCUREMENT  
SENIOR MANAGER ASSETS*

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## CAPITAL WORKS

2.4

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### INITIAL BUDGET

**Approve** initial budget at Service Procurement Stage (Preliminary Business Case) and/or Information & Communications Technology (ICT) Business Case.

---

### PROCEDURES:

- **Subject to** funds availability within annual capital program limit, or identified offsets from within the funding limits of the approved capital program.
- **Subject to** the existing major projects constraints of Treasury Circular TC12/20 and other promulgated relevant procurement policy.
- **Subject to** any total project cost specified against a delegate.

**Refer** section 12 Public Finance and Audit Act 1983  
section 5(2) Health Administration Act 1982. (M)

---

### DELEGATES:

#### *LEVEL 1*

*DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES*

*CHIEF FINANCIAL OFFICER*

*5 Million*

*DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT*

*5 Million*

---

#### *For Information & Communications Technology (ICT) only*

*DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES*

---

#### *For Ministry of Health, Gladesville and Rozelle sites only*

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE*

*DIRECTOR BUSINESS AND ASSET SERVICES CHIEF PROCUREMENT  
OFFICER*

*5 Million*

*DEPUTY DIRECTOR COMMERCIAL AND PROCUREMENT*

*1 Million*

*ASSOCIATE DIRECTOR ASSETS*

*500,000*

*SENIOR MANAGER ASSETS*

*100,000*

---

DELEGATION: (A259)

58(24/01/14)

---

**CAPITAL WORKS****2.5**

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**APPOINTMENT OF CONSULTANTS**

**Appointment** of consultants and authorisation of expenditure.

---

**PROCEDURES:**

- \$ limit specified is total project cost;
- **Subject to** compliance with consultancy services procurement procedures;

**Refer** section 5(2) Health Administration Act 1982. (M)

---

**DELEGATES:**

*CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, SPECIALTY NETWORK* *5 Million*

---

DELEGATION: (A260)

58(24/01/14)

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## CAPITAL WORKS

2.6

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### ISSUE ALLOCATION

**Approval** to issue allocation once approved by the Minister for capital works projects and to vary annual allocations.

---

### PROCEDURES:

- **Subject to** there being no variance to total project budget and accommodated within approved capital authorization limits.

**Refer** section 12 Public Finance and Audit Act 1983  
section 5(2) Health Administration Act 1982. (M)

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### DELEGATES:

*LEVEL 1*

*DEPUTY SECRETARY STRATEGY AND RESOURCES*

*CHIEF FINANCIAL OFFICER*

*DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT*

*ASSOCIATE DIRECTOR TREASURY REPORTING*

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**CAPITAL WORKS****2.7**

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**DEVELOPMENT APPLICATIONS**

**Submission** of development applications on behalf of Health Administration Corporation.

---

**PROCEDURES:**

- **Subject to** any \$ limit for total project cost specified against a delegate.

**Refer** section 13 Health Administration Act 1982. (HAC)

---

**DELEGATES:**

*DEPUTY SECRETARY STRATEGY AND RESOURCES*

*CHIEF FINANCIAL OFFICER*

*DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT*

*ASSOCIATE DIRECTOR TREASURY REPORTING*

*CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, SPECIALTY NETWORK*

*500,000*

---

***For Ministry of Health, Gladesville and Rozelle sites only***

*DEPUTY SECRETARY GOVERNANCE, WORKFORCE AND CORPORATE*

*DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER*

*ASSOCIATE DIRECTOR ASSETS*

*SENIOR MANAGER ASSETS*

---

## CAPITAL WORKS

2.8

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### EXECUTION OF CONTRACTS

**Execution** of contracts on behalf of the Health Administration Corporation.

---

#### PROCEDURES:

- Applicable only where the Health Administration Corporation is the principal to the contract.
- **Subject to** contract amount being within approved project budget and available allocation of funds.
- **Subject to** approval to accept tender by a relevant delegate pursuant to Delegation A256 or F81.
- **Subject to** any \$ limit for total project cost specified against a delegate.

**Refer** section 13 Health Administration Act 1982. (HAC)

---

#### DELEGATES:

*DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES*

*CHIEF FINANCIAL OFFICER*

*DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT*

*CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, SPECIALTY NETWORK*

*3 Million*

---

#### *For Information & Communications Technology (ICT) only*

*DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES*

*CHIEF EXECUTIVE HEALTHSHARE NSW*

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#### *For Ministry of Health, Gladesville and Rozelle sites only*

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE*

*DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER*

*DEPUTY DIRECTOR COMMERCIAL AND PROCUREMENT*

*ASSOCIATE DIRECTOR ASSETS*

*SENIOR MANAGER ASSETS*

*1 Million*

---

DELEGATION: (A257)

57(14/01/14)



**SERVICE PROCUREMENT PLAN**

**Approval** to proceed to Service Procurement Plan (Preliminary Business Case) and/or Information & Communications Technology (ICT) Business Case.

---

**PROCEDURES:**

- **Subject to** approved inclusion on forward capital program and having an approved planning allocation;
- **Subject to** any total project cost limit specified against a delegate.
- **Subject to** endorsement by Director, Health System Planning and Investment or Chief Executive HealthShare NSW for Information & Communications Technology (ICT) Projects.

**Refer** section 12 Public Finance and Audit Act 1983  
section 5(2) Health Administration Act 1982. (M)

---

**DELEGATES:***LEVEL 1**DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES**CHIEF FINANCIAL OFFICER**DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT**CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, SPECLTY NETWORK* *1 Million*

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***For Information & Communications Technology (ICT) only****DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES**CHIEF EXECUTIVE HEALTHSHARE NSW*

---

***For Ministry of Health, Gladesville and Rozelle sites only****DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE**DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER**DEPUTY DIRECTOR COMMERCIAL AND PROCUREMENT* *1 Million**ASSOCIATE DIRECTOR ASSET SERVICES* *1 Million**SENIOR MANAGER ASSETS* *500,000*

---

**PROJECT DEFINITION (Final Business Case)**

**Approval** to proceed to Project Definition Plan (Final Business Case).

---

**PROCEDURES:**

- **Subject to** approval to include in forward capital program and having an approved planning allocation;
- **Subject to** review and endorsement of the Service Procurement Plan (Preliminary Business Case) by Director, Health System Planning and Investment and Chief Financial Officer and approval under A249.

**Refer** section 12 Public Finance and Audit Act 1983  
section 5(2) Health Administration Act 1982. (M)

---

**DELEGATES:***LEVEL 1**DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES**CHIEF FINANCIAL OFFICER**DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT*

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*For Ministry of Health, Gladesville and Rozelle sites only**DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE**DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER**DEPUTY DIRECTOR COMMERCIAL AND PERFORMANCE**1 Million**ASSOCIATE DIRECTOR ASSET SERVICES**1 Million*

**PROJECT DOCUMENTATION – PROCEED WITH**

**Approval** to proceed with Project Documentation.

---

**PROCEDURES:**

- **Subject to** approval of inclusion in forward capital program and approved budget allocation.
- **Subject to** any total project cost specified against a delegate.

**Refer** section 12 Public Finance and Audit Act 1983  
section 5(2) Health Administration Act 1982. (M)

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**DELEGATES:***LEVEL 1**DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES**CHIEF FINANCIAL OFFICER**DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT**CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, SPECIALTY NETWORK* 10 Million

---

*For Information & Communications Technology (ICT) only**DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES**CHIEF EXECUTIVE HEALTHSHARE NSW*

---

*For Ministry of Health, Gladesville and Rozelle sites only**DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE**DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER**DEPUTY DIRECTOR ASSET PERFORMANCE**ASSOCIATE DIRECTOR ASSETS**SENIOR MANAGER ASSETS* 250,000

---

## CAPITAL WORKS

2.12

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### PROJECT DOCUMENTATION

**Approval** of Project Documentation.

---

### PROCEDURES:

- **Subject to** approval to include project in forward capital program and approved budget allocation.
- **Subject to** pre-tender cost estimate being within approved project budget and available allocation of funds.
- **Subject to** any total project cost limit specified against a delegate.

**Refer** section 12 Public Finance and Audit Act 1983  
section 5(2) Health Administration Act 1982. (M)

---

### DELEGATES:

#### *LEVEL 1*

*DEPUTY SECRETARY STRATEGY AND RESOURCES*

*CHIEF FINANCIAL OFFICER*

*DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT*

*ASSOCIATE DIRECTOR TREASURY REPORTING*

*CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, SPECIALTY NETWORK*

*5 Million*

---

#### *For Information & Communications Technology (ICT)*

*DEPUTY SECRETARY STRATEGY AND RESOURCES*

*CHIEF EXECUTIVE HEALTHSHARE NSW*

---

#### *For Ministry of Health, Gladesville and Rozelle sites only*

*DEPUTY SECRETARY GOVERNANCE, WORKFORCE AND CORPORATE*

*DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER*

*DEPUTY DIRECTOR COMMERCIAL AND PROCUREMENT*

*ASSOCIATE DIRECTOR ASSET SERVICES*

*SENIOR MANAGEMENT ASSETS*

*250,000*

---

DELEGATION: (A253)

66(08/10/15)

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## CAPITAL WORKS

2.13

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### CALL TENDERS

**Approval** to call tenders.

---

### PROCEDURES:

- **Subject to** approval to include in annual capital program.
- **Subject to** pre-tender estimate being within approved project budget and available allocation of funds.
- **Subject to** compliance with NSW Health and Government procurement policy.
- **Subject to** any total project cost limit specified against a delegate.

**Refer** Section 12 Public Finance and Audit Act 1983  
Section 13 Health Administration Act 1982  
Section 5(2) Health Administration Act 1982 (M)

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### DELEGATES:

#### *LEVEL 1*

*DEPUTY SECRETARY STRATEGY AND RESOURCES*

*CHIEF FINANCIAL OFFICER*

*DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT*

*ASSOCIATE DIRECTOR TREASURY REPORTING*

*CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, SPECIALTY NETWORK*

*5 Million*

---

#### *For Information & Communications Technology (ICT)*

*DEPUTY SECRETARY STRATEGY AND RESOURCES*

*CHIEF EXECUTIVE HEALTHSHARE NSW*

---

#### *For Ministry of Health, Gladesville and Rozelle sites only*

*DEPUTY SECRETARY GOVERNANCE, WORKFORCE AND CORPORATE*

*DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER*

*DEPUTY DIRECTOR COMMERCIAL AND PROCUREMENT*

*1 Million*

*ASSOCIATE DIRECTOR ASSET SERVICES*

*1 Million*

*SENIOR MANAGER ASSETS*

*500,000*

---

DELEGATION: (A255)

66(08/10/15)

**PROJECT DEFINITION PLAN VARIATIONS**

**Approval** of Project Definition Plan and/or Information & Communications Technology (ICT) Business Case variations.

---

**PROCEDURES:**

- **Subject to** any total project cost limit specified against a delegate
- **Subject to** any budget variation not being more than 10% of the original approved budget (as per original Budget Paper 4), but not exceeding \$1 Million.
- **Subject to** funds availability within annual capital program limit, or identified offsets from within the funding limits of the approved capital program.
- **Subject to** the existing major projects constraints of Treasury Circular TC12/20 and other promulgated relevant procurement policy.
  - Variations of more than 10% of the original approved budget (as per Budget Paper 4) require Treasurer or Budget Committee of Cabinet approval.
  - Projects over \$1 Million require Treasurer or Budget Committee of Cabinet approval.
- **Subject to** review and endorsement by Director, Health System Planning and Investment or Chief Executive, HealthShare NSW for Information & Communications Technology (ICT) Projects.

**Refer** section 12 Public Finance and Audit Act 1983  
section 5(2) Health Administration Act 1982. (M)

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**DELEGATES:***LEVEL 1**DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES**CHIEF FINANCIAL OFFICER**DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT*

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*For Information & Communications Technology (ICT) only**DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES**CHIEF EXECUTIVE HEALTHSHARE NSW*

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*For Ministry of Health, Gladesville and Rozelle sites only**DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE**DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER*

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**CAPITAL WORKS****2.15**

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**ACCEPT TENDER**

**Approval** to accept tender.

---

**PROCEDURES:**

- **Subject to** any \$ limit for maximum total project cost specified against a delegate.

**Refer** section 13 Health Administration Act 1982. (HAC)

---

**DELEGATES:**

*CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, SPECIALTY NETWORK* *5 Million*

**ADDITION TO ANNUAL CAPITAL PROGRAM**

**Approve** addition to annual capital program, within specified constraints on overall program.

---

**PROCEDURES:**

- The **Minister for Health is limited to \$10,000,000** on this matter. Subject to being part of existing Program.
- **Subject to** funds availability within annual capital program limit, or identified offsets from within the funding limits of the approved capital program.
- **Subject to** the existing major projects constraints of Treasury Circular TC12/20 and other promulgated relevant procurement policy.
- **Subject to** any total project cost specified against a delegate.

**Refer** Section 12 Public Finance and Audit Act 1983.  
Section 5(2) Health Administration Act 1982 (M)

---

**DELEGATES:**

<i>LEVEL 1</i>	<i>10 Million</i>
<i>DEPUTY SECRETARY STRATEGY AND RESOURCES</i>	<i>10 Million</i>
<i>CHIEF FINANCIAL OFFICER</i>	<i>10 Million</i>
<i>DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT</i>	<i>10 Million</i>
<i>ASSOCIATE DIRECTOR TREASURY REPORTING</i>	<i>500,000</i>



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**CAPITAL WORKS****2.17**

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**TENDER ACCEPTANCE**

**Approval** to tender acceptance and commitment and payment of funds.

---

**PROCEDURES:**

- **Subject to** tender amount being within approved project budget and available allocation of funds.
- **Prior to award of the tender for projects in excess of \$50 Million require a Post Tender Review Report and consultation with Treasury.**
- **Subject to** any total project cost specified against a delegate.

**Refer** Section 12 Public Finance and Audit Act 1983.  
Section 5(2) Health Administration Act 1982 (M)

---

**DELEGATES:***LEVEL 1*

<i>DEPUTY SECRETARY STRATEGY AND RESOURCES</i>	<i>10 Million</i>
<i>CHIEF FINANCIAL OFFICER</i>	<i>10 Million</i>
<i>DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT</i>	<i>10 Million</i>
<i>ASSOCIATE DIRECTOR TRESURY REPORTING</i>	<i>1 Million</i>

---

***For Information & Communications Technology (ICT) only***

<i>DEPUTY SECRETARY STRATEGY AND RESOURCES</i>	<i>10 Million</i>
<i>CHIEF EXECUTIVE HEALTHSHARE NSW</i>	<i>5 Million</i>

---

***For Ministry of Health, Gladesville and Rozelle sites only***

<i>DEPUTY SECRETARY GOVERNANCE, WORKFORCE AND CORPORATE</i>	<i>5 Million</i>
<i>DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER</i>	<i>5 Million</i>
<i>DEPUTY DIRECTOR COMMERCIAL AND PROCUREMENT</i>	<i>1 Million</i>
<i>ASSOCIATE DIRECTOR ASSET SERVICES</i>	<i>1 Million</i>
<i>SENIOR MANAGER ASSETS</i>	<i>500,000</i>

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DELEGATION: (F81)

66(08/10/15)

**BUDGET VARIATION**

**Approve** a budget variation by up to 10% of the original approved budget or a higher amount within the Minister's authority (for major new works and minor programs).

---

**PROCEDURES:**

- **The Minister for Health and delegates are limited to \$1 million on this matter.**
- **Subject to** funds availability within annual capital program limits, or identified offsets from within the funding limits of the approved capital program.
- **Subject to** the existing major projects constraints of Treasury Circular TC12/20 and other promulgated relevant procurement policy.
- **Subject to** the total increase not exceeding any dollar amount specified against a delegate under delegation (F80).

**Refer** Section 12 Public Finance and Audit Act 1983.  
Section 5(2) Health Administration Act 1982 (M)

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**DELEGATES:***LEVEL 1**DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES**CHIEF FINANCIAL OFFICER**DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT*

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**CAPITAL WORKS****2.19**

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**PAYMENT OF ADVANCE REQUESTS**

**Approve** the payment of advance requests.

---

**PROCEDURES:**

- **Subject to** such payments being in respect of projects that have been approved by the Minister or delegate.

**Refer** Section 12 Public Finance and Audit Act 1983.  
Section 5(2) Health Administration Act 1982 (M)

---

**DELEGATES:**

*LEVEL 1*

*DEPUTY SECRETARY STRATEGY AND RESOURCES*

*CHIEF FINANCIAL OFFICER*

*DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT*

*ASSOCIATE DIRECTOR TREASURY REPORTING*

*5 Million*

---

## CAPITAL WORKS

2.20

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### CONSULTANTS EXPENDITURE FOR A PROJECT

**Appointment** of consultants and authorisation of expenditure.

---

#### PROCEDURES:

- **Subject to** expenditure being within approved project budget allowance or project contingency.
- **Subject to** compliance with consultancy services procurement procedures.
- **Subject to** project approval and funds allocation.
- **Subject to** the total consultancy cost not exceeding the dollar specified against a delegate.

**Refer** Section 12 Public Finance and Audit Act 1983.  
Section 5(2) Health Administration Act 1982. (M)

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#### DELEGATES:

##### *LEVEL 1*

*DEPUTY SECRETARY STRATEGY AND RESOURCES*

*CHIEF FINANCIAL OFFICER*

*DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT*

*ASSOCIATE DIRECTOR TREASURY REPORTING*

0.25 Million

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***For Ministry of Health, Gladesville and Rozelle sites only***

*DEPUTY SECRETARY GOVERNANCE, WORKFORCE AND CORPORATE*

*DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER*

*DEPUTY DIRECTOR COMMERCIAL AND PROCUREMENT*

500,000

*ASSOCIATE DIRECTOR ASSET SERVICES*

500,000

*SENIOR MANAGER ASSETS*

100,000

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DELEGATION: (F84)

66(08/10/15)

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**CAPITAL WORKS****2.21**

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REVOKED.

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## CAPITAL WORKS

2.22

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### FINAL BUSINESS CASE

**Approval** to proceed to Final Business Case for Information & Communications Technology (ICT) Projects.

---

### PROCEDURES:

- **Subject to** approval to include in forward capital program and having an approved planning allocation;
- **Subject to** endorsement of Preliminary Business Case by Chief Financial Officer and Chief Executive HealthShare NSW.

**Refer** Section 12 Public Finance and Audit Act 1983  
Section 5(2) Health Administration Act 1982. (M)

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### DELEGATES:

<i>LEVEL 1</i>	<i>5 Million</i>
<i>DEPUTY SECRETARY STRATEGY AND RESOURCES</i>	<i>5 Million</i>
<i>CHIEF FINANCIAL OFFICER</i>	<i>5 Million</i>
<i>DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT</i>	<i>5 Million</i>
<i>ASSOCIATE DIRECTOR TREASURY REPORTING</i>	<i>5 Million</i>
<i>CHIEF EXECUTIVE HEALTHSHARE NSW</i>	<i>5 Million</i>

---

### *Ministry of Health, Gladesville and Rozelle sites only*

<i>DEPUTY SECRETARY GOVERNANCE, WORKFORCE AND CORPORATE</i>	<i>5 Million</i>
<i>DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER</i>	<i>5 Million</i>

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COMPUTER EQUIPMENT	3.1
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**COMPUTER EQUIPMENT**

---

**3.2**

**REVOKED**

**103(25/11/24)**

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**DELEGATION: (F5)**



**GRANTS FOR INFORMATION TECHNOLOGY (IT) STRATEGY**

**Approve** the undertaking of works and/or services and commitments for grants and the increase in grants in respect to public health organisations. This applies to projects specifically identified as part of the Information Technology (IT) strategy, approved by the Ministry for implementation in the current financial year as part of the capital works program. Approvals and payments are to be in accordance with funds available and Ministry Purchasing policy for computing hardware, software and services.

---

**PROCEDURES:**

Approvals and payments are to be regulated so that actual payments for such grants in any financial year do not exceed the amount of funds allocated by the Department.

**Refer** Section 12 Public Finance and Audit Act 1983. (M)

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**DELEGATES:***LEVEL 1**DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES**5 Million**CHIEF FINANCIAL OFFICER**5 Million**DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT**5 Million*

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**MANAGEMENT OF CONDUCT AND PERFORMANCE**

**Authority** to exercise all functions of the Department Head under:

- Part 2.7 of the Public Sector Employment and Management Act 2002.

For the purpose of dealing with alleged misconduct, unsatisfactory performance, or criminal convictions by officers (including SES officers) employed in the Ministry of Health.

---

**PROCEDURES**

**Refer** to Chapter 9 Personnel Handbook. (DH)  
Part 2.7 Public Sector Employment and Management Act 2002.

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS*

**DEALING WITH UNSATISFACTORY PERFORMANCE**

1. Approve of the undertaking of remedial action in respect to officers not performing their duties in a satisfactory manner;
  2. Approve, after remedial action and improved performance, of no further action being taken;
  3. Approve determination, after remedial action, that an officer's performance is still unsatisfactory, and notification in writing to the officer that their performance is still unsatisfactory and that the officer's performance may lead to disciplinary action being taken with respect to the officer;
  4. Approve, after the officer has been given the opportunity to respond in respect to 3 above, that
    - i) no further action is to be taken or further remedial action is to be taken; or
    - ii) *a recommendation be made that disciplinary action be taken in accordance with Part 2.7 of the Public Sector Employment and Management Act 2002.*
- 

**PROCEDURES:**

**Refer** section 47 Public Sector Employment and Management Act 2002. (DH)

**Refer** Personnel Handbook Appendix 9B: Guidelines for Dealing with Unsatisfactory Performance for detailed requirements and pro-forma's in respect to the management of unsatisfactory performance.

Managers are responsible for managing day to day performance of staff. However, approval for formal action is to be undertaken in line with this delegation.

It is expected that the Director/Manager of a Branch should exercise the delegation under 4.ii) as to the making of a recommendation for formal disciplinary action.

The delegation in respect to approval of formal disciplinary action is Delegation (S155) in the Combined Delegations Manual.

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**DELEGATES:**

*LEVEL 2*  
*LEVEL 3*  
*LEVEL 4*  
*LEVEL 5*

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**TEMPORARY STAFF TRANSFERS (SECONDMENTS)**

**Approve** the temporary transfer (secondment) of a Ministry employee to a position or other employment in another public sector agency with the approval of the other public sector agency.

**Approve** the temporary transfer (secondment) of an employee from another public sector agency into a position within this Ministry.

**Approve** the transfer temporarily of a Ministry employee to another position or other employment **within** the **Ministry**.

---

**PROCEDURES:**

**Refer** to the Personnel Handbook Chapter 3, Guidelines on Staff Mobility.

**Refer** to Guidelines on Staff Mobility, especially as applies to back filling of positions after 12 months, secondments over 2 years and differences between employee/employer initiated secondments.

**Refer** to section 86 and section 86A of the Public Sector Employment and Management Act 2002. (DH)

---

**DELEGATES:**

*LEVEL 2*

*LEVEL 3*

**TEMPORARY EMPLOYEES (12 MONTHS OR LESS)**

1. **Approve** the employment of a temporary employee who has appropriate qualifications to carry out work in the Ministry for periods of 12 months or less. (section 27)
  2. **Approve** the termination of employment of such temporary employees. (section 30)
- 

**PROCEDURES:**

Persons appointed are to be classified as Departmental temporary employees.

Appointment of a Departmental temporary employee for a period of 12 months or less does not require selection on merit. However, the decision to employ a Departmental temporary employee for a period of 12 months or less must satisfy the principles of merit selection. (See Public Service Commission Guidelines on temporary and casual employment.)

If, because of unforeseen circumstances, the period of originally approved temporary employment of less than 12 months is to be extended for a total period of under 15 months, the delegates below can approve such an extension. Any extensions of temporary employment beyond the 15 months total period require approval by the Public Service Commissioner and by merit based recruitment action.

Note: Under Public Service Commission Circular 2010-18, Staffing Freeze, there is a freeze on the filling of non-frontline jobs; contingent labour including contractors and consultants (used as a substitute for recruitment action); labour hire to fill temporary jobs; and executive search hire to manage recruitment activity unless an exemption is granted by the Delegate.

**Refer** to sections 27 and 30 of the Public Sector Employment and Management Act 2002. (DH)

**Refer** Public Service Commission Guidelines on Temporary Employment. (DH)  
Public Service Commission Circular 2010-18 Staffing Freeze

---

**DELEGATES:**

*DIRECTOR-GENERAL*

*DEPUTY DIRECTOR-GENERAL, GOVERNANCE, WORKFORCE AND CORPORATE*

*DIRECTOR WORKPLACE RELATIONS*

*DEPUTY DIRECTOR WORKPLACE RELATIONS*

*ASSOCIATE DIRECTOR HUMAN RESOURCES*

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**TEMPORARY EMPLOYEES (EXCEEDING 12 MONTHS)**

**Approve** the employment of a temporary employee who has appropriate qualifications to carry out work in the Ministry for periods in excess of 12 months. (section 27)

**Approve** the termination of employment of such temporary employees. (section 30)

**Approve** the appointment of a temporary employee whose employment falls within a continuous employment period of at least two years to a staff member's position (up to maximum Grade 12 ). (section 31)

---

**PROCEDURES:**

Persons appointed are to be classified as Departmental temporary employees.

Appointments exceeding 12 months at any one time must be selected on merit and require at least the invitation of Expressions of Interest within the Ministry. (section 29)

The maximum period for which a Departmental temporary employee may be employed under this Part at any one time is 3 years. (section 28(1))

Re-employment of a Departmental temporary employee is to be in accordance with such guidelines as are issued by the Public Service Commissioner from time to time. (section 28(2))

In respect to approving the appointment of a long-term temporary employee, the following requirements must be satisfied (section 31(2)):

- at some stage of the temporary employment, the employee must have been selected to perform duties at a grade that is the same as (or similar to) the grade of the position concerned (whether or not the duties of the position are substantially the same as the duties performed during the temporary employment);
- the employee was performing duties at that grade following some form of open competition that involved the selection of the employee as the person who, in the opinion of the Delegate, had the greatest merit among the candidates concerned;
- the rate of salary proposed at the time of appointment must not exceed the maximum rate payable for Clerk Grade 12;
- the appropriate Delegate must be satisfied that ongoing work is available in respect of the employee in the Ministry; and



- the appropriate Delegate must be satisfied that the employee has the qualifications, experience, standard of work performance and capabilities to enable the employee to perform the duties of the position concerned.

Note: Under Public Service Commission Circular 2010-18, (Staffing Freeze) there is a freeze on the filling of non-frontline jobs; contingent labour including contractors and consultants (used as a substitute for recruitment action); labour hire to fill temporary jobs; and executive search hire to manage recruitment activity unless an exemption is granted by the Director-General.

---

**Refer** to sections 27 - 30 of the Public Sector Employment and Management Act 2002. (DH)

**Refer** to section 31 of the Public Sector Employment and Management Act 2002. (DH)

**Refer** to Public Service Commission Guidelines on Temporary Employment. (DH)

**Refer** to Public Service Commission Circular 2010-18 Staffing Freeze.

**Refer** to Public Service Commission Circular and Treasury Circular NSWTC12/18 Release of Manual of Delegations 2012

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## **DELEGATES:**

*DIRECTOR-GENERAL*

*DEPUTY DIRECTOR-GENERAL, GOVERNANCE, WORKFORCE AND CORPORATE*

*DIRECTOR WORKPLACE RELATIONS*

*DEPUTY DIRECTOR WORKPLACE RELATIONS*

*ASSOCIATE DIRECTOR HUMAN RESOURCES*

**MEDICAL FITNESS**

**Authority** to direct a person to submit:

- i) to a medical examination; or
- ii) other health assessment, as the delegate may, on the advice of a nominated medical assessor, consider necessary.

if there are reasons to believe that the person is not fit for work; and, based on that health assessment, to direct in writing, that the person either resume duty or cease duty immediately.

---

**PROCEDURES:**

**Refer** to the Personnel Handbook Chapter 5-8 and clause 13 Public Sector Employment and Management Regulation 2009.

Public Service Commission Directive D2010\_019 *Procedures for Managing Non-Work Related Injuries or Health Conditions*. (DH)

---

**DELEGATES:**

*LEVEL 2*

*LEVEL 3*

**OUTSIDE EMPLOYMENT OF NON SES OFFICERS**

**Approve or decline** applications from Ministry staff to:

- engage in private employment;
  - undertake other extra-official activities, including lecturing, tutoring and demonstration work, in accordance with the rules and procedures determined by the Public Service Commissioner; and
  - retain fees by officers and temporary employees who have been appointed as examiners or members of examining committees under statutory authority where the examination fees are laid down under the provisions of the appropriate Act or Regulations promulgated thereunder.
- 

**PROCEDURES:**

This delegation does not apply to casual employees or persons working part-time, provided such employment is outside their Public Service hours of duty and there is no adverse effect on or conflict of interest with those duties.

In the exercise of this delegation, attention is drawn to the Public Service Commission policy laid down in the Personnel Handbook in respect of seeking approvals to engage in private employment .

Prior to the granting of approval to undertake private employment the delegates are to ensure that all the conditions set down in the Handbook have been fulfilled including leave and fee aspects.

Approvals for private employment must be given in writing and a copy placed on the staff member's personnel file.

**Refer** to section 59 of the Public Sector Employment and Management Act 2002 and Chapter 5-9 Personnel Handbook. (DH)

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**DELEGATES:**

*LEVEL 2*  
*LEVEL 3*  
*LEVEL 4*  
*LEVEL 5*

---

**OUTSIDE EMPLOYMENT SES OFFICERS**

**Approve/decline** an application from an SES officer to:

- engage in private employment, or
  - undertake other extra-official activities, including lecturing, tutoring and demonstration work, in accordance with the rules and procedures determined by the Public Service Commission; and
  - retain fees by an SES officer who has been appointed as an examiner or member of an examining committee under statutory authority where the examination fees are laid down under the provisions of the appropriate act or regulations promulgated thereunder.
- 

**PROCEDURES:**

In the exercise of this delegation, attention is drawn to the Public Service Commission policy laid down in the Personnel Handbook in respect of private employment.

Prior to the granting of approval to undertake private employment the delegates are to ensure that all the conditions set down in the Handbook have been fulfilled, including leave and fee aspects.

**Officers cannot approve their own applications.**

**Refer** Section 83 of the Public Sector Employment and Management Act 2002, and Chapter 5.9 of the Personnel Handbook. (DH)

---

**DELEGATES:**

*LEVEL 2*

*LEVEL 3*

**VARIATION TO POSITION DESCRIPTIONS**

**Approve** new position descriptions and variations to existing position descriptions.

---

**PROCEDURES:**

Administrative. (DH)

Refer Appendix 1A, NSW Public Sector Job Evaluation Guidelines 2011, Public Service Commission Handbook.

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS*

*DEPUTY DIRECTOR WORKPLACE RELATIONS*

*ASSOCIATE DIRECTOR HUMAN RESOURCES*

**CREATION OF STAFF POSITIONS**

1. **Approve** the creation, classification and grading of staff positions (excludes SES positions).
  2. **Approve** the creation and grading of SES positions.
  3. **Approve** the deletion of staff positions (excluding SES positions).
  4. **Approve** the deletion of SES positions.
- 

**PROCEDURES:**

Subject to the guidelines issued by the Public Service Commissioner and subject to the provisions of section 8 of the Act in respect to maximum number of staff of a Department.

Under Public Service Commission Direction PSCC2013-02 Public Sector Reform – Executive Interim Arrangement:

- No new permanent Senior Officer or ‘in scope’ equivalent positions are to be created.
- The creation of a new SES position should be offset, where possible, by the deletion of an existing SES position.

An SES position is not part of the SES until determined by the Public Service Commission as an SES position.

**Director Workplace Relations** has authority in relation to 1 for the creation of trainee, graduate and project positions only.

**Deputy Director Workplace Relations** has authority in relation to 1 for the creation of trainee, graduate and project positions only.

**Associate Director Human Resources** has authority in relation to 1 for the creation of trainee, graduate and project positions only.

**Refer** to Chapter 1 Personnel Handbook and Section 9 Public Sector Employment and Management Act 2002. (DH)

**Refer** to Public Service Commission Circular 2010-18 *Staffing Freeze*.

**Refer** to Public Service Commission Direction PSCC2013-02 *Public Sector Reform – Executive Interim Arrangements* on the restrictions and mandatory requirements in relation to the creation and filling of SES, Senior Officer and ‘in scope’ equivalent positions.

**Refer** to Public Service Commission Guidelines for the Employment of SES.

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS 1 (creation of trainee, graduate and project positions only)  
and 3*

*DEPUTY DIRECTOR WORKPLACE RELATIONS 1 (creation of trainee, graduate and project positions only) and 3*

*ASSOCIATE DIRECTOR HUMAN RESOURCES 1 (creation of trainee, graduate and project positions only) and 3*

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**LETTER OF OFFER AND APPOINTMENT**

**Approve** the issue of a letter of offer and appointment (in accordance with Ministry instructions) for positions up to the limits as specified hereunder beside each delegate (otherwise no limit applies).

---

**PROCEDURES:**

**Refer** to Chapter 2 Personnel Handbook and Section 17 Public Sector Employment and Management Act 2002. (DH)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
(UP TO AND INCLUDING SENIOR OFFICER)*

*DIRECTOR WORKPLACE RELATIONS (UP TO AND INCLUDING SENIOR OFFICER)*

*DEPUTY DIRECTOR WORKPLACE RELATIONS (UP TO AND INCLUDING SENIOR OFFICER)*

*ASSOCIATE DIRECTOR HUMAN RESOURCES (UP TO AND INCLUDING SENIOR OFFICER)*

**COMMENCING RATE OF PAY**

**Determine and approve** the commencing rates of pay, for any officer and temporary employee (excluding SES):

- (a)
  - (i) at the minimum rates for the position; or
  - (ii) above the minimum rate for the position where the higher rate is authorised by an Agreement, Determination or Award; or
  - (iii) at any prescribed salary point within the salary range for the position having regard to:
    - the applicant's skills, experience and qualifications;
    - the rate required to attract the applicant; and
    - the remuneration of existing staff performing similar work.
- (b) **Where an officer is transferred or promoted to a different salary scale**, and (a) (ii) and (iii) do not apply, on the following basis -
  - (i) if the officer's present rate coincides with a step on the new scale:
    - and the officer has been on the rate for less than 12 months, the officer will transfer with commencing salary at that step on the new scale (no change) and retain the existing incremental date;
    - and the officer has been on that rate for more than 12 months, the officer will transfer with commencing salary at the next step on the new scale with the incremental date changing to the date of appointment to the new position;
  - (ii) if the officer's present salary rate does not coincide with a step on the new scale, the officer's commencing salary on the scale will be that immediately above his/her present salary rate. The officer's incremental date will change to the date of appointment to the new position.

---

**PROCEDURES:**

**Refer** to the Personnel Handbook 2-16.8 and Section 130(1) Public Sector Employment and Management Act 2002. (DH)

Delegation from Public Service Commission.

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES*

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**PRE-PLACEMENT HEALTH ASSESSMENTS**

**Approval** of the:

- i) form of health assessment
  - ii) medical practitioner to undertake medical examination
  - iii) medical practitioner, optometrist or other appropriately qualified health care professional to undertake an examination of a particular aspect of a person's health, and provision to that health professional of any reasonably required information about the duties of the position concerned.
- 

**PROCEDURES:**

To determine a person's fitness to carry out the duties of a position.

Clause 4 Public Sector Employment and Management Regulation 2009. (DH)

**Refer** to Chapter 2-17.3 Personnel Handbook.

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES*

**NON-STANDARD PROBATIONARY PERIODS**

- **Approve** the appointment of a person to a position on probation for a period in excess of 6 months and up to 2 years;
  - **Approve** the extension of the original period of probation once for a total period up to 2 years or as the Delegate directs. Any such direction may be made at any time before the person's appointment is confirmed or annulled.
  - **Approve** the appointment of a person on probation for a period in excess of two years, where the delegate is satisfied that the person should be required to serve an extended period of probation.
- 

**PROCEDURES:**

**Procedure:** Section 23(1A) of the Public Sector Employment and Management Act 2002 provides for the Delegate to extend a period of probation. Generally there should be only **one** extension of a period of probation and then a decision will be made on whether to continue to employ the person.

**Refer** to the Personnel Handbook Chapter 2-17.1.

Approval of probation periods in excess of 2 years is a delegation from the Public Service Commissioner under section 124 of the Public Sector Employment and Management Act 2002.

Section 23 Public Sector Employment and Management Act 2002. (DH)

This delegation does not apply to a chief or senior executive position.

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES*

**PERMANENT APPOINTMENTS****Authority to:**

- approve the permanent appointment on probation;
  - confirm appointment of permanent officers or employees; and
  - approve the appointment of a person to a position in the Public Service without being required to serve a period of probation, if a person has previously been an officer or the delegate is satisfied that it appropriate that the person should not be required to serve a period of probation.
- 

**PROCEDURES:**

Where it is considered that annulment of an appointment is appropriate, the matter is to be submitted to the Director-General for a decision in terms of Chapter 2-17.5 of the Personnel Handbook.

A person may be appointed to a position in the Public Service without being required to serve such a period of probation if the person has previously been an officer or the Delegate thinks it appropriate in the particular case.

This delegation does not apply to a chief or senior executive position.

**Refer** to Chapter 2-17 Personnel Handbook and Section 23(4) Public Sector Employment and Management Act 2002. (DH)

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES*

**FILLING VACANCIES (OTHER THAN SES POSITIONS)**

1. **Approve** the internal advertising of an approved position to be filled on a temporary basis through an expression of interest process.
  2. **Approve** the external recruitment to an approved vacant position.
  3. **Approve** the external recruitment to an approved position to be filled on a temporary basis.
  4. **Approve** the use of print media within the Greater Metropolitan Sydney area, other capital cities or national press for external recruitment.
  5. **Approve** the use of employment agencies to source contractors to fill approved positions.
  6. **Authority to seek approval** from the Public Service Commission to use executive search hire or recruitment companies to manage external recruitment activity.
- 

**PROCEDURES:**

Subject to compliance with Ministry and Government Policy.

Under Public Service Commission Circular 2010-18, Staffing Freeze there is a freeze on the filling of all non-frontline jobs, contingent labour including contractors and consultants (used as a substitute for recruitment action); labour hire to fill temporary jobs; and executive search hire to manage recruitment. Apprenticeships, traineeships, cadetships and graduate program positions are exempt.

Exemption may be granted to the staffing freeze, provided that prior to approving to recruit to a permanent position, the delegate is satisfied that the position is not subject to structural change or corporate services reform.

All requests to externally advertise whether by way of online or print media advertising, or to use executive search hire or recruitment companies are to be accompanied by a sound business case/rationale.

**Refer:** Delegation S22 for delegation to approve the creation of positions.

**Refer:** Delegation S203 for internal advertising within the Ministry of positions subject to a restructure.

**Refer** to Public Service Commission Direction PSCC2013-02 *Public Sector Reform – Executive Interim Arrangements* for mandatory requirements on the advertising of Senior Officer positions pending implementation of the new executive structure and arrangements in the NSW public sector.

For Filling SES Vacancies see delegation S169, S170.

**Refer** Section 18 Public Sector Employment and Management Act 2002. (DH)  
Section 8 Public Sector Employment and Management Act 2002  
Public Service Commission Circular 2010-18

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**DELEGATES:**

*DIRECTOR-GENERAL*  
*DEPUTY DIRECTOR-GENERAL, GOVERNANCE, WORKFORCE AND CORPORATE*  
*DIRECTOR WORKPLACE RELATIONS*  
*DEPUTY DIRECTOR WORKPLACE RELATIONS*  
*ASSOCIATE DIRECTOR HUMAN RESOURCES*

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**FILLING SES VACANCIES**

- **Approval** to advertise a vacant established SES position in approved Ministry structures online and in the print media.
  - **Approval** to use an executive search company for recruitment to SES positions Level 4 and above.
  - **Authority** to seek approval from the Public Service Commission to use an executive search company for SES positions Levels 1-3.
- 

**PROCEDURES**

Subject to compliance with Ministry and Government Policy.

1. Under SES Guidelines, a position is not an SES position until the Public Service Commission has determined it as an SES position.
2. Under Public Service Commission Circular 2010-18, Staffing Freeze there is a freeze on the filling of all non-frontline jobs, contingent labour including contractors and consultants (used as a substitute for recruitment action); labour hire to fill temporary jobs; and executive search hire to manage recruitment.
3. Under Executive Services Update dated 16 May 2012 the decision to exempt an SES position from the Staffing Freeze has been delegated to the Director General. The Director-General has been delegated authority to approve advertising of SES or executive contract positions online and in print media, and to use an executive search company for SES Level 4 and above.

**Refer** to Public Service Commission Direction PSCC2013-02 *Public Sector Reform – Executive Interim Arrangements* for mandatory requirements on the advertising of Senior Executive Officer positions pending implementation of the new executive structure and arrangements in the NSW public sector.

**Refer** Section 18 Public Sector Employment and Management Act 2002. (DH)  
Public Service Commission Circular 2010-18.  
Public Service Commission SES Guidelines (section 3.2 and 3.3)  
Executive Services Update - SES Interim Arrangements – 16 May 2012.

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**DELEGATES:**

*DIRECTOR-GENERAL*

*DEPUTY DIRECTOR-GENERAL, GOVERNANCE, WORKFORCE AND CORPORATE*

*DIRECTOR WORKPLACE RELATIONS*

*DEPUTY DIRECTOR WORKPLACE RELATIONS*

*ASSOCIATE DIRECTOR HUMAN RESOURCES*

**SES CONTRACTS AND APPOINTMENTS**

1. **Approve** the appointment of an SES officer, subject to the Public Service Commission determining that the position is an SES position.
  2. **Determine** commencing remuneration up to 0.5 of the remuneration band for relevant position. Deputy Director-General, Governance, Workforce and Corporate is to approve commencing remuneration beyond 0.5 of the remuneration range, and quantum of recruitment/retention allowance (subject to Public Service Commission having approved payment of an allowance).
  3. **Execute** SES contracts of employment following approval of appointment.
  4. **Sign** Instrument of Appointment for SES appointments/acting appointments following approval of an offer of employment.
  5. **Approve** variations to SES officer contracts of employment at any time by a further contract between the parties. This includes approval to determine variation in Total Remuneration Package (TRP) for SES.
  6. **Approve** an adjustment within the approved remuneration range for an SES officer subject to a formal performance review being undertaken and in line with the annual SOORT Determinations.
  7. **Approval** of performance agreement. Approval of performance agreement sits with the respective Line Manager.
  8. **Approve** the removal of an SES officer from an executive position.
  9. **Authority** to declare an SES officer who is removed from an executive position to be an unattached officer.
  10. **Authority** to revoke any such declaration.
- 

**PROCEDURES**

The maximum period of unattachment for an SES officer is four weeks.

Exemption to extend the period of unattachment beyond the four week maximum period must be approved by the Public Service Commissioner.

**Refer** Part 3.1 Public Sector Employment and Management Act 2002. Public Service Commission SES Guidelines. (DH)

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**DELEGATES:**

*DIRECTOR-GENERAL (POINTS 1 TO 10)*

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
(POINTS 1 TO 10)*

*LEVEL 2 (POINTS 2 AND 7)*

*LEVEL 3 (POINTS 2 AND 7)*

*DIRECTOR WORKPLACE RELATIONS (POINTS 3 AND 4)*

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**DIVISIONS OF GOVERNMENT SERVICE FOR WHICH DIRECTOR-GENERAL IS  
DIVISION HEAD (OTHER THAN MINISTRY OF HEALTH)****Approve:**

1. The creation of positions and appointment of such employees as may be required for or in relation to the provision of services. This includes the determination of the commencing rates of pay.
2. Approve the issue of a letter of offer and appointment (in accordance with Ministry instructions) for positions up to the limits as specified hereunder beside each delegate (otherwise no limit applies). Grades referred to are those applicable under the Administrative and Clerical Officers Award, Senior Officers Award and Legal Officers Award.
3. The payment or deferment of salary increments.
4. Applications from employees to engage in private employment or undertake other extra official activities including retention of fees.
5. The taking and payment of the monetary value of all types of leave. This includes the authority to conserve recreation leave.
6. Payment of overtime.
7. Appointment of temporary assistance.
8. Undertaking disciplinary action and dealing with unsatisfactory performance (section 47 Public Sector Employment and Management Act 2002)
9. Temporary staff transfers (secondments under section 86 and 86A Public Sector Employment and Management Act 2002)
10. Use of privately owned vehicles.
11. Payment for meals, travel etc whilst travelling.
12. Approve payment higher duties allowances (clause 16-20 Public Sector Employment and Management Regulation 2009).
13. Dismissal of staff.

**NOTE: Only the Director-General can approve voluntary redundancies.**

\*This delegation applies only to staff of any Division established under Schedule 1, Parts 2 and 3 of the Public Sector Employment and Management Act for which the Director-General is Division Head, unless covered by specific General Employment Delegation. (Refer S229 – Mental Health Commission; and S230 – NSW Institute of Psychiatry).

Note: Under Public Service Commission Circular 2010-18, *Staffing Freeze* there is a freeze on the filling of all non-frontline jobs, contingent labour including contractors and consultants (used as a substitute for recruitment action); labour hire to fill temporary jobs; and executive search hire to manage recruitment. Apprenticeships, traineeships, cadetships and graduate program positions are exempt.

Exemption may be granted to the staffing freeze, provided that:

- prior to approving to recruit to a permanent position, the delegate is satisfied that the position is not subject to structural change or corporate services reform.
- requests to Public Service Commission to use executive search hire or recruitment companies to manage recruitment activity are accompanied by a sound business case/rationale.

Refer to Public Service Commission Circular 2013-02 *Public Sector Reform – Executive Interim Arrangements* for interim arrangements on creation, filling and advertising of SES and Senior Officer positions pending the implementation of the new executive structure in the NSW public sector.

---

**PROCEDURES:**

**Refer** Chapter 1A Public Sector Employment and Management Act 2002 generally, in particular section 4D and 4E of that Act. (DG).

Delegation is made by the Director-General as Division Head under section 4F of the Public Sector Employment and Management Act 2002.

Public Service Commission Circular 2010-18  
Public Sector Commission Circular 2013-02

At the making of this delegation the divisions established were the Health Professional Councils Authority Division, the Mental Health Commission Division and the NSW Institute of Psychiatry Division (limited to staff employed with the approval of the Minister administering the NSW Institute of Psychiatry Act 1964 and having the specialist qualifications set out in Schedule 1, Part 3 for that Division).

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE (1 TO 12)  
LEVEL 2 (ONLY IN RESPECT TO POINTS 2 to 6, 8 to 12)*

*\*LEVEL 3 (ONLY IN RESPECT TO POINTS 3, 4, 5, 6, 8 to 12)*

*\*LEVEL 4 (ONLY IN RESPECT TO POINTS 3, 4, 5, 6, 8 to 12)*

*LEVEL 5 (ONLY IN RESPECT TO POINTS 3, 4, 5, 6, 11 & 12)*

*\*DIRECTOR WORKPLACE RELATIONS (may, in addition, exercise functions under point 2) Up to and including Senior Officer*

*\*DEPUTY DIRECTOR WORKPLACE RELATIONS (may, in addition, exercise functions under point 2) Up to and including Senior Officer*

*\*ASSOCIATE DIRECTOR HUMAN RESOURCES (may, in addition, exercise functions under point 2) Up to and including Senior Officer*



**NOT ADVERTISING A POSITION**

**Approve** not advertising a position on the NSW Government's recruitment website and any other publication to allow the delegate to:

1. select the member of staff who has the greatest merit from among qualified members of staff holding positions in the Ministry, where the delegate is satisfied:
    - a significant number of staff will be potentially displaced arising from a restructure; and
    - redeployment opportunities are to be maximised.
  2. consider the appointment of an eligible member of staff from a designated disadvantaged group. (Refer Delegation S30).
- 

**PROCEDURES:**

In relation to 1. internal advertising may include transfer and promotional positions, but is restricted to the appointment of qualified members of staff only.

In relation to 2. a designated disadvantaged group is either:

- Aboriginal or Torres Strait Islander people;
- People who have a disability as defined in the *Anti Discrimination Act 1977*; or
- People under 25 years of age.

The appointment of a member of staff from a designated disadvantaged group may only occur if each of the following requirements is satisfied:

- There is a permanent position available;
- The employee has been employed for a period of 12 months or greater but that employment has not been on a casual basis;
- The employee has demonstrated the ability to perform in the position; has completed a recognised cadetship, apprenticeship, traineeship or other training program qualification that would qualify them for the position;
- The employee has undertaken a form of merit based selection to gain entry to the initial position;
- The employee has a career management plan agreed by the agency (either prior to or as soon as practicable following permanent appointment).

The delegation is limited to the above circumstances.

**Refer** sections 18(2) and 19(3) Public Sector Employment and Management Act 2002.  
Refer clause 6(2) of the Public Sector Employment and Management Regulation 2009  
(Delegation from Public Service Commissioner as to section 18(2)) (DH)  
MoH PD2013\_042 on restructuring.

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS*

---

**EMPLOYER SPONSORED PERMANENT TRANSFERS - PUBLIC SECTOR AGENCIES**

**Approve** the transfer of:

- an officer of the Ministry to a position in another public sector agency; or
  - a member of staff of a public sector agency to a position in the Ministry; or
  - a member of staff of the Ministry to another position or other employment within the Ministry.
- 

**PROCEDURES:**

The transfer may only occur if each of the following requirements are satisfied:

- Both the Delegate and the Head of the public sector agency approve of the transfer;
- The member of staff is consulted;
- The transfer is at the member of staff's existing level of remuneration, unless the person consents to transferring at a lower level of remuneration;
- The person must either possess the qualifications required for the position they are to be transferred to, or have the capacity to perform the work after a reasonable period of time; and
- If the person is employed in a staff position or on a temporary basis, the person is to be transferred to another staff position or to other temporary employment, respectively.

**Refer** section 87 Public Sector Employment and Management Act 2002. (DH)

**Refer** section 3-14.2 Personnel Handbook.

**Refer** Delegations Manual 2012, Public Service Commission Directive D2012\_004.

Delegation from the Public Service Commissioner.

---

**DELEGATES:**

*LEVEL 2*

*DIRECTOR WORKPLACE RELATIONS*

*DEPUTY DIRECTOR WORKPLACE RELATIONS*

*ASSOCIATE DIRECTOR HUMAN RESOURCES*

**ELIGIBILITY LISTS**

1. **Approval** to create an eligibility list for a position determined with merit in accordance with section 19(1) of the Act.
  2. **Approval** to apply an eligibility list to:
    - (a) the position in relation to which it was created; and
    - (b) a position other than for the position it was created.
- 

**Refer** Section 20 Public Sector Employment and Management Act 2002. (DH)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES*

**RETIRE INCAPABLE OFFICER**

**Approval** to retire an officer if an officer is found to be unfit to discharge or incapable of discharging the duties of the officer's position.

---

**PROCEDURES:**

In exercising this delegation the delegate is to ensure that the officer's unfitness or incapacity appears likely to be of a permanent nature and has not arisen from actual misconduct on the part of the officer or from causes within the officer's control.

**Refer** Section 25 Public Sector Employment and Management Act 2002 and Part 5-8 of Personnel Handbook. (DH)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES*

**TEMPORARY ASSIGNMENTS TO OTHER AGENCIES**

**Approve** the temporary assignment of an employee to undertake work for another public sector agency.

---

**PROCEDURES:**

**Refer** to the Personnel Handbook Appendix 3B.

**Refer** to section 88 of the Public Sector Employment and Management Act 2002. (DH)

---

**DELEGATES:**

*LEVEL 2*

*LEVEL 3*

**CASUAL EMPLOYEES**

**Approve** the employment of casual employees to carry out work in the Ministry.

**Approve** the termination of employment of casual employees.

---

**PROCEDURES:**

A person may be employed as a casual employee:

- (a) to carry out work that is irregular or intermittent; or
- (b) to carry out work, on a short-term basis, in an area of the Department with a flexible workload; or
- (c) to carry out the work of a position for a short period pending the completion of the selection process for the position; or
- (d) to carry out urgent work or to deal with an emergency.

Delegates are to ensure compliance with the Public Service Commission “Commentary and Guidelines on Temporary Employment and Casual Employment”.

Note: Under Public Service Commission Circular 2010-18, Staffing Freeze, there is a freeze on the filling of non-frontline jobs; contingent labour including contractors and consultants (used as a substitute for recruitment action); labour hire to fill temporary jobs; and executive search hire to manage recruitment activity.

Only the Director-General or Delegate can approve exemptions to the staffing freeze.

**Refer** Sections 38 and 39 of the Public Sector Employment and Management Act 2002. (DH) Public Service Commission Circular 2010-18 Staffing Freeze.  
Personnel Handbook, Part 2.4, Public Service Commission.  
Commentary and Guidelines on Temporary Employment and Casual Employment, February 2009.

---

**DELEGATES:**

*DIRECTOR-GENERAL*

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE*

*DIRECTOR WORKPLACE RELATIONS*

*DEPUTY DIRECTOR WORKPLACE RELATIONS*

*ASSOCIATE DIRECTOR HUMAN RESOURCES*

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**ACTING APPOINTMENTS**

**Approve** appointment of a member of staff of the Ministry or a member of staff of another Department to act in a position in the Ministry that is vacant or the holder of which is suspended, sick or absent.

---

**PROCEDURES:**

A person, while acting in a position, has all the functions of the holder of the position. However, a person who is not a senior executive officer does not become a senior executive officer for the purposes of Part 3.1 of the Act when acting in a senior executive position.

Any such officer is to be paid by allowance any difference between the officer's present salary or wage and the salary or wage to which the officer would have been entitled, if appointed to that position (other than on an acting or temporary basis).

**Refer** section 24 of the Public Sector Employment and Management Act 2002 and clause 18 Public Sector Employment and Management Regulation 2009. (DH)  
Section 3-8 Public Service Handbook.

---

**DELEGATES:**

*LEVEL 2*

*LEVEL 3*

**RELINQUISHING A POSITION**

**Approve** of an officer relinquishing his/her substantive position.

---

**PROCEDURES:**

Subject to compliance with any Ministry and Government Policy, eg. long term secondment and the operational needs of the Branch and the Ministry.

**Refer** to sections 14(2) and 26(1)(b) of the Public Sector Employment and Management Act 2002. (DG) This is an administrative delegation.

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES*



**GENERAL EMPLOYMENT FUNCTIONS – MENTAL HEALTH COMMISSION of NSW**

**Exercise** the functions of the Director-General of the Ministry of Health as Division Head of the Mental Health Commission Division:

- except for functions of fixing salary, wages and conditions of employment; and
- except in the case of executive positions (that is, non-award executive employees, such as those in the SES) with respect to the creation and deletion of these positions, and termination of the employment of any occupant of those positions.

This delegation is subject to:

- Strict compliance with provisions of all industrial awards, agreements and determinations.
- The Mental Health Commission must not enter into any arrangements with an individual staff member of Mental Health Commission Division (for example, Deeds of Release, termination payments etc) in respect of the settlement of any employment or industrial dispute, or on the termination of employment, which involves the payment of money or benefits to the member of staff over and above award or statutory conditions or entitlements without the written approval of the Director-General of the Ministry of Health.

This condition does not affect the current arrangements concerning the settlement of worker's compensation claims, or settlement of unfair dismissal cases lodged with the Industrial Relations Commission, provided such out of court settlement does not exceed the maximum amount of compensation that may be awarded by the Industrial Relations Commission under s89 of the *Industrial Relations Act 1996* i.e. 6 months remuneration. The settlement amount must be appropriate to, and reflect the circumstances of the dismissal.

---

**PROCEDURES:**

The Mental Health Commission Division of the Government Service is established under Part 2 of Schedule 1 of the Public Sector Employment and Management Act 2002.

**Refer** section 4D and 4E Public Sector Employment and Management Act 2002. (DG)

Delegation is made by the Director-General as Division Head under section 4F of the Public Sector Employment and Management Act 2002.

Delegates are authorised, under the provision of section 4F(2) of the Public Sector Employment and Management Act 2002, to sub-delegate functions to other members of staff of the Mental Health Commission Division.

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**DELEGATES:**

*MENTAL HEALTH COMMISSIONER*

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**EMPLOYMENT****5.30**

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REVOKED.

**APPOINTMENT OF A PERSON BELONGING TO A DESIGNATED DISADVANTAGED GROUP**

**Approve** the appointment to a permanent position of an eligible person belonging to a disadvantaged group.

---

**PROCEDURES:**

A designated disadvantaged group is either:

- Aboriginal or Torres Strait Islander people;
- People who have a disability as defined by the *Anti-Discrimination Act 1977*, or
- People under 25 years of age

The appointment of a member of staff person from a designated disadvantaged group may only occur if each of the following requirements is satisfied:

- There is a permanent position available;
- The employee has been employed for a period of 12 months or greater but that employment has not been on a casual basis;
- The employee has demonstrated the ability to perform in the position; has completed a recognised cadetship, apprenticeship, traineeship or other training program recognised as a pathway to the position; or completed a test examination or other qualification that would qualify them for the position;
- The employee has undertaken a form of merit based selection to gain entry to the initial position;
- The employee has a career management plan agreed to by the Ministry (either prior to or as soon as practicable following permanent appointment).

This delegation does not apply to a senior executive position.

**Refer** clause 6(2) Public Sector Employment and Management Regulation 2009

**Refer** Public Service Commission Circular 2012-09 Manual of Delegations 2012

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS*

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**REDUNDANCIES**

1. **Approve** the offer of voluntary redundancy packages to a member of staff in accordance with government policy.
  2. **Approve** the forced redundancy of a member of staff in accordance with government policy.
- 

**PROCEDURES:****This delegation is subject to:**

- compliance with current Public Service Commission policy and procedures as issued from time to time;
- the payment of the voluntary redundancy package to an employee being met within the budget allocation of the Ministry.

**Refer**

- Public Service Commission Directive 2011-007 *Managing Excess Employees*.
  - Premier's Memorandum M2011-11 *Changes to the Management of Excess Employees*.
  - Personnel Handbook – section 2-6. (DH)
- 

**DELEGATES:**

*DIRECTOR-GENERAL*

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE*

*DIRECTOR WORKPLACE RELATIONS (1 only)*

*DEPUTY DIRECTOR WORKPLACE RELATIONS (1 only)*

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**EXPENDITURE**

**6.2**

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**REVOKED**

**103(25/11/24)**

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DELEGATION: (F10, F69)

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**EXPENDITURE**

**6.3**

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**REVOKED**

**103(25/11/24)**

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DELEGATION: (F79)

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**EXPENDITURE**

**6.4**

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**REVOKED**

**103(25/11/24)**

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DELEGATION: (F90)



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**EXPENDITURE**

**6.5**

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**REVOKED**

**103(25/11/24)**

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DELEGATION: (F91)

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**EXPENDITURE**

**6.6**

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**REVOKED**

**102(19/11/24)**

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DELEGATION: (F109)

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**FINANCE**

**7.2**

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**REVOKED**

**103(25/11/24)**

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DELEGATION: (F34)

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**FINANCE**

**7.3**

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**REVOKED**

**103(25/11/24)**

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DELEGATION: (F66)

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**FINANCE**

**7.4**

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**REVOKED**

**103(25/11/24)**

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**DELEGATION: (F46)**

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**FINANCE**

**7.5**

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**REVOKED**

**103(25/11/24)**

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DELEGATION: (F48)

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**FINANCE**

**7.6**

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**REVOKED**

**103(25/11/24)**

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DELEGATION: (F39)



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**FINANCE**

**7.7**

---

**REVOKED**

**103(25/11/24)**

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**DELEGATION: (F85)**

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**FINANCE**

**7.8**

---

**REVOKED**

**103(25/11/24)**

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**DELEGATION: (F52)**

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**FINANCE**

**7.9**

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**REVOKED**

**103(25/11/24)**

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**DELEGATION: (A268)**

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**FINANCE**

**7.10**

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**REVOKED**

**103(25/11/24)**

---

DELEGATION: (A318)

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**FINANCE**

**7.11**

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**REVOKED**

**103(25/11/24)**

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DELEGATION: \*(A333)\*

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**FINANCE**

**7.12**

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**REVOKED**

**103(25/11/24)**

---

DELEGATION: (F89)

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**FINANCE**

**7.13**

---

**REVOKED**

**103(25/11/24)**

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**DELEGATION: (F92)**

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**FINANCE**

**7.14**

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**REVOKED**

**103(25/11/24)**

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**DELEGATION: (F93)**



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**FINANCE**

**7.15**

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**REOKED**

**103(25/11/24)**

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DELEGATION: (F94)

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**FINANCE**

**7.16**

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**REVOKED**

**103(25/11/24)**

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DELEGATION: (F95)

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**FINANCE**

**7.17**

---

**REVOKED**

**103(25/11/24)**

---

DELEGATION: (F96)

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**FINANCE**

**7.18**

---

**REVOKED**

**103(25/11/24)**

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DELEGATION: (F97)

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**FINANCE**

**7.19**

---

**REVOKED**

**103(25/11/24)**

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DELEGATION: (F7)

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**FINANCE**

**7.20**

---

**REVOKED**

**102(19/11/24)**

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DELEGATION: (F99)

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**FINANCE**

**7.21**

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**REVOKED**

**103(25/11/24)**

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**DELEGATION: (F100)**

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**FINANCE**

**7.22**

---

**REVOKED**

**102(19/11/24)**

---

**DELEGATION: (F101)**



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**FINANCE**

**7.23**

---

**REVOKED**

**102(19/11/24)**

---

DELEGATION: (A341)

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**FINANCE**

**7.24**

---

**REVOKED**

**102(19/11/24)**

---

DELEGATION: (F102)

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**FINANCE**

**7.25**

---

**REVOKED**

**103(25/11/24)**

---

DELEGATION: (F104)

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**FINANCE**

**7.26**

---

**REVOKED**

**103(25/11/24)**

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DELEGATION: \*(F105)\*

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**FINANCE**

**7.27**

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**REVOKED**

**103(25/11/24)**

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**DELEGATION: (F107)**

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**FINANCE**

**7.28**

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**REVOKED**

**103(25/11/24)**

---

**DELEGATION: (F106)**

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**FINANCE**

**7.29**

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**REVOKED**

**103(25/11/24)**

---

**DELEGATION: (F108)**

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**FINANCE**

**7.30**

---

**REVOKED**

**103(25/11/24)**

---

DELEGATION: (F110)



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**FINANCE**

**7.31**

---

**REVOKED**

**103(25/11/24)**

---

**DELEGATION: (F111)**

---

**FINANCE**

**7.32**

---

**REVOKED**

**102(19/11/24)**

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DELEGATION: (F113)

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**FINANCE**

**7.32a**

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**REVOKED**

**102(19/11/24)**

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DELEGATION: (F113)

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**FINANCE**

**7.33**

---

**REVOKED**

**103(25/11/24)**

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DELEGATION: (F114)

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**GOODS AND SERVICES**

**8.2**

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**REVOKED**

**102(19/11/24)**

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DELEGATION: (A1)

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**GOODS AND SERVICES**

**8.3**

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**REVOKED**

**102(19/11/24)**

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**DELEGATION: (A96)**

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**GOODS AND SERVICES**

**8.4**

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**REVOKED**

**102(19/11/24)**

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**DELEGATION: (A2)**



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**GOODS AND SERVICES**

**8.5**

---

**REVOKED**

**102(19/11/24)**

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DELEGATION: (A270)

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**GOODS AND SERVICES**

**8.6**

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**REVOKED**

**102(19/11/24)**

---

**DELEGATION: (A264)**

---

**GOODS AND SERVICES**

**8.7**

---

**REVOKED**

**102(19/11/24)**

---

DELEGATION: (A52)

---

**GOODS AND SERVICES**

**8.8**

---

**REVOKED**

**102(19/11/24)**

---

**DELEGATION: (A48)**

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**GOODS AND SERVICES**

**8.9**

---

**REVOKED**

**102(19/11/24)**

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DELEGATION: (A30, A31)

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**GOODS AND SERVICES**

**8.10**

---

**REVOKED**

**102(19/11/24)**

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DELEGATION: (A219, A220)

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**GOODS AND SERVICES**

**8.11**

---

**REVOKED**

**102(19/11/24)**

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**DELEGATION: (A334)**

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**GOODS AND SERVICES**

**8.12**

---

**REVOKED**

**103(25/11/24)**

---

**DELEGATION: (A339)**



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**GOODS AND SERVICES**

**8.13**

---

**REVOKED**

**102(19/11/24)**

---

DELEGATION: (A342)

---

**GOODS AND SERVICES**

**8.14**

---

**REVOKED**

**102(19/11/24)**

**103(25/11/24)**

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DELEGATION: (A346)

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**INDUSTRIAL MATTERS**

**Act** in the name of and on behalf of the Secretary, NSW Treasury with respect to:

appearing in proceedings before tribunals having jurisdiction to deal with industrial matters including negotiations, conferences and inspections involved in industrial matters.

**Subject to the following:**

- the industrial matter does not involve significant costs as a component of the Ministry's funds;
  - no new industrial standards will result from the industrial process, including any impact on existing awards, agreements or determinations;
  - there will be no potential for flow on to other areas of the Ministry or the Public Service;
  - complies with the relevant Government policy, including Wages Policy; and
  - the matter is clearly identifiable as a local industrial matter.
- 

**PROCEDURES:**

**Refer** Section 129 Public Sector Employment and Management Act 2002; and Public Service Commission Manual of Delegations to Department Heads 2012, Section 2, paragraph 1. (DH)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES  
PRINCIPAL WORKPLACE RELATIONS ADVISOR  
SENIOR WORKPLACE RELATIONS ADVISOR  
WORKPLACE RELATIONS ADVISOR  
ASSISTANT WORKPLACE RELATIONS ADVISOR*

---

**ENGAGEMENT OF COUNSEL FOR INDUSTRIAL MATTERS**

**Authority** to engage of counsel to represent the Director-General in any proceedings of an industrial nature.

---

**PROCEDURES:**

Refer S13 Health Administration Act 1982. (HAC)

Expenditure covered by General Financial Delegation F10, F69.

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL  
ASSOCIATE DIRECTOR LEGAL AND REGULATORY SERVICES AND DEPUTY GENERAL  
COUNSEL  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS*

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**INDUSTRIAL**

**9.4**

---

REVOKED.

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DELEGATION: (A42)

58(24/01/14)

**NEGOTIATION OF INDUSTRIAL AGREEMENTS**

**Negotiation** of the terms of agreements and settlement of applications for industrial agreements (other than enterprise agreements).

**Provided** that the approval of the Director-General or Deputy Director-General, Governance, Workforce and Corporate is given in each particular case to the final settlement.

---

**PROCEDURES:**

**Refer** section 116 and 116A Health Services Act 1997. (DG)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR WORKPLACE RELATIONS*

**ISSUING POLICY DIRECTIVES AND INFORMATION BULLETINS ON INDUSTRIAL MATTERS**

**Approve** the issue of official Ministry Policy Directives and Information Bulletins in relation to NSW Health Service staff industrial matters, provided that necessary approvals have been obtained or Director-General determination has been made.

This delegation cannot be exercised in contradiction of matters set by Ministry of Health policy. (DG)

---

**PROCEDURES:**

**Administrative Direction** (DG) – Exemption from requirements of Policy Directive PD2009\_029.

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR WORKPLACE RELATIONS*



**APPEARANCE BEFORE INDUSTRIAL RELATIONS COMMISSION OR  
ADMINISTRATIVE DECISIONS TRIBUNAL**

**Authority** to appear on behalf of the Director-General as the employer of NSW Health Service staff in proceedings (including negotiations, conferences and inspections) involving employment or workplace issues before the Industrial Relations Commission or the Administrative Decisions Tribunal.

**Provided** that this delegation does not authorise the delegate to make or amend any industrial award agreement or establish new classifications, determine salary rates or conditions of employment of employees nor to create nor amend any policy of the Ministry of Health; and

**Provided** that the matter is clearly identifiable as a local industrial matter and there is no potential for flow-on to other areas of the NSW Health Service.

---

**PROCEDURES:**

Delegates may authorise another person, or a person for the time being holding a specified office, from the NSW Health Service in writing under section 21(3) and (4) of the Health Administration Act 1982 to exercise this function.

**Refer** section 116(3) of the Health Services Act 1997. (DG)

---

**DELEGATES:**

*CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, STATUTORY HEALTH CORPORATION  
AND AMBULANCE SERVICE OF NSW*

**VARIATION OF AWARDS**

**Authority** to vary awards to reflect the orders of the Industrial Relations Commission under section 51 of the Industrial Relations Act 1996.

---

**PROCEDURES:**

**Refer** section 116A Health Services Act 1997. (DG)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR WORKPLACE RELATIONS  
PRINCIPAL WORKPLACE RELATIONS ADVISOR  
SENIOR WORKPLACE RELATIONS ADVISOR  
WORKPLACE RELATIONS ADVISOR  
ASSISTANT WORKPLACE RELATIONS ADVISOR*

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**RIGHT TO INFORMATION APPLICATIONS**

**Power** to deal with a Right to Information application.

---

**PROCEDURES:**

**Refer** Section 9(3) Government Information (Public Access) Act 2009

**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982

---

**DELEGATES:**

*LEVEL 2*

*EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL*

*DIRECTOR LEGAL AND DEPUTY GENERAL COUNSEL*

*DIRECTOR CORPORATE GOVERNANCE AND RISK MANAGEMENT*

*GIPA SPECIALIST*

*PRINCIPAL POLICY OFFICER (CORPORATE GOVERNANCE AND RISK MANAGEMENT)*

**DISCLOSURE OF INFORMATION**

1. Approve disclosure of information obtained in connection with administration or execution of the Health Administration Act.
  2. Impose conditions and requirements on any approved release.
- 

**CONDITIONS**

1. Approval must:
    - a. be in writing
    - b. describe the information authorised to be released and must name the body or person to whom the disclosure is authorised (clause 16(4) Health Administration Regulation 2020).
  2. Personally identifying information may only be released if the delegate is satisfied that:
    - a. the individual consents to the disclosure; or
    - b. the disclosure of the information is urgently required in the interests of public health; or
    - c. the information is required for medical research and is being conducted in accordance with any guidelines of the NHMRC the delegate considers relevant.(clause 16(3)(a)-(c) of the Health Administration Regulation 2020)
- 

**Refer** Clause 16 Health Administration Regulation 2020.

**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*LEVEL 2*

*CHIEF PROCUREMENT OFFICER*

*EXECUTIVE DIRECTOR CENTRE FOR EPIDEMIOLOGY AND EVIDENCE*

---

**ACCESS TO STATE RECORDS**

**Power** to approve access to records that are subject to a “closed to public access (CPA) direction”.

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**Conditions**

1. Compliance with the Privacy Manual for Health Information, Privacy and Personal Information Protection Act 1998 and State Records Act 1998.
  2. Applicants are to be issued with a written authorisation confirming approval of access.
- 

**Refer** Section 55 State Records Act 1998.

**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*DEPUTY SECRETARY FINANCE AND ASSET MANAGEMENT AND CHIEF FINANCIAL OFFICER  
EXECUTIVE DIRECTOR, CORPORATE SERVICES AND BUSINESS IMPROVEMENT*

**DISCLOSURE OF AGGREGATE AND/OR DE-IDENTIFIED INFORMATION**

**Approve** disclosure of aggregate and/or de-identified information.

---

**CONDITIONS**

1. Approval must be in writing.
2. Notification to the Ministry of Health or relevant organisation of any proposed publication arising from use of the data at least two (2) weeks in advance of any public release.
3. In respect to Local Health Districts and Public Health Units this delegation is only for the release of aggregate data relating to Local Health Districts and Public Health Units provided in the Local Health District or Public Health Unit and the population served by the Local Health District or Public Health Unit.
4. The delegation to the Chief Cancer Officer, Cancer Institute NSW relates only to the release of aggregated and/or de-identified information:
  - concerning cases of cancer reported to the NSW Central Cancer Registry;
  - relating to the BreastScreen NSW Program; and
  - relating to the NSW Pap Test Register.
5. The delegation to the Chief Executive, Bureau of Health Information relates only to the release of aggregated and/or de-identified information:
  - relating to the NSW Patient Survey Program.
6. Any approval must describe the information authorised to be released and must name the body or person to whom the disclosure is authorised as described in clause 16(4) of the Health Administration Regulation 2020

**Notes**

Delegates should be aware of the restrictions set out in clause 16(3) of the Health Administration Regulation 2020 as to release of personally identifying information.

---

**Refer** clause 16 Health Administration Regulation 2020.

**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*CHIEF HEALTH OFFICER  
DEPUTY SECRETARY PATIENT EXPERIENCE AND SYSTEM PERFORMANCE  
EXECUTIVE DIRECTOR CENTRE FOR EPIDEMIOLOGY AND EVIDENCE  
EXECUTIVE DIRECTOR HEALTH PROTECTION  
EXECUTIVE DIRECTOR SYSTEM INFORMATION AND ANALYTICS  
CHIEF PHARMACIST  
CHIEF CANCER OFFICER CANCER INSTITUTE NSW  
CHIEF EXECUTIVE BUREAU OF HEALTH INFORMATION  
CHIEF EXECUTIVE LOCAL HEALTH DISTRICT (for LHD specific data)  
DIRECTOR PUBLIC HEALTH UNIT LOCAL HEALTH DISTRICT (for LHD specific data)*

---

**EXEMPTION FROM DISCLOSURE OF CONTRACT INFORMATION**

**Authority** to determine that certain contract information not be included in the government contracts register kept under Division 5 of Part 3 of the Government Information (Public Access) Act 2009.

---

**CONDITION:**

Compliance with the Ministry of Health policy on Disclosure of Contract Information.

---

**Refer** section 32 Government Information (Public Access) Act 2009

**Refer** Ministry of Health Policy– PD2018\_021 Disclosure of Contract Information.

**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*DEPUTY SECRETARY FINANCIAL SERVICES AND ASSET MANAGEMENT AND CHIEF  
FINANCIAL OFFICER  
CHIEF PROCUREMENT OFFICER*



---

## INFORMATION

10.7

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HEALTH PROFESSIONAL COUNCILS AUTHORITY – Government Information (Public Access) Act

**Authority** to exercise the functions of the *principal officer* of the Health Professional Councils Authority under the Government Information (Public Access) Act 2009.

---

## PROCEDURES

**Refer** Government Information (Public Access) Act 2009. (DG)

---

## DELEGATES:

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL  
DIRECTOR HEALTH PROFESSIONAL COUNCILS AUTHORITY*

**DISCLOSURE OF AGGREGATE AND/OR DE-IDENTIFIED INFORMATION by the NSW AGENCY FOR CLINICAL INNOVATION**

**Approve** disclosure of aggregate and de-identified information for the purpose of analyses to support the development, implementation and evaluation of models of care developed by the NSW Agency for Clinical Innovation for data sets owned and coordinated by the NSW Agency for Clinical Innovation.

---

**CONDITIONS:**

1. Approval must be in writing
2. Any approval must describe the information authorised to be released and must name the body or person to whom the disclosure is authorised as described in clause 16(4) Health Administration Regulation 2020.
3. Notification to the Ministry of Health of any proposed publication arising from use of the data at least two (2) weeks in advance of any public release.

**Notes**

Delegates should be aware of the restrictions set out in clause 16(3) Health Administration Regulation 2020, as to the release of personally identifying information.

---

**Refer** clause 16(2) Health Administration Regulation 2020.

**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*CHIEF HEALTH OFFICER*

*CHIEF EXECUTIVE AGENCY FOR CLINICAL INNOVATION*

---

**DISCLOSURE OF INFORMATION THAT MAY IDENTIFY AN INDIVIDUAL TO A HEALTH RECORDS LINKAGE ORGANISATION**

**Approve** disclosure of information that may identify an individual to a health records linkage organisation.

---

**CONDITIONS:**

1. Approval must be in writing.
2. Release of information is limited to the Centre for Health Record Linkage (CHeReL), or any other similar organisation approved by the Secretary, for the purposes of obtaining a unique identifier to be used for the funding, management, planning or evaluation of health services.
3. Any approval must describe the information authorised to be released and must name the body or person to whom the disclosure is authorised as described in clause 16(4) of the Health Administration Regulation 2020

**Notes:**

1. This delegation does not authorise the use or disclosure of personal identifiers for further purposes, such as the creation of a linked dataset containing information that may identify an individual.
  2. Delegates should be aware of the restrictions set out in clause 16(3) Health Administration Regulation 2020 as to release of personally identifying information.
  3. Delegates should refer to the *Privacy Manual for Health Information* for further guidance.
- 

**Refer:** Clause 16(3)(d) Health Administration Regulation 2020

**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*CHIEF HEALTH OFFICER*

*DEPUTY SECRETARY PATIENT EXPERIENCE AND SYSTEM PERFORMANCE*

*EXECUTIVE DIRECTOR CENTRE FOR EPIDEMIOLOGY AND EVIDENCE*

*EXECUTIVE DIRECTOR HEALTH SYSTEM INFORMATION AND ANALYTICS*

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**HEALTH PROFESSION COUNCILS – Government Information (Public Access) Act**

**Authority** to exercise the functions of the *principal officer* under the Government Information (Public Access) Act 2009 for the listed health profession councils:

- Aboriginal and Torres Strait Islander Health Practice Council of New South Wales
- Chinese Medicine Council of New South Wales
- Chiropractic Council of New South Wales
- Dental Council of New South Wales
- Medical Radiation Practice Council of New South Wales
- Nursing and Midwifery Council of New South Wales
- Occupational Therapy Council of New South Wales
- Optometry Council of New South Wales
- Osteopathy Council of New South Wales
- Paramedicine Council of New South Wales
- Physiotherapy Council of New South Wales
- Podiatry Council of New South Wales
- Psychology Council of New South Wales

---

**CONDITION:**

An Executive Officer of a health profession council is authorised to exercise the functions of the principal officer only in respect to the health profession council in which the delegate is appointed as Executive Officer.

**Refer:** Government Information (Public Access) Act 2009.

**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL  
DIRECTOR HEALTH PROFESSIONAL COUNCILS AUTHORITY  
EXECUTIVE OFFICER, ABORIGINAL AND TORRES STRAIT ISLANDER HEALTH PRACTICE  
COUNCIL OF NEW SOUTH WALES  
EXECUTIVE OFFICER, CHINESE MEDICINE COUNCIL OF NEW SOUTH WALES  
EXECUTIVE OFFICER, CHIROPRACTIC COUNCIL OF NEW SOUTH WALES  
EXECUTIVE OFFICER, DENTAL COUNCIL OF NEW SOUTH WALES  
EXECUTIVE OFFICER, MEDICAL RADIATION PRACTICE COUNCIL OF NEW SOUTH WALES  
EXECUTIVE OFFICER, NURSING AND MIDWIFERY COUNCIL OF NEW SOUTH WALES  
EXECUTIVE OFFICER, OCCUPATIONAL THERAPY COUNCIL OF NEW SOUTH WALES  
EXECUTIVE OFFICER, OPTOMETRY COUNCIL OF NEW SOUTH WALES  
EXECUTIVE OFFICER, OSTEOPATHY COUNCIL OF NEW SOUTH WALES  
EXECUTIVE OFFICER, PARAMEDICINE COUNCIL OF NEW SOUTH WALES  
EXECUTIVE OFFICER, PHYSIOTHERAPY COUNCIL OF NEW SOUTH WALES  
EXECUTIVE OFFICER, PODIATRY COUNCIL OF NEW SOUTH WALES  
EXECUTIVE OFFICER, PSYCHOLOGY COUNCIL OF NEW SOUTH WALES*

**DISCLOSURE OF INFORMATION – LOCAL HEALTH DISTRICT**

1. Approve disclosure of information owned or coordinated by a Local Health District, obtained in connection with administration or execution of the Health Administration Act.
  2. Impose conditions and requests on any approved release.
- 

**CONDITIONS:**

1. Approval must:
    - a. be in writing, and
    - b. describe the information authorised to be released and must name the body or person to whom the disclosure is authorised.
  2. Personally identifying information may only be released if the delegate is satisfied that:
    - a. the individual consents to the disclosure; or
    - b. the disclosure of the information is urgently required in the interests of public health; or
    - c. the information is required for medical research and is being conducted in accordance with any guidelines of the NHMRC the delegate considers relevant.
  3. The delegate may authorise a Tier 2 position within the LHD to exercise this delegation provided :
    - a. the authority is in writing;
    - b. the Tier 2 position does not hold the position of data custodian; and
    - c. the authority is limited to information that is epidemiological data that does not identify any individual to whom the information relates.
  4. Compliance with NSW Health Policy Directive - Disclosure of unit record data by Local Health Districts for research or contractor services.
- 

**Refer** Clause 16 Health Administration Regulation 2020  
Section 21(3) and (4) Health Administration Act 1982.

**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*CHIEF EXECUTIVE LOCAL HEALTH DISTRICT*

---

**Authority** to exercise the functions of the head of a public sector agency under:

- Part 6A Privacy and Personal Information Protection Act 1998.

For the purpose of managing data breach notifications under the Mandatory Notification of Data Breach Scheme.

---

**Refer** Part 6A Privacy and Personal Information Protection Act 1998.

**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*LEVEL 2*

*EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL*

*CHIEF EXECUTIVE AMBULANCE SERVICE OF NSW*

*CHIEF EXECUTIVE NSW HEALTH PATHOLOGY*

*CHIEF EXECUTIVE HEALTH INFRASTRUCTURE*

*CHIEF EXECUTIVE HEALTHSHARE NSW*

*CHIEF EXECUTIVE eHEALTH NSW*

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---

## ACQUISITION AND DISPOSAL OF LAND

**Approve** the acquisition of interest in land by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991; and

**Approve** the sale, lease, exchange, mortgage, dedication or other dealings, including the grant of easements or rights of way, involving land acquired by or vested in the Corporation, **Local Health District**, statutory health corporations.

---

## PROCEDURES:

Subject to compliance with:

- i) Approved Project Budget, Scope and Cashflow; and
- ii) Government property acquisition policy and guidelines (i.e. Government Asset Management Committee processes).

**#Health Infrastructure Delegates:** Subject to prior notification to the Director, Business and Asset Services and Chief Procurement Officer of property and transaction detail and limited to acquisition and disposal of land and buildings part of the approved business case scope of Health Infrastructure capital projects.

This delegation covers the approval of acquisition, disposal or dedication of land by the Health Administration Corporation, Local Health Districts and statutory health corporations. These functions however require the prior approval of the Minister, which may be exercised by the delegates below.

(A separate delegation of HAC functions is that in delegation (A13, A14) on page 11.3.)

Note: Approval of leases by Local Health Districts or statutory health corporations are dealt with by a separate delegation (A16, A19) on page 11.4

**Refer** Sections 10 & 11 Health Administration Act 1982. (M) (HAC)  
 Section 34 (2) & (3) Health Services Act 1997. (M)  
 Section 55 (2) & (3) Health Services Act 1997. (M)

---

## DELEGATES:

*DIRECTOR-GENERAL*

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE*

*DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER*

*#HEALTH INFRASTRUCTURE BOARD*

over 5 Million

*#CHIEF EXECUTIVE HEALTH INFRASTRUCTURE*

up to 5 Million

---



**EXECUTION OF DOCUMENTS RELATING TO LAND**

**Execution and acceptance** of documents relating to the sale, lease, exchange or disposal of, or dealing in land by the Corporation in respect of land acquired by the Corporation under the Health Administration Act 1982, or any other Act; and

**Execution and acceptance** of documents relating to the acquisition of interest land by way of agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

---

**PROCEDURES:**

This delegation relates only to the exercise of the functions of the Health Administration Corporation. Such functions are subject to the approval of the Minister. [A separate delegation of the Ministerial function is that in delegation (A6, A8, A10, A12, A15, A18) on page 11.2.]

**Refer** sections 10 & 11 Health Administration Act 1982. (HAC)  
Land Acquisition (Just Terms Compensation) Act 1991. (HAC)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER  
ASSOCIATE DIRECTOR ASSET SERVICES  
SENIOR MANAGER ASSET SERVICES  
MANAGER ASSET SERVICES  
CHIEF EXECUTIVE AMBULANCE SERVICE OF NSW  
CHIEF EXECUTIVE STATUTORY HEALTH CORPORATION  
  
CHIEF EXECUTIVE LOCAL HEALTH DISTRICT  
CHIEF EXECUTIVE HEALTH INFRASTRUCTURE*

**ACQUISITION OR DISPOSAL OF LAND BY LEASE BY LOCAL HEALTH DISTRICT OR STATUTORY HEALTH CORPORATION**

**Approve** of a Local Health District or statutory health corporation:

- Acquiring of interest in land by lease (where the land is for Local Health District or statutory health corporation purposes and the initial term of the lease and any options to renew does not exceed a total period of six years).
- Disposing of land by way of lease (where the term of the initial term of the lease and any options to renew does not exceed a total period of six years).

Any proposal to renew or extend a lease arrangement beyond the initial six year period requires Ministerial/Ministry approval.

**Provided** that any lease to which the Retail Leases Act 1994 applies may be entered into for a period of five (5) years with an option to renew not exceeding five (5) years.

---

**PROCEDURES:**

This delegation relates to the Ministerial approval required for such leases.

**Subject to** compliance with NSW Health and Government policy, including compliance with market rental policy.

**Refer** Sections 34 (2) and 55 (2) Health Services Act 1997. (M)

---

**DELEGATES:**

*DIRECTOR-GENERAL*

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE*

*DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER*

*ASSOCIATE DIRECTOR ASSET SERVICES*

*SENIOR MANAGER ASSETS*

*CHIEF EXECUTIVE STATUTORY HEALTH CORPORATION*

*CHIEF EXECUTIVE LOCAL HEALTH DISTRICT*

---

**LAND**

**11.5**

---

**COSTS AND LEGAL EXPENSES FOR LAND ACQUISITION**

**Authorise** commitments and expenditure in respect of costs (including acquisition costs) and legal expenses in connection with land acquisition, including payment of rates where the acquisition of land and commitment of funds has been approved by an appropriate delegate.

---

**PROCEDURES:**

**Refer** Section 12 Public Finance and Audit Act 1983. (M)

---

**DELEGATES:**

*LEVEL 1*

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE*

*DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES*

*DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER*

*ASSOCIATE DIRECTOR ASSET SERVICES*

*SENIOR MANAGER ASSET SERVICES*

*MANAGER ASSETS*

*CHIEF FINANCIAL OFFICER*

---

DELEGATION: (F35, F36)

58(24/01/14)

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---

**PAYMENT OF LEAVE FOR DECEASED STAFF**

**Approve** payment of the monetary value of leave to:

1. the employee's nominated beneficiary; or if no beneficiary has been nominated;
2. the spouse of the employee; or if none;
3. the children of the employee (including adult sons and daughters, not necessarily dependent); or if there is a guardian of the children then to the guardian for the children's maintenance, education and welfare; or if there is none;
4. other dependent relative(s); or if none;
5. the employee's estate.

**AND**

**Approve** payment of funeral expenses:

1. From any moneys due to the deceased, to any person, where there are no assets or insufficient assets to warrant the expense of applying for grant of administration or probate, and where production of a receipt for the funeral expenses and a statutory declaration in regard to assets are produced; or
2. As a first charge against the value of unpaid recreation leave owing to the deceased, to any person who has paid the funeral expenses, or to a funeral director.

---

**PROCEDURES:**

**Refer** Personnel Handbook Chapter 5-3.3 and refer Treasurer's Directions 602.01 and 602.02. (M)

---

**DELEGATES:**

*LEVEL 1*

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES*

---

**LEAVE****12.3**

---

**CARRY FORWARD OF EXCESS RECREATION LEAVE FOR SES STAFF**

**Approve** of an SES officer carrying forward in excess of 10 days recreation leave in any one (1) year.

**Approve** of an SES officer conserving recreation leave.

---

**PROCEDURES:**

**Refer** Chapter 8, Public Service Commission SES Guidelines and section 74 Public Sector Employment and Management Act 2002. (DH)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS*

---

**LEAVE****12.4**

---

**SICK LEAVE AND REMOTE AREA RECREATION LEAVE**

**Approve** special sick leave; and

**Approve** remote area recreation leave provisions.

---

**PROCEDURES:**

For special sick leave refer to the Personnel Handbook Chapter 6-17.12;

For remote area recreation leave refer to Personnel Handbook Chapter 6-15 and clause 77.1.2 Crown Employees (Public Service Conditions of Employment) Award 2009. (DH)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES*

---

**CONSERVATION OF RECREATION LEAVE**

**Approve** the conservation of recreation leave by staff.

---

**PROCEDURES:**

This delegation includes the authority to direct a person to take recreation leave at such a time as is convenient to the workings of the Ministry, taking into account, as far as is practicable, the wishes of the person concerned.

This delegation **does not cover SES** staff.

**Refer** Personnel Handbook Chapter 6-15.3.6; Crown Employees (Public Service Conditions of Employment) Award 2009. (DH)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES  
PRESIDENT MENTAL HEALTH REVIEW TRIBUNAL*



---

**GRANT AND PAYMENT OF LEAVE**

**Approve** the grant and other permissions or approvals, and payment of the monetary value of leave as provided for in the Crown Employees (Public Service Conditions of Employment) Award (unless provided for by other delegation).

---

**PROCEDURES:**

**Subject to** conditions set out in the Personnel Handbook Chapter 6.

Special Leave only Chapter 6.18-6.21 conditions of Personnel Handbook to apply.

Study Assistance and the attendance of staff at staff development and training activities with payment of necessary expenses or allowances to be approved under **Delegation (F10, F69)**.

**See Delegation S72** for conservation of recreation leave.

**See Delegation S228** for Carer's leave utilising accrued sick leave of staff member's eligible service.

**Refer** to clause 22 Public Sector Employment and Management Regulation 2009.

**Refer** Crown Employees (Public Service Conditions of Employment) Award 2009. (DH)

---

**DELEGATES:**

*LEVEL 2*

*LEVEL 3*

*LEVEL 4*

*LEVEL 5*

*DEPUTY REGISTRAR MENTAL HEALTH REVIEW TRIBUNAL*

---

**LEAVE FOR SES OFFICERS**

**Approve** SES officers taking leave in accordance with the leave provisions in the Crown Employees (Public Service Conditions of Employment) Award (unless provided for by other delegation).

(NB SES officers are not entitled to time-in-lieu or overtime.)

---

**PROCEDURES:**

**Subject to** conditions set out in the Personnel Handbook, Chapter 6, and Public Service Commission SES Guidelines.

**Officers cannot approve their own leave.**

**Refer** to clause 22 of the Public Sector Employment and Management Regulation 2009. (DH)

**Refer** Public Service Commission SES Guidelines.

---

**DELEGATES:**

*LEVEL 2*

*LEVEL 3*

---

**SICK LEAVE - CONFIDENTIALITY**

**Authority** to determine the procedures by which a member of staff may elect to have a sick leave application dealt with confidentially by an alternate manager or Human Resources officer.

---

**PROCEDURES:**

**Refer** Chapter 6-17 Personnel Handbook  
Clause 80.6 Crown Employees (Public Service Conditions of Employment) Award. (DH)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES*

---

**LEAVE****12.9**

---

**SICK LEAVE – FORFEITED**

**Approve** access to forfeited sick leave where sick leave entitlement has been exhausted.

---

**PROCEDURES:**

This delegation applies only in respect to mobility of public sector employees and section 98 of the Act should be read prior to exercising the delegation.

**Refer** Section 98 Public Sector Employment and Management Act 2002. (DH)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES*

---

**LEAVE****12.10**

---

**DECEASED STAFF – EXTENDED LEAVE**

**Determination** of a dependent relative of a deceased officer for the purpose of making extended leave entitlement payments.

---

**PROCEDURES:**

**Refer** Schedule 3 clause 5 Public Sector Employment and Management Act 2002. (DH)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES*

---

**CARER'S LEAVE – UTILISING ACCRUED SICK LEAVE OF ELIGIBLE SERVICE**

**Authority** to grant sick leave that accrued during a staff member's eligible service to be taken to care for a family member.

---

**PROCEDURES:**

**Subject to** Family and Community Service leave entitlement and sick leave accumulated over the previous 3 years having been exhausted.

**Refer** Section 6 -13 Personnel Handbook  
Clause 81.2 of the Crown Employees (Public Service Conditions of Employment)  
Award 2009 (DH)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS*

**LEAVE – PUBLIC SERVICE NON-EXECUTIVE EMPLOYEES –  
HEALTH PROFESSIONAL COUNCILS AUTHORITY**

1. Approve the grant and payment of Sick Leave, Family and Community Services Leave, Leave without Pay, Annual Leave, Flex Time and Time in Lieu.
2. Approve the grant and payment of Extended Leave

---

**Notes:**

1. For guidance see NSW Industrial Relations [Leaving Public Service Employment](#)
  2. For carer's leave utilising accrued sick leave of eligible service see Delegation S228.
- 

**Refer** Section 6 of the Crown Employees (Public Service Conditions of Employment) Award  
**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982

---

**DELEGATES Points 1 and 2:**

*DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE  
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL  
COUNSEL  
DIRECTOR HEALTH PROFESSIONAL COUNCILS AUTHORITY*

**DELEGATES Point 1 only:**

*ASSISTANT DIRECTORS HEALTH PROFESSIONAL COUNCILS AUTHORITY  
EXECUTIVE OFFICERS HEALTH PROFESSIONAL COUNCILS AUTHORITY  
MEDICAL DIRECTOR HEALTH PROFESSIONAL COUNCILS AUTHORITY  
MANAGER CORPORATE GOVERNANCE HEALTH PROFESSIONAL COUNCILS  
AUTHORITY  
ADMINISTRATIVE CO-ORDINATOR HEALTH PROFESSIONAL COUNCILS AUTHORITY  
PROCUREMENT AND FACILITIES COORDINATOR, HEALTH PROFESSIONAL  
COUNCILS AUTHORITY  
PRINCIPAL NURSING AND MIDWIFERY OFFICER COMPLAINTS AND RISK HEALTH  
PROFESSIONAL COUNCILS AUTHORITY*

**DELEGATES Point 1 only: cont'd**

*SENIOR HUMAN RESOURCES ADVISOR HEALTH PROFESSIONAL COUNCILS  
AUTHORITY  
PRINCIPAL LEGAL OFFICER HEALTH PROFESSIONAL COUNCILS AUTHORITY  
PRINCIPAL OFFICER, MONITORING HEALTH PROFESSIONAL COUNCILS  
AUTHORITY  
PRINCIPAL QUALITY MANAGEMENT OFFICER HEALTH PROFESSIONAL COUNCILS  
AUTHORITY  
PRINCIPAL COMMUNICATIONS AND INFORMATION MANAGEMENT OFFICER  
HEALTH PROFESSIONAL COUNCILS AUTHORITY  
SENIOR COMMUNICATIONS OFFICER HEALTH PROFESSIONAL COUNCILS  
AUTHORITY  
PRINCIPAL, CASE MANAGEMENT OFFICER HEALTH PROFESSIONAL COUNCILS  
AUTHORITY  
PRINCIPAL OFFICER, CO-ORDINATION AND FITNESS TO PRACTISE HEALTH  
PROFESSIONAL COUNCILS AUTHORITY  
PRINCIPAL COMMUNICATIONS HEALTH PROFESSIONAL COUNCILS AUTHORITY  
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PRINCIPAL FINANCE ANALYST HEALTH PROFESSIONAL COUNCILS AUTHORITY  
PRINCIPAL QUALITY HEALTH PROFESSIONAL COUNCILS AUTHORITY  
PRINCIPAL ICT ENTERPRISE ARCHITECT AND SOLUTIONS DELIVERY HEALTH  
PROFESSIONAL COUNCILS AUTHORITY  
SENIOR CASE MANAGEMENT OFFICER HEALTH PROFESSIONAL COUNCILS  
AUTHORITY  
TEAM LEADER / EXECUTIVE OFFICERS HEALTH PROFESSIONAL COUNCILS  
AUTHORITY*



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**MISCELLANEOUS**

**13.2**

---

**REVOKED**

**102(19/11/24)**

---

DELEGATION: (A246)

**POLICE DEPARTMENT INFRINGEMENT NOTICES**

**Power** to make and sign statutory declarations in respect of Police Department infringement notices.

---

**PROCEDURES:**

**Refer** Section 27 Health Administration Act 1982. (C)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
CHIEF PROCUREMENT OFFICER  
FINANCIAL CONTROLLER*

**SEMI OFFICIAL TELEPHONES**

**Authority** to approve of officers to be classified as semi official telephone users subject to conditions as specified in the Ministry's accounting manual.

---

**PROCEDURES:**

**Refer** page 5.60 Accounting Manual (Telephone Policy) and Premier's Circular C1999-09. (DG)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES  
DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
CHIEF FINANCIAL OFFICER  
FINANCIAL CONTROLLER  
EXECUTIVE DIRECTOR NSW INSTITUTE OF PSYCHIATRY*

---

**MISCELLANEOUS****13.5**

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**ACCOUNTABLE BOOKS**

**Signing** requisitions for (new) accountable books and forms to be held in stock by the Ministry.

---

**PROCEDURE:**

Administrative Direction (DG)

---

**DELEGATES:**

*FINANCIAL CONTROLLER*

**HEALTH CARE LIABILITY ACT 2001**

Under the Insurance Regulation Order made under the Health Care Liability Act 2001:

Clause 1, Definitions, definition of “relevant notification date”

- **approval of a date in respect of a particular insurer.**

Part 1, clauses 3(1)(a), (b) and (c)

- **receipt of notifications by insurers.**

Part 3, clauses 2(3) and 2(4)

- **receipt of notifications by insurers.**

Under the Insurance Approval Order made under the Health Care Liability Act 2001:

Clause 4(a)

- **receipt of notifications by insurers.**

Clause 4(b)

- **approval of another date in a particular case for initial notification by an insurer.**

---

**PROCEDURES:**

**Refer** Health Care Liability Act 2001. (DG)

---

**DELEGATES:**

*DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL*

**DETERMINE AREA OF NEED****Power to**

- (i) decide there is an area of need for health services in the NSW jurisdiction, or part of the jurisdiction, if considered there are insufficient health practitioners practising in a particular health profession in the jurisdiction or the part of the jurisdiction to provide services that meet the needs of people living in the jurisdiction or the part of the jurisdiction, and
- (ii) give the National Board established for the health profession written notice of the decision.

---

**PROCEDURES:**

**Refer** Section 4 Health Practitioner Regulation Act 2009 and  
Section 67(1) and 67(6) Health Practitioner Regulation National Law (NSW) (M)

Delegated by the Minister for Health under section 67(7) Health Practitioners Regulation  
National Law (NSW)

---

**DELEGATES:**

*DIRECTOR-GENERAL*

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE*

*DIRECTOR WORKFORCE PLANNING AND INNOVATION*

*DEPUTY DIRECTOR WORKFORCE STRATEGY AND CULTURE*

**AUTHORISED PERSON****Power to:**

- Appoint a person as an authorised person for the purposes of Division 9 of the Health Practitioner Regulation National Law (NSW) and any regulation made under that Act.
  - Issue a certificate of authority to an authorised person.
- 

**PROCEDURES:**

**Refer** section 164 Health Practitioner Regulation National Law (NSW) (DG)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL  
DIRECTOR HEALTH PROFESSIONAL COUNCILS AUTHORITY*



**MEDICAL SERVICES COMMITTEE****Power to:**

1. Appoint a Chairperson and members to the Medical Services Committee.  
*Section 20B(2)*
  2. Consult with the Medical Services Committee on appointment of subcommittees of the Committee. *Section 20B(3)*
  3. Specify by order in writing to a nominating body the manner in which a body is entitled to make a nomination. *Schedule 4 clause 2(2)*
  4. Appoint a person as a member to be deemed to have been duly nominated by a nominating body in the absence of a nomination by a nominating body.  
*Schedule 4 clause 2(2)*
- 

**PROCEDURES:**

**Refer** Sections 20B(2) and (3) Health Administration Act 1982  
Schedule 4 clause 2(2) Health Administration Act 1982 (M)

**Authority** for this delegation comes from the Minister under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*DIRECTOR-GENERAL*

**POISONS ADVISORY COMMITTEE****Power to:**

1. Nominate a person, being an officer of the Ministry of Health or an employee of a public health organisation within the meaning of the Health Services Act 1997, as a nominated member of the Poisons Advisory Committee. *Section 6(2) (a)*
  2. Nominate a pharmacologist for appointment by the Governor as a member.  
*Section 6(3)(b)*
  3. Exercise the functions of the Minister under *Section 7 Functions of Advisory Committee*.
- 

**PROCEDURES:**

**Refer** Sections 6(2)(a), 6(3)(b) and 7 Poisons and Therapeutic Goods Act 1966 (M)

**Authority** for this delegation comes from the Minister under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*DIRECTOR-GENERAL*

**MEDICAL COMMITTEE****Power to:**

1. Constitute a Medical Committee under *Section 30(1) of the Poisons and Therapeutic Goods Act*.
  2. Nominate a medical practitioner as a member of the Medical Committee.  
*Section 30(2)(c)*
  3. Specify by notice in writing to the Australian Medical Association (NSW) Limited, or the Royal Australian College of Physicians, New South Wales State Committee the time a medical practitioner is to be nominated. *Section 30(3)*
  4. Appoint a medical practitioner to be a member of the Medical Committee in the absence of a nomination by the Australian Medical Association (NSW) Limited, or the Royal Australian College of Physicians, New South Wales State Committee. *Section 30(3)*
  5. Determine remuneration (including travelling and subsistence allowances) to be paid to members of the Medical Committee. *Section 30(5)*
- 

**PROCEDURES:**

**Refer** Sections 30(1), 30(2)(c), 30(3) and 30(5) Poisons and Therapeutic Goods Act 1966 (M)

**Authority** for this delegation comes from the Minister under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*DIRECTOR-GENERAL*

**FLUORIDATION OF PUBLIC WATER SUPPLIES ADVISORY COMMITTEE****Power to:**

1. Nominate a person, being an officer of the Ministry of Health or an employee of a public health organisation within the meaning of the Health Services Act 1997 to be a member of the Fluoridation of Public Water Supplies Advisory Committee. *Section 4(2)(a)*
2. Appoint members to the Fluoridation of Public Water Supplies Advisory Committee. *Section 4(2)(b)*
3. Appoint a member to fill a vacancy if a casual vacancy occurs in the office of an appointed member. *Section 4(6)*
4. Appoint a deputy to act in the place of any appointed member during the illness or absence of such appointed member. *Section 4(7)*
5. Remove any member or deputy member from office. *Section 4(8)*
6. Determine remuneration (including travelling and subsistence allowances) to be paid to a member or a deputy member while acting in the place of a member. *Section 4(9)*
7. Exercise the functions of the Minister under *Section 5 Functions of Committee*.

---

**PROCEDURES:**

**Refer** Section 4(2), Sections 4(6) - 4(9) and Section 5 Fluoridation of Public Water Supplies Act 1957 (M)

**Authority** for this delegation comes from the Minister under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*DIRECTOR-GENERAL*

**APPOINTMENT OF ADVISORY BODIES****Power to:**

1. Appoint such councils, committees and advisory bodies as appropriate. *Section 20(4)*
  2. Direct from time to time functions of a council, committee or advisory body appointed. *Section 20(5)*
  3. Appoint a person as Chairperson and other persons as appropriate to a council, committee or advisory body. *Section 20(6)*
  4. Specify the term in respect of the Chairperson and other members in the instruments of their appointment and any such appointment may be terminated at any time. *Section 20(7)*
  5. Determine paid fees and allowances (if any) as may be from time to time determined in respect of the Chairperson or member. *Section 20(8)*
- 

**PROCEDURES:**

**Refer** Sections 20(4), (5), (6), (7) and (8) Health Administration Act 1982

**Authority** for this delegation comes from the Minister under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*DIRECTOR-GENERAL*

**SPECIALLY PRIVILEGED INFORMATION****Power to:**

1. by order published in the Gazette, authorise any specified person or body, including a council, committee or advisory body appointed under section 20 (4), to conduct research or conduct investigations into morbidity or mortality occurring within New South Wales.
2. approve for a person to disclose information obtained in connection with the conduct of research or investigations in accordance with an authorisation under this section (whether or not the authorisation is still in force at the time of disclosure).

*Section 23(3)(b)*

---

**PROCEDURES:**

**Refer** Section 23(1) and 23(3)(b) Health Administration Act 1982.

**Authority** for this delegation comes from the Minister under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*SECRETARY*

*CHIEF HEALTH OFFICER (point 2 only)*

---

**COMMITTEE OF REVIEW - APPEALS CONCERNING APPOINTMENT DECISIONS****Power to:**

- Appoint a Committee of Review to determine an appeal made under section 107 of the *Health Services Act 1997*. *Section 108(1)*
- Determine that a person nominated under subsection (2)(b) or (2)(c) or (2)(d) is sufficiently experienced in the administration of health services within the public health system to warrant being appointed. *Sections 108(3) and 108(4)*
- Determine the timeframe for the Australian Medical Association (NSW) Limited or Australian Dental Association, New South Wales Branch to nominate a person for appointment to the Committee and to nominate a person who is eligible to be nominated by either Association should either association fail to meet the timeframe. *Section 108(5)*
- Determine that a person nominated under subsection (2)(c1) is conversant with the interests of patients as consumers of health services provided by the public health system and is not, and has never been, a medical practitioner or a dentist.

**Power to:**

- Approve the form and manner by which an appellant must give notice of the grounds of the appellant's appeal. *Section 107(1)*
- Allow the period a notice under section 107(1) is to be given, to be longer than one month. *Section 107(2)*

**Authority** to receive from the Chairperson of the Committee notification in writing of any order of the Committee of Review made under section 112. *Section 112(3)*

---

**Refer** Sections 107, 108 and 112 Health Services Act 1997. (M)

**Authority** for this delegation comes from the Minister for Health under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*SECRETARY*

*DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE*

---

**CHILDREN'S COURT CLINIC**

**Power** to appoint persons to the Children's Court Clinic, as established under section 15B of the Children's Court Act 1987.

**Subject** to the delegate being of the opinion that the person being appointed to the Children's Court Clinic under clause 33 Children's Court Rule 2000, is suitable to prepare and submit assessment reports.

---

**Refer** Part 8 Children's Court Rule 2000 (M)  
Section 15B Children's Court Act 1987

**Authority** for this delegation comes from the Minister for Health under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*CHIEF EXECUTIVE THE SYDNEY CHILDREN'S HOSPITALS NETWORK*



**ASSESSMENT COMMITTEE - APPOINT CHAIRPERSON**

**Power** to appoint a member of an Assessment Committee, established for the purposes of the *Health Practitioner Regulation National Law (NSW)* as referred to in section 172B(1)(a), as the Chairperson of the Committee.

---

**PROCEDURES:**

**Note** the Medical Council and the Nursing and Midwifery Council do not have Assessment Committees.

**Refer** clause 2 Schedule 5E Health Practitioner Regulation National Law (NSW)

---

**Authority** for this delegation comes from the Minister under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*SECRETARY*

*DEPUTY SECRETARY GOVERNANCE, WORKFORCE AND CORPORATE*

*EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL*

*DIRECTOR HEALTH PROFESSIONAL COUNCILS AUTHORITY*

**ADVERTISING COMPLIANCE CERTIFICATES**

**Authority** to give compliance certification for a ‘routine campaign’.

---

**PROCEDURES:**

A ‘routine campaign’ is a campaign which is not likely to exceed \$50,000 and involves information about routine service matters, community events, notices required by law, recruitment or procurement.

---

**Refer** Clause 5 Government Advertising Regulation 2012

**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982

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**DELEGATES:**

*DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE*  
*EXECUTIVE DIRECTOR STRATEGIC COMMUNICATIONS AND ENGAGEMENT*

**RESPONSE TO INCIDENTS**

**Exercise** the functions of the Health Secretary as the ‘relevant health services organisation’ in respect to Part 2A of the Health Administration Act 1982.

---

**Conditions**

1. A delegate may only exercise this delegation in respect to incidents involving the health service organisation in which the delegate is the Chief Executive.
2. Compliance with Ministry of Health Incident Management Policy (PD2020\_047)
3. A delegate may authorise another person or person for the time being holding a specified office in writing under sections 21(3) and 21(4) of the *Health Administration Act 1982* to exercise functions of the Health Secretary under Part 2A with the exception of:
  - a. Appointing preliminary risk assessment assessors (s21C),
  - b. Appointing serious adverse event reviewers (s21G)

**Note**

Under section 21B(d) of the *Health Administration Act 1982* the Health Secretary is the *relevant health services organisation* in respect of an incident involving the provision of a health service under Chapter 5A (Ambulance services) of the *Health Services Act 1997* or the provision of a service under Part 1A of Chapter 10 of the *Health Services Act 1997*.

---

**Refer** section 21B(d) Health Administration Act 1982

**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*CHIEF EXECUTIVE AMBULANCE SERVICE OF NSW*  
*CHIEF EXECUTIVE NSW HEALTH PATHOLOGY*  
*CHIEF EXECUTIVE HEALTHSHARE NSW*  
*CHIEF EXECUTIVE eHEALTH NSW*

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**ACCOUNTS AND AUDIT DETERMINATION FOR PUBLIC HEALTH ORGANISATIONS**

**Exercise** of the powers vested in the Ministry or Director-General as set out in the Accounts and Audit Determination, except in the case of:

- undertaking, or bringing into use, new services and/or facilities (approval of the Minister required);
  - exceeding the wage rates and conditions of employees provided for in the appropriate industrial award, industrial agreement or determination (approval of the Director-General required).
- 

**PROCEDURES:**

**Refer** Accounts and Audit Determination and  
Section 127(4) Health Services Act 1997. (M)

---

**DELEGATES:**

*DIRECTOR-GENERAL  
DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DEPUTY DIRECTOR-GENERAL SYSTEM PURCHASING AND PERFORMANCE  
DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER  
DIRECTOR WORKPLACE RELATIONS  
CHIEF FINANCIAL OFFICER  
DEPUTY DIRECTOR WORKPLACE RELATIONS (LIMITED TO APPROVAL OF NON-  
STANDARD VMO ARRANGEMENTS UNDER CLAUSE 3.18 ACCOUNTS & AUDIT  
DETERMINATION ONLY)*

**AFFILIATED HEALTH ORGANISATION BY-LAWS**

1. Approve by-laws
2. Extend the time to receive information from the Medical Services Committee.

---

**PROCEDURES:**

**Refer** Section 63 (1) & (4) Health Services Act1997. (M)

---

**DELEGATES:**

*SECRETARY*

*DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE*

*EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL*

*GOVERNING BODY, AFFILIATED HEALTH ORGANISATION*

**BOARDS OF BOARD GOVERNED HEALTH CORPORATIONS**

**Exercise** the powers conferred on the Minister, being the control and direction of boards, except in relation to the contents of a recommendation or report made by a board to the Minister.

**Exercise** determination of roles, functions and activities of any public hospital, health institution, health service or health support service under the control of a board governed health corporation, including the giving of necessary directions.

---

**PROCEDURES:**

**Refer** Section 48 Health Services Act 1997. (M)  
Section 53 Health Services Act 1997. (M)

---

**DELEGATES:**

*DIRECTOR-GENERAL*

**INSPECTION OF HEALTH SERVICES**

1. **Power** to inquire into the administration, management and services of a public health organisation, or any organisation or institution providing health services, if those services are wholly or partly funded with money paid from the Consolidated Fund.
  2. **Power** to appoint authorised officers, and issue appropriate authorities, to exercise functions under section 125.
- 

**PROCEDURES**

**Refer** section 122 (c) Health Services Act 1997. (DG)  
section 123 Health Services Act 1997. (DG)  
section 124 Health Services Act 1997. (DG)

---

**DELEGATES:**

*LEVEL 2*

*LEVEL 3*

*DEPUTY CHIEF FINANCIAL OFFICER*

*DEPUTY DIRECTOR WORKPLACE RELATIONS*

*ASSOCIATE DIRECTOR WORKPLACE RELATIONS*



**CONTRACTS/AGREEMENTS FOR LOCAL HEALTH DISTRICTS AND STATUTORY HEALTH CORPORATIONS TO PROVIDE SERVICES**

**Approval** of Local Health District or statutory health corporation entering into contracts or agreements with any person for the provision of any service by the Local Health District or statutory health corporation to that person.

---

**PROCEDURES:**

**Under no circumstances are delegates to approve contracts for the provision of direct care public health services. The Minister for Health's approval is required for all such contracts.**

Chief Executives of Local Health Districts and statutory health corporations are delegated authority to approve contracts for non-direct care public health services with other organisations for the provision of services from excess capacity of normal operations to a value of \$100,000 per annum for any single contract by the Local Health District or statutory health corporation subject to:

- the provision of services is from excess capacity arising from the normal operations of the organisation;
- contingency plans for alternate supply arrangements in case of failure or breakdowns are in place before entering into any contracts;
- combinations of private sector and non public sector health contracts does not exceed 10% of total capacity;
- the organisation is able to provide advice on new/recurrent contracts with non public health organisations to the Finance Branch of the Ministry of Health at the end of each year;
- contracts are for three (3) years or less. Longer contracts will need Ministry approval;
- all potential contracts over \$100,000 per annum are to be submitted to the Ministry of Health for approval.

The delegates as listed hereunder are only authorised to approve individual contracts to the per annum limit of the dollar (\$) amount specified for the delegate as hereunder.

**Refer** Sections 37(2) (DG) and 58(2) (DG & M) Health Services Act 1997.

---

**DELEGATES:**

<i>DIRECTOR-GENERAL</i>	<i>\$1,000,000</i>
<i>DEPUTY DIRECTORS-GENERAL</i>	<i>\$500,000</i>
<i>CHIEF FINANCIAL OFFICER</i>	<i>\$250,000</i>
<i>CHIEF EXECUTIVES LOCAL HEALTH DISTRICTS AND STATUTORY HEALTH CORPORATIONS</i>	<i>\$100,000</i>

**DELEGATION TO BOARD GOVERNED STATUTORY HEALTH CORPORATIONS  
ON EXERCISE OF DELEGATIONS**

**Authority** to give directions to board governed statutory health corporations concerning the exercise of their internal delegations.

---

**PROCEDURES:**

**Refer** Section 61(2) Health Services Act 1997. (M)

---

**DELEGATES:**

*DIRECTOR-GENERAL*

**AGREEMENTS FOR COMBINED MANAGEMENT OF PUBLIC HOSPITALS ETC.**

**Approval** of Local Health Districts entering into agreements for the combined management or assistance in management of public hospitals, health institutions, health services or support services.

---

**PROCEDURES:**

**Refer** Section 30(3) Health Services Act 1997. (M)

---

**DELEGATES:**

*DIRECTOR-GENERAL*

**DETERMINE ROLE AND ACTIVITIES OF AFFILIATED HEALTH ORGANISATIONS**

**Authority** to determine the role, functions and activities of any recognised establishment or recognised service of an affiliated health organisation and give any necessary directions.

---

**PROCEDURES:**

**Refer** Section 65 Health Services Act 1997. (M)

---

**DELEGATES:**

*DIRECTOR-GENERAL*

**SAMARITAN FUND ACCOUNTS**

**Determine** the manner in which the accounts for the Samaritan Fund are kept and under what circumstances they are to be audited.

---

**PROCEDURES:**

**Refer** clause 28(3) Health Services Regulation 2013. (M)

---

**DELEGATES:**

*DIRECTOR-GENERAL*

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE*

**PERFORMANCE AGREEMENT WITH PUBLIC HEALTH ORGANISATIONS**

**Power** to enter into a performance agreement with a public health organisation, to evaluate and review the results of such agreements, and to report results and make recommendations to the Minister.

---

**PROCEDURES:**

**Refer** Section 126 Health Services Act 1997. (DG)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL SYSTEM PURCHASING AND PERFORMANCE*

**PROVISION OF AMBULANCE SERVICES UNDER SECTION 67B**

**Authority** to exercise the functions of the Director-General under the provisions of section 67B of the Health Services Act 1997 being the “Provision etc of ambulance services”.

---

**PROCEDURES:**

The delegate is not to cease or establish any ambulance service without the prior approval of the Director-General.

The delegate may authorise another person or person holding a specified office in writing under sections 21(3) and 21(4) of the Health Administration Act 1982 to exercise this function.

**Refer** section 67B Health Services Act 1997. (DG)

This delegation is made by the Director-General under the provisions of section 21 of the Health Administration Act 1982. (DG)

---

**DELEGATES:**

*CHIEF EXECUTIVE AMBULANCE SERVICE OF NSW*

**SERVICES**

1. **Authority** to, by order in writing, require a public health organisation to acquire specified services from the Director-General or some other specified person if and when such services are required; and
  2. Give a public health organisation any necessary directions for the purposes of 1. above.
- 

**PROCEDURES:**

The delegate, under the provisions of section 126H of the Health Services Act 1997, may not make an order under section 126G(1) that requires or directs an affiliated health organisation to do, or omit to do, anything unless the delegate has obtained the written consent of the organisation to the requirement or direction.

**Refer** section 126G(1) Health Services Act 1997. (M)

---

**DELEGATES:**

*DIRECTOR-GENERAL*



**POWERS OF FORMER AMBULANCE SERVICE OF NEW SOUTH WALES**

**Authority** to exercise the functions of the Health Administration Corporation as they relate to the assets, rights and liabilities of the abolished Ambulance Service of New South Wales corporation.

---

**PROCEDURES**

The former corporation of the Ambulance Service of New South Wales, as constituted under the Ambulance Services Act 1990, was abolished on the commencement of the Public Sector Employment Legislation Amendment Act 2006 (17 March 2006). Under Schedule 7, clause 66 of the Health Services Act 1997, the assets, rights and liabilities of the former corporation are vested in the Health Administration Corporation.

This delegation allows the delegates to act on behalf of the Health Administration Corporation in any manner necessary to deal with those assets, rights and liabilities.

**Refer** section 9(2)(e) Health Administration Act 1982.  
Schedule 7, clause 66 Health Services Act 1997 (HAC)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
CHIEF EXECUTIVE AMBULANCE SERVICE OF NSW*

**DEPUTY CHAIRPERSON - LOCAL HEALTH DISTRICT OR SPECIALTY NETWORK BOARD**

1. **Authority** to appoint a member, by instrument in writing, as the Deputy Chairperson of a Local Health District or Specialty Network Board.
  2. **Authority** to remove from office, the Deputy Chairperson of a Local Health District or Specialty Network Board.
- 

**PROCEDURES:**

- Appointment to the position of Deputy Chairperson cannot exceed a member's current term of appointment as approved by the Minister for Health under section 26 of the *Health Services Act 1997*.
- Appointment papers and instrument of appointment are to be completed by the Local Health District or Specialty Network and provided to the Ministry of Health.

**Refer** Schedule 4A, clause 2 Health Services Act 1997. (M)

---

**DELEGATES:***SECRETARY**CHAIRPERSON LOCAL HEALTH DISTRICT BOARD (with concurrence of the Board)**CHAIRPERSON SPECIALTY NETWORK BOARD (with concurrence of the Board)*

**BOARD OF THE CANCER INSTITUTE**

**Exercise** the powers conferred on the Minister, being the control and direction of the Board of the Cancer Institute, except in relation to a report or recommendation made by the Board to the Minister.

---

**Refer** section 7(4) Cancer Institute (NSW) Act 2003.

**Authority** for this delegation comes from the Minister for Health under section 21 of the Health Administration Act 1982. (M)

---

**DELEGATES:**

*DIRECTOR-GENERAL*

**AMBULANCE SERVICE – UNAUTHORISED PROVISION OF EMERGENCY  
AMBULANCE SERVICES**

1. Consent to a person to directly or indirectly provide or take part in the provision of emergency ambulance services for fee or reward.
  2. Impose conditions on the consent, revoke any consent given or revoke or vary any condition imposed.
- 

**PROCEDURE**

Where a person proposes to provide emergency ambulance services, that person is required to obtain the Health Secretary's consent.

**Refer** Section 67E Health Services Act 1997

**Authority** for this delegation comes from the Health Secretary under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*DEPUTY SECRETARY GOVERNANCE, WORKFORCE AND CORPORATE*

**HOLDING OUT AS PARAMEDIC**

Authorise a member of staff of the Ambulance Services of NSW, or other person to hold himself or herself out to be a paramedic for the purposes of section 67ZDA of the Health Services Act 1997.

---

**Refer** Section 67ZDA Health Services Act 1997

**Authority** for this delegation comes from the Health Secretary under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*DEPUTY SECRETARY GOVERNANCE, WORKFORCE AND CORPORATE  
EXECUTIVE DIRECTOR WORKFROCE PLANNING AND DEVELOPMENT*

**PROHIBITION ORDERS FOR SUPPORTED NON-EMERGENCY TRANSPORT**

Power to:

1. prohibit a person, by written order served on that person, from providing or taking part in the provision of supported non-emergency transport; or
  2. impose, by written order served on a person, conditions on the person providing or taking part in the provision of supported non-emergency transport.
  3. issue a show cause notice before making or varying an order against a person .
- 

**Subject to:**

The delegate being satisfied when making an order under this section that:

- (a) the person has provided or taken part in the provision of supported non-emergency transport, and
- (b) the transport has been provided in contravention of a relevant requirement, and
- (c) the order is necessary to protect the health or safety of members of the public.

The delegate, before making or varying an order against a person, considers any response by the person within the period specified in the notice.

**Refer** Section 67FC Health Services Act 1997

**Authority** for this delegation comes from the Health Secretary under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*DEPUTY SECRETARY GOVERNANCE, WORKFORCE AND CORPORATE*

**LOCAL HEALTH DISTRICT BY-LAWS**

1. Make model by-laws and publish the model by-laws on the NSW legislation website
2. Approve modifications to the model by-laws
3. Extend the time to receive information from the Medical Services Committee

---

**PROCEDURES:**

**Refer** Sections 39 (1), (2), (4) & (7) Health Services Act 1997. (Sec)

---

**DELEGATES:**

*DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE*

*EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL*

**STATUTORY HEALTH CORPORATION BY-LAWS**

1. Make model by-laws and publish the model by-laws on the NSW legislation website
  2. Approve modifications to the model by-laws
  3. Extend the time to receive information from the Medical Services Committee
- 

**PROCEDURES:**

**Refer** Section 60 (1), (2), (4) & (7) Health Services Act 1997. (M) & (Sec)

Note in Section 60 relevant authority means:

- (a) in relation to a board governed health corporation, the Minister and
  - (b) in relation to a chief executive governed health corporation or specialty network governed health corporation, the Health Secretary
- 

**DELEGATES:**

*SECRETARY (where the relevant authority is the Minister)*

*DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE*

*EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL*



**DEPUTY CHAIRPERSON – HEALTH CORPORATION BOARD**

1. **Authority** to appoint a member, by instrument in writing, as the Deputy Chairperson of a Health Corporation Board.
  2. **Authority** to remove from office, the Deputy Chairperson of a Health Corporation Board.
- 

**PROCEDURES:**

- Appointment to the position of Deputy Chairperson cannot exceed a member's current term of appointment as approved by the Minister for Health under section 49 of the *Health Services Act 1997*.
- Appointment papers and instrument of appointment are to be completed by the Statutory Health Corporation and provided to the Ministry of Health.

**Refer** Schedule 5, clause 3A Health Services Act 1997. (M)

---

**DELEGATES:**

*SECRETARY*

*CHAIRPERSON HEALTH CORPORATION BOARD (with concurrence of the Board)*

**INQUIRIES - PROVISION OR DISCLOSURE OF INFORMATION**

1. **Consent** to a document prepared for the dominant purpose of a relevant inquiry to be adduced or admitted in proceedings.
2. **Decide** that a copy of a final report of a relevant inquiry be provided to a person or body.

---

**Note:** *Relevant inquiry* means an inquiry by the Health Secretary under section 122(1)(c) or 123 of the *Health Services Act 1997*.

---

**Refer** section 126AA Health Services Act 1997

**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*LEVEL 2*

*EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL*

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**CONDITIONS OF EMPLOYMENT**

1. Fix conditions of employment, including salary and wages, of NSW Health Service staff and matters incidental to those conditions.
2. Approve settlement of any claim, action or demand arising out of such employment relationship which involves the payment of money or benefits to a member of staff over and above award/industrial instrument provisions or statutory conditions and entitlements.
3. Approve non-standard arrangements which involves the payment of money or benefits to an individual doctor employed in the NSW Health Service.
4. Approve special non-standard conditions of employment which involves the payment of money or benefits to a class of doctor employed in the NSW Health Service, or Visiting Medical Officers.

---

**PROCEDURES:**

**Refer** 116A(1) Health Services Act 1997. (Sec)

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**DELEGATES:**

**All Points**

*DEPUTY SECRETARY GOVERNANCE, WORKFORCE AND CORPORATE*

**Points 1, 2, 3 only**

*EXECUTIVE DIRECTOR WORKPLACE RELATIONS*

**Points 1, 2 only**

*DIRECTOR, INDUSTRIAL RELATIONS AND WORKFORCE MANAGEMENT*

*DIRECTOR, INDUSTRIAL RELATIONS AND WORKPLACE CHANGE*

*DIRECTOR, INDUSTRIAL RELATIONS AND HR POLICY*

## CONSERVATION OF ANNUAL LEAVE

**Approval** of conservation of annual leave of NSW Health Service staff (not under the provisions of the Annual Holidays Act) beyond prescribed limits where good and sufficient reasons are advanced.

---

### PROCEDURES:

**Provided that** Chief Executives cannot approve conservation of their own annual leave, which must be approved by the Deputy Director-General, Governance, Workforce and Corporate.

**Refer** to the Leave Matters Manual of NSW Health. (DG)  
Section 116A Health Services Act 1997. (DG)

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### DELEGATES:

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, STATUTORY HEALTH  
CORPORATION, AMBULANCE SERVICE OF NSW  
CHIEF CANCER OFFICER AND CHIEF EXECUTIVE OFFICER CANCER INSTITUTE  
(NSW)*

## REGRADE AND/OR RECLASSIFICATION OF POSITIONS

(NSW Health Service staff only – not applicable under the Public Sector Employment and Management Act 2002 or Health Executive Service under Part 3 of Chapter 9 of the Health Services Act 1997.)

1. **Approve** or refuse applications for regrading and/or reclassification of positions or members of staff the operative date being, in the absence of special circumstances, the commencement of the month next following the date of application.
  2. **Fix** and determine rate of payment for individual positions where a reasonable degree of comparability or analogy with other positions the subject of an award, agreement or determination is established.
- 

## PROCEDURES:

Delegates are to ensure compliance with issued Ministry of Health policy.

In respect to **Health Executive Service positions** under **the Health Services Act 1997** see separate delegation re Health Executive Service.

**Under no circumstances are public health organisations to create positions and/or determine conditions of employment that are not in accordance with:**

- (i) **Ministry of Health approvals and policy.**
- (ii) **an award or determination.**

Delegation will operate with the exception of matters which are matters of such a nature that they should be submitted to the Director-General.

**Refer** 116A Health Services Act 1997. (DG)

---

## DELEGATES:

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, STATUTORY HEALTH  
CORPORATION, AMBULANCE SERVICE OF NSW  
CHIEF CANCER OFFICER AND CHIEF EXECUTIVE OFFICER CANCER INSTITUTE  
(NSW)  
CHIEF EXECUTIVE (HOWEVER DESIGNATED) DECLARED AFFILIATED HEALTH  
ORGANISATION*

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**NEW SOUTH WALES HEALTH SERVICE STAFF**

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**15.5**

REVOKED.

**REMUNERATION OF ADMINISTRATORS OF BOARD GOVERNED HEALTH CORPORATIONS**

**Authority** to determine the level of remuneration to be paid to an administrator of a board governed health corporation.

---

**PROCEDURES:**

**Refer** Section 52 (4) Health Services Act 1997. (M)

---

**DELEGATES:**

*DIRECTOR-GENERAL*

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE*



**APPOINTMENT OF CHIEF EXECUTIVES OF PUBLIC HOSPITALS AND  
HEALTH SERVICES OF AFFILIATED HEALTH ORGANISATIONS**

**Consent** to the appointment of a person as chief executive of a public hospital or health service of an affiliated health organisation.

---

**PROCEDURES:**

**Refer** section 66 (1) Health Services Act 1997. (DG)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE*

**INSURANCE - MEDICAL PRACTITIONERS**

**Approval** of the level of public liability and medical indemnity insurance required of a medical practitioner's practice company before appointment by a public health organisation.

---

**PROCEDURES:**

**Refer** Section 85 (2) Health Services Act 1997. (DG)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL*

**DISCIPLINARY ACTION IN CASES OF SEX OR VIOLENCE OFFENCES -  
VISITING PRACTITIONERS**

1. **Agreement** to a further period ( i.e. more than 30 days) before notification of a visiting practitioner's conviction of a serious sex or violence offence.
  2. **Power** to confirm, or refuse to confirm, the proposed termination or retention of the visiting practitioner reported under section 100 (1), and issue of appropriate directions.
  3. **Written** notification to a public health organisation of consent to appointment as a visiting practitioner of a person with previously disclosed convictions
- 

**PROCEDURES:**

**Refer** Section 100 (2), 100 (4) and 100 (7) Health Services Act 1997. (DG)

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS*

**TRANSFER OF HEALTH SERVICE EMPLOYEES**

**Approve** and direct the transfer of a member of the NSW Health Service from one position in the New South Wales Health Service to another position in the Service, after satisfaction of redundancy of the employee and suitability for transfer.

**Power** to consult with a declared affiliated health organisation as to staff member's suitability.

**Power** to certify that there is no valid reason for refusing transfer and approve the dismissal of the staff member.

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**PROCEDURES:**

**Refer** Section 116C(1) and 116C(2) Health Services Act 1997. (DG)  
Policy Directive on Managing Excess Staff PD2012\_021 as updated from time to time

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
CHIEF EXECUTIVE LOCAL HEALTH DISTRICT  
CHIEF EXECUTIVE STATUTORY HEALTH CORPORATION  
CHIEF EXECUTIVE AMBULANCE SERVICE OF NSW  
CHIEF CANCER OFFICER AND CHIEF EXECUTIVE OFFICER CANCER INSTITUTE  
(NSW)*

**DISCIPLINARY ACTION IN CASES OF SEX OR VIOLENCE OFFENCES -  
EMPLOYEES**

**Agreement** to a further period (i.e. more than 30 days) before notification of a member of staff's conviction of a serious sex or violence offence.

**Power** to afford a member of staff concerned a reasonable opportunity to make written submissions concerning any matter relevant to the conviction.

**Power** to take such disciplinary action as is considered appropriate (having regard to section 119) against a member of staff who has been convicted (whether before or during his or her employment) of a serious sex or violence offence.

---

**PROCEDURES:**

**Refer** section 118 (1), 118 (2) and 118(3) Health Services Act 1997. (DG)

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
CHIEF EXECUTIVE LOCAL HEALTH DISTRICT  
CHIEF EXECUTIVE STATUTORY HEALTH CORPORATION  
CHIEF CANCER OFFICER AND CHIEF EXECUTIVE OFFICER CANCER INSTITUTE  
(NSW)  
CHIEF EXECUTIVE (HOWEVER DESIGNATED) DECLARED AFFILIATED HEALTH  
ORGANISATIONS*

**DETERMINATION OF CONDITIONS FOR APPOINTMENT OF VISITING PRACTITIONERS**

**Power** to make a determination, in writing, that a particular visiting practitioner appointment, or any specified kind or description of appointment, shall be exempted from any or all of the requirements of clauses 5(1)-(3).

---

**PROCEDURES:**

**Refer** clause 5(4)(c) and (5) Health Services Regulation 2013. (DG)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS*

**AUTHORITY TO APPOINT A PERSON TO ACT IN THE OFFICE OF A MEMBER OF A HEALTH CORPORATION BOARD**

**Authority** to appoint a person to act in the office of a member of health corporation board during the illness or absence of the member.

---

**PROCEDURES:**

This delegation applies only to the appointment of a person to act as the Chief Executive of a statutory health corporation. The person, while so acting, has and may exercise all the functions of the Chief Executive and is taken to be the Chief Executive.

**Refer** Clause 4(1) Schedule 5 Health Services Act 1997. (M)

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**DELEGATES:**

*DIRECTOR-GENERAL*

**AUTHORITY TO APPOINT A PERSON TO ACT AS THE ADMINISTRATOR OF A  
STATUTORY HEALTH CORPORATION, LOCAL HEALTH DISTRICT OR  
SPECIALTY HEALTH NETWORK**

**Authority** to appoint a person to act as the administrator of a statutory health corporation, local health district or specialty health network during the illness or absence of the administrator.

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**PROCEDURES:**

The appointed person, while so acting, has and may exercise all the functions of the administrator and is taken to be administrator.

**Refer** clause 25(1) & (4) Health Services Regulation 2013. (M)

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**DELEGATES:**

*DIRECTOR-GENERAL*



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**HEALTH EXECUTIVE SERVICE (HES)**

The Director-General is the Employer of staff of the NSW Health Executive Service. Delegations relating to these employment functions are set out below and is administered by the Health Executive Service Unit.

The Associate Director Human Resources, through the Health Executive Unit within the Ministry of Health, manages all administrative processes relating to the recruitment, employment and termination of Health Executives.

1. **Create, delete and determine** the level of executive positions (section 121B(1)).
2. **Authority** for the advertising of executive positions (section 121B). Must comply with applicable Public Service Commission policy. Refer Procedures.
3. **Authority** to approve the offer of appointment to a vacant executive position under S121C(1) other than a District or Specialty Network Chief Executive position subject to the following conditions:
  - i) relevant prior approval is obtained to offer a commencement salary which is more than .5 of the remuneration band, or to offer a recruitment allowance, or non-standard conditions of employment;
  - ii) a merit selection process has occurred in respect of the proposed appointment which included on the selection panel a Health Executive Service or Senior Executive Service officer from another organisation;
  - iii) a formal instrument of appointment is subsequently executed by a duly delegated officer of the Ministry of Health upon the relevant executive's acceptance of offer of appointment.
4. **Authority** to determine commencing salary rates. This delegation is subject to prior approval of the offer of appointment. Consultation with the Board Chairperson prior to determination is to occur in the case of a Chief Executive appointment. Only the Deputy Director-General, Governance, Workforce and Corporate can authorise a commencing salary above 0.5 of the remuneration band. Refer Procedures.
5. **Authority** to approve an offer of reappointment/renewal of contract to the same position under S121D at existing remuneration and allowances if applicable, other than a Chief Executive position. Refer Procedures.
6. **Authority** to approve the offer of reappointment/renewal of contract to a Chief Executive position. Consultation with District/Specialty Network Board Chair is to occur in relation to offer of reappointment/renewal of contract to a Chief Executive position.
7. **Authority** to determine increase in remuneration packages (including allowances) subject to compliance with applicable SOORT Determinations, Public Service Commission and NSW Health policy.
8. **Authority** to execute standard HES contract of employment following approval of appointment or reappointment/renewal contract.
9. **Authority** to execute Instrument of Appointment/Variation to Instrument of Appointment/Instrument of Appointment for acting arrangements following appropriate approvals (S121C).
10. **Authority** to execute variations to contracts of employment at any time by a further contract between the parties. Variations are to be limited to Schedule B, Schedule C of the contract subject to any increase in remuneration package having been determined by the Director-General or a duly authorised delegate, and to Schedule A but not so as to alter the scope and nature of the position (section 121E(5)).
11. **Approval** of leave and related matters. A Chief Executive is to confer with their Board Chairperson prior to submitting an application for leave. Chief Executive and Second Tier executives can approve leave without pay or extended leave of up to six months or conservation of leave as permitted by the Annual Holidays legislation.
12. **Authority** to appoint a person to act in a health executive position and payment of higher duties allowances (HDA) whilst the position is vacant or its holder is suspended, sick or absent and to terminate such acting appointment (section 121C). Consultation with Board Chairperson to occur in relation to acting Chief Executive appointment, level of HDA and termination of acting arrangements for Chief Executive. Chief Executive may appoint for a continuous period of up to six (6) months. Second Tier executives may appoint for a continuous period of up to three (3) months.

**Approval** of higher duties remuneration is only to be given following:

- i) Completion of the acting period; or
- ii) If the acting period is for longer than six (6) weeks at the completion of the initial six (6) week acting period.

13. **Approval** of a health executive foregoing, and being paid, part of entitlement to take leave with pay. Leave may only be cashed out if elected prospectively and maintained in the contract of employment. It forms part of the executive's taxable income. The cost of this employment benefit and the conditions applying are to be the same as those applying to the Senior Executive Service under the Public Sector Employment and Management Act 2002 (section 121K(7)).
14. **Approval** of a health executive undertaking any paid work outside the duties of the executive position (section 121S). A copy of approval, including full details of the outside employment, is to be provided to the Director-General.
15. **Acceptance** of a health executive's resignation. Copy of resignation is to be provided to the Director-General (section 121M).
16. **Conduct** of disciplinary proceedings. (The conduct of any disciplinary proceedings involving a Chief Executive will generally require consultation between the Director-General and the relevant Board.)
17. **Authority** to:  
Enter into the annual performance agreement with a Chief Executive, containing the performance criteria for the purpose of review of the executive's performance, subject to compliance with NSW Health and NSW Government policy in relation to the form and content of such performance agreement and the Board Chairperson obtaining the concurrence of the Board to the contents of the agreement. (Note: the Board Chairperson and Board are responsible for performance management of the Chief Executive within the scope of the annual performance agreement, the NSW Health Executive Performance Management Policy and the NSW Health Performance Framework applying from time to time.)
18. **Authority** to:  
Enter into the annual performance agreement with an HES officer (other than the Chief Executive), containing the performance criteria for the purpose of review of the executive's performance, subject to compliance with NSW Health and NSW Government policy in relation to the form and content of such performance agreement.
19. **Nomination** under section 121G of the Health Services Act of the person responsible for conducting at least an annual review of the Chief Executive's performance having regard to the agreed performance criteria and any other relevant matter, subject to compliance with NSW Health and NSW Government policy in relation to such executive performance review.
20. **Nomination** under section 121G of the Health Services Act of the person responsible for conducting at least an annual review of the performance of an HES officer (other than the Chief Executive) having regard to the agreed performance criteria and any other relevant matter, subject to compliance with NSW Health and NSW Government policy in relation to such executive performance review.
21. **Authority** to remove a health executive from an executive position, other than a Chief Executive position (section 121N). In the case of a District or Specialty Network Chief Executive, a District Board may recommend to the Director-General termination of appointment.
22. **Authority** to declare a health executive who is removed from an executive position to be an unattached officer (section 121N(2)(a)).
23. **Authority** to revoke a declaration that a health executive is an unattached officer (section 121N(2)(b)).

#### PROCEDURES:

- Reference should be made to the relevant provisions of the Health Services Act when exercising delegations.
- Advertising and engagement of executive search firms are managed through the Health Executive Service Unit in the Ministry of Health in line with Public Service Commission and Ministry of Health policy and directives. Chief Executive (or approved delegate) must liaise with the Health Executive Service Unit regarding any requests for advertising and/or engagement of an executive search firm.
- Chief Executives have authority to approve the use of executive search firms for HES Levels 4 and above. Requests to use an executive search firm for HES Levels 1 to 3 must be approved by the Public Service Commissioner. HES Unit must therefore be consulted prior to any action to advertise or engage executive search firms.

- Chief Executives have authority to offer a commencement salary up to .05 of the remuneration band.
- The Deputy Director-General, Governance, Workforce and Corporate has authority to offer a commencement salary above 0.5 of the remuneration band, subject to prior approval of the offer of appointment.
- Where reappointment/contract renewal is to occur with an increase in remuneration or with a new (first time) allowance, Ministry approval is to be sought.
- See Health Administration Corporation "Determinations of Remuneration Packages", "Approval of Employment Benefits" and "Approval of Cashing Out of a Component of Leave".
- Health executives cannot approve self-related matters under any of the abovementioned delegations. Chief Executive matters are to be referred to the Ministry of Health for approval.
- Delegates can only approve those matters indicated in relation to their position title below, e.g. Director-General (Points 1 to 23).
- The Director-General or Deputy Director-General, Governance, Workforce and Corporate can remove a health executive from an executive position and terminate his/her employment contract in accordance with the Health Services Act. In the case of a District/Specialty Network Chief Executive, the Board may recommend to the Director-General termination of appointment.

**Refer** sections 121A to 121T Health Services Act 1997. (DG)

Authority for this delegation comes from the Director-General under section 21 of the Health Administration Act 1982.

#### DELEGATES:

*LOCAL HEALTH DISTRICT/SPECIALTY NETWORK BOARD CHAIRPERSON IN RESPECT OF CHIEF EXECUTIVE (POINTS 14,15,17 and 19. ALSO REFER TO POINTS 11,12,16)*

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE (POINTS 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,21,22,23)*

*CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, STATUTORY HEALTH CORPORATION, AMBULANCE SERVICE (POINTS 2,3,4,5,8,10,11,12,13,14,15,16,18,20)*

*CHIEF CANCER OFFICER AND CHIEF EXECUTIVE OFFICER, CANCER INSTITUTE (NSW) (POINTS 2,3,4,5,8,10,11,12,13,14,15,16,18,20)*

*HEALTH EXECUTIVE LINE MANAGER (POINTS 10,11,12,15,16,18,20)*

*DIRECTOR WORKPLACE RELATIONS (POINTS 2,8,9,10 and 13)*

*DIRECTOR HEALTH PROFESSIONAL COUNCILS AUTHORITY (POINTS 5,8,11,12,13,14,15,16,18,20)*

**GENERAL EMPLOYMENT FUNCTIONS**

1. Exercise the functions of employer of staff of the NSW Health Service (other than the Health Executive Service) in relation to staff within a Division of the NSW Health Service corresponding to that public health organisation or Division of the NSW Health Service in which the delegate is also a member, except for the functions of fixing salary, wages and conditions of employment under the provisions of Section 116A of the Health Services Act 1997.
2. Exercise the functions of “employer” under of the provisions of the Commission for Children and Young People Act 1998, Child Protection Working with Children Act 2012 and Ombudsman Act 1974.

**This delegation is subject to the following:**

Compliance with:

- all Ministry of Health Policy Directives and Instructions, including the Ministry’s policy regarding the right to private practice for salaried senior medical and dental practitioners.  
  
all other specific delegations relating to particular aspects of the employment function being:
  - conditions in respect to approval of voluntary redundancies – MoH Delegation (S159);
  - conditions in respect to regrading and/or reclassification of positions (S127).
- provisions of all industrial awards, agreements and determinations where they prescribe the criteria to be followed in the grading/classification of positions. Where Grading Committees are constituted under an award agreement or determination no position is to be established without prior reference to the Grading Committee for determination of an appropriate grading/classification;
- maintenance of a staff profile in accordance with any instructions issued by the Ministry for the relevant Division of the NSW Health Service;
- MoH requirement that a nominee of the Director-General shall be involved in the selection process, including representation on a selection committee, for the appointment of a person to a position where such an appointment requires the approval of the Director-General of the Ministry under Ministry of Health policy directive;
- prior written approval being obtained from the Deputy Director-General, Governance, Workforce and Corporate, or Director, Workplace Relations of arrangements with a member of the NSW Health Service (for example, Deeds of Release, termination payments, etc) in respect of the settlement of any employment or industrial dispute, or on the termination of employment, which involves the payment of money or benefits to the member over and above award or statutory conditions and entitlements.

This condition does not apply to:

- i) the Treasury Managed Fund arrangements concerning the settlement of worker’s compensation claims, or;
- ii) the settlement of unfair dismissal cases lodged with the NSW Industrial Relations Commission, or of disputes concerning dismissal referred to the NSW Industrial Relations Commission under section 146A of the Industrial Relations Act 1996, provided such settlement does not exceed the maximum amount of compensation that may be awarded by the Industrial Relations Commission under s89 of the **Industrial Relations Act 1996** i.e. 6 months remuneration.

- Public health organisations and the Ambulance Service of NSW are to ensure appropriate communication of salary packaging information to all staff but will not present itself in a position of being an expert financial adviser. Organisations will comply with the salary packaging policy directives as issued by the Ministry from time to time.
  - Only Chief Executives are authorised to terminate staff of the NSW Health Service.
  - Only Chief Executives are authorised to suspend staff of the NSW Health Service without pay under s120A of the Health Services Act.
- 

**PROCEDURES:**

This delegation permits the delegate to manage staff of the New South Wales Health Service (other than Health Executive staff) in the Division of which the delegate is also a member.

See separate delegation in respect to Health Executive Service officers.

Delegates may authorise another person from within their respective Division of the NSW Health Service in writing under section 21(3) and (4) of the Health Administration Act 1982 to exercise this function, with the exception of:

- i) Terminating staff, and
- ii) Suspending staff without pay.

Chief Executives are not permitted to authorise any other person to terminate staff.

**Refer**      Section 116 of the Health Services Act 1997. (DG)  
                Part 7 Commission for Children and Young People Act 1998  
                Ombudsman Act 1974  
                Child Protection Working with Children Act 2012  
                Section 21 of the Health Administration Act (DG)

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**DELEGATES:**

*CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, STATUTORY HEALTH CORPORATION AND  
AMBULANCE SERVICE OF NSW  
CHIEF CANCER OFFICER AND CHIEF EXECUTIVE, CANCER INSTITUTE (NSW)  
CHIEF EXECUTIVE (HOWEVER DESIGNATED) DECLARED AFFILIATED HEALTH ORGANISATIONS*

**PERMANENT STAFF TRANSFERS**

**Approve** the permanent transfer of a NSW Health Service member of staff to a position or other employment in another public sector agency with the approval of the other public sector agency.

**Approve** the permanent transfer of a member of staff from another public sector agency into a position within the NSW Health Service with the approval of the other public sector agency.

**Approve** the permanent transfer of a NSW Health Service member of staff to another position or other employment within the Health Service.

---

**PROCEDURES:**

The transfer may only occur if each of the following requirements are satisfied:

- both the Delegate and the Head of the public sector agency or the Head of the other Division of the NSW Health Service approve of the transfer;
- the member of staff is consulted;
- the transfer is at the member of staff's existing level of remuneration unless the person consents to transferring at a lower level of remuneration;
- the person must either possess the qualifications required for the position they are to be transferred to, or have the capacity to perform the work after a reasonable period of time; and
- if the person is employed in a staff position or on a temporary basis, the person is to be transferred to another staff position or to other temporary employment, respectively.

**Delegation** from the Director-General as the employer of NSW Health Service staff.

**Refer** to section 87 of the Public Sector Employment and Management Act 2002. (DG)

Delegates, who are not officers of the Ministry of Health are restricted to approving the transfer of the member of staff to a position within that Division of the NSW Health Service of which the delegate is also a member.

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS*

*CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, STATUTORY HEALTH CORPORATION  
AND AMBULANCE SERVICE OF NSW*

*CHIEF CANCER OFFICER AND CHIEF EXECUTIVE OFFICER CANCER INSTITUTE  
(NSW)*

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**TEMPORARY STAFF TRANSFERS (SECONDMENTS)**

**Approve** the temporary transfer (secondment) of a NSW Health Service member of staff to a position or other employment in another public sector agency with the approval of the other public sector agency.

**Approve** the temporary transfer (secondment) of a member of staff from another public sector agency into a position within the NSW Health Service agency with the approval of the other public sector agency.

**Approve** the temporary transfer (secondment) of a NSW Health Service member of staff to another position or other employment within the NSW Health Service.

---

**PROCEDURES:**

**Delegation** from the Director-General as the employer of NSW Health Service staff.

**Refer** to section 86 and section 86A of the Public Sector Employment and Management Act 2002. (DG)

**Refer** to the Personnel Handbook Section 3-13 and the Guidelines on Staff mobility, especially as applies to back filling of positions after 12 months, secondments over 2 years and differences between employee/employer initiated secondments.

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, STATUTORY HEALTH CORPORATION  
AND AMBULANCE SERVICE OF NSW  
CHIEF CANCER OFFICER AND CHIEF EXECUTIVE OFFICER CANCER INSTITUTE  
(NSW)*

**AFFILIATED HEALTH ORGANISATION**

**Authority** to give directions to an affiliated health organisation for the purpose of making due allowance and appropriate adjustments for liabilities incurred by reason of the operation of any regulation made under section 64A.

---

**PROCEDURES:**

Any such direction has effect despite any determination made in respect of the affiliated health organisation under section 127 Health Services Act 1997.

**Refer** Section 64A Health Services Act 1997. (M)

Authority for this delegation comes from the Minister under section 21 of the Health Administration Act 1982.

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**DELEGATES:**

*DIRECTOR-GENERAL*

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
CHIEF FINANCIAL OFFICER*



**PAYMENT OF SALARIES/WAGES TO MEMBERS OF THE NSW HEALTH SERVICE**

**Authority** to give directions to a public health organisation requiring the payment by the organisation, on behalf of the Government of NSW, of the salary, wages and other employment-related costs of those members of the NSW Health Service who are employed under Part 1 of Chapter 9 of the Health Services Act 1997 to enable the public health organisation to exercise its functions.

---

**PROCEDURES:**

**Refer** Section 116A(2) Health Services Act 1997. (DG)

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
CHIEF FINANCIAL OFFICER*

**USE OF SERVICES OF ANY STAFF BY WAY OF SECONDMENT**

**Authority** to arrange for the use of the services of any staff (including by way of secondment to the NSW Health Service) or facilities of any Division of the Government Service or of a public or local authority.

---

**PROCEDURES:**

This delegation is for the purposes of facilitating the exercising of functions within the public health system.

**Refer** Section 116D Health Services Act 1997. (DG)

Authority for this delegation comes from the Director-General under section 21 of the Health Administration Act 1982.

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, STATUTORY HEALTH CORPORATION  
AND AMBULANCE SERVICE OF NSW  
CHIEF CANCER OFFICER AND CHIEF EXECUTIVE OFFICER CANCER INSTITUTE  
(NSW)*

**POWERS OF DIRECTOR-GENERAL**

**Authority** to exercise the employer powers of the Director-General under the Health Services Act 1997 and Public Sector Employment and Management Act 2002 respectively in regard to the Health Executive Service and Senior Executive Service when the Director-General is unavailable for whatever reason.

---

**PROCEDURES:**

**Refer** Chapter 9 Part 3 Health Service Act 1997.  
Chapter 3 Part 3.1 Public Sector Employment and Management Act 2002.

**Authority** for this delegation comes from the Director-General under section 21 of the Health Administration Act 1982 and as Division Head under section 4F of the Public Sector Employment and Management Act 2002.

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE*

**ESTABLISH DIVISIONS OF STAFF IN THE NSW HEALTH SERVICE**

**Authority** to establish employment divisions within the Public Health Support Division of the Health Administration Corporation.

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**PROCEDURES:**

**Refer** Section 116(4) of the Health Services Act 1997 (DG)

**Authority** for this delegation comes from the Director-General under section 21 of the Health Administration Act 1982

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE*

**TERM OF APPOINTMENT – VISITING PRACTITIONER**

**Approve** the additional period of appointment of a person as a visiting practitioner for a period exceeding 5 years, but not exceeding 10 years.

---

**PROCEDURES**

**Refer** Clause 7(1) and (4) Health Services Regulation 2013. (DG)

---

**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE*

**CREATE POSITIONS IN THE HEALTH SYSTEM SUPPORT GROUP, A UNIT OF THE PUBLIC HEALTH SYSTEM SUPPORT EMPLOYMENT DIVISION OF THE NSW HEALTH SERVICE**

Create positions within the Health System Support Group, additional to existing staff establishment up to and including HSM 6 or equivalent.

---

**CONDITIONS:**

- This delegation is subject to availability of funds.
  - Compliance with policies and procedures
- 

**Refer** Section 116 of the Health Services Act 1997. (Sec)

**Note** Existing Delegation S213 for equivalent delegation in relation to the Health Executive Service

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**DELEGATES:**

*DEPUTY SECRETARY GOVERNANCE WORKFORCE AND CORPORATE*

**DISCIPLINARY ACTION IN CASES OF SEX OR VIOLENCE OFFENCES –  
EMPLOYEES – NSW Ambulance Service**

1. Agree to a further period (i.e. more than 30 days) before notification of a member of staff's conviction of a serious sex or violence offence.
  2. Afford a member of staff a reasonable opportunity to make written submissions concerning any matter relevant to the conviction.
  3. Take appropriate disciplinary action (having regard to clause 21 against a member of staff who has been convicted (whether before or during his or her employment) of a serious sex or violence offence.
- 

**Note**

This delegation does not apply to a conviction that occurred before a person was employed if, before that employment, the person notified the Chief Executive, NSW Ambulance Service in writing of the fact of the conviction.

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**Refer** Clause 19(1), 19(2), 19(3) and 19(6) Health Services Regulation 2018.

**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982

---

**DELEGATES:**

*CHIEF EXECUTIVE, NSW AMBULANCE SERVICE*

**MISCONDUCT OF STAFF MEMBERS – NSW Ambulance Service**

Determine what action is to be taken where a staff member has engaged in misconduct.

---

**Conditions**

1. The delegate may take any of the following actions:
  - a) transfer the staff member to another position in the NSW Health Service without reducing the member of staff's classification or position,
  - b) reduce the classification or position.
2. Action cannot be taken:
  - a) unless the employee has been found to have engaged in misconduct,
  - b) to reduce the classification or position if the member of staff is employed under a fix term contract.

**Note**

This delegation does not limit any other action the Delegate may take.

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**Refer** Clause 20 Health Services Regulation 2018

**Authority** for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982

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**DELEGATES:**

*CHIEF EXECUTIVE, NSW AMBULANCE SERVICE*



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**DEDUCTIONS FROM SALARIES FOR UNAUTHORISED ABSENCES**

**Authority** to approve deductions from the pay of an officer of amounts paid for any period of unauthorised absence, where the delegate is not satisfied with the explanation for the absence.

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**PROCEDURES:**

**Refer** clause 11 Public Sector Employment and Management Regulation 2009. (DH)

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**DELEGATES:**

*LEVEL 2*

*LEVEL 3*

*LEVEL 4*

**ACCEPTANCE OF RESIGNATIONS (NOT SES)**

**Accept** the resignation of an officer or temporary employee subject to it being in writing and signed by the officer and delivered to the department head or delegate.

**Determine** in accordance with principles laid down by the Public Service Commission, when services are terminated by resignation, whether officers or temporary employees, qualify for entitlement to the extended leave provisions under section 55 and Schedule 3 of the Public Sector Employment and Management Act 2002.

---

**PROCEDURES:**

This authority does not apply in cases which involve:

- disciplinary action
- a bonded or indentured person

**Refer** to the Personnel Handbook Chapter 4-6; sections 26 and 55 and Schedule 3 of the Public Sector Employment and Management Act 2002. (DH)

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**DELEGATES:**

*LEVEL 2*

*LEVEL 3*

*LEVEL 4*

*LEVEL 5*

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**SALARIES****16.4**

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**PAYMENTS OF INCREMENTS**

**Approve** of payment of increments to officers and temporary employees in terms of State industrial instruments or Public Service determinations, provided the conduct and manner of the performance of duties are determined by the delegate as satisfactory; and

**Approval to defer** the payment of an increment to an officer or temporary employee, whose services are unsatisfactory, in accordance with conditions determined by the Public Service Commissioner.

---

**PROCEDURES:**

**Refer** to the Personnel Handbook Chapter 5-2.10 and clause 12 of the Public Sector Employment and Management Regulation 2009. (DH)

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**DELEGATION:**

*LEVEL 2*

*LEVEL 3*

*LEVEL 4*

*LEVEL 5*

**HIGHER DUTIES ALLOWANCES**

**Approve** the payment of higher duties allowances for graded officers or temporary employees.

Level 2 and 3 delegates may approve the payment of a higher duties allowance in respect of periods of relief of less than 5 ordinary working days where the officer or temporary employee continues to act or where the full 5 working days could not be completed due to a public holiday. In such cases officers or temporary employees are only to be paid for the days actually worked in the first week.

**Subject to**, in any case where it is proposed to pay an allowance at a rate greater than \$10,000 p.a., the approval of a Level 2 or 3 officer is required.

---

**PROCEDURES:**

The delegates have the authority to terminate at any time the higher duties appointment of a person under this section.

**Refer** to the Personnel Handbook section 7-10; clause 17 of the Public Sector Employment and Management Regulation 2009. (DH)

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**DELEGATES:**

*LEVEL 2*

*LEVEL 3*

*LEVEL 4*

*LEVEL 5*

**HIGHER DUTIES ALLOWANCES AND ACTING SES ARRANGEMENTS**

**Approve** the appointment of an officer of the public service to act in a senior executive position in the public service which is vacant or the holder of which is suspended, sick or absent.

**Approve** the payment of higher duties allowances to SES officers and graded officers who relieve in SES positions.

---

**PROCEDURES:**

If payment is greater than the minimum level (except as provided for hereunder) the approval of the Director-General is required.

The delegates have the authority to terminate at any time the higher duties appointment of a person under this section.

**Refer** to clauses 17 and 20 of the Public Sector Employment and Management Regulation 2009 and section 24 of the Public Sector Employment and Management Act 2002. (DH)

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
(BEYOND 0.3 OF RANGE)*

*LEVEL 2 (UP TO 0.3 OF RANGE)*

*LEVEL 3 (UP TO 0.3 OF RANGE)*

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**SALARIES****16.7**

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**OVERTIME**

**Approve** payments for overtime.

---

**PROCEDURES:**

Compensation for overtime performed must be in accordance with the general provisions of the Crown Employees (Public Service Conditions of Employment) Award 2009.

**For payment of overtime at a rate in excess of the overtime barrier (viz max grade 8 + \$1) the approval of a Level 3 or above delegate is required (which for the purposes of this delegation shall include the President, MHRT). Such approvals are only to be given in exceptional circumstances.**

**Refer** to clause 95, Crown Employees (Public Service Conditions of Employment) Award.  
(DH)

---

**DELEGATES:**

*LEVEL 2*

*LEVEL 3*

*LEVEL 4*

*LEVEL 5*

**REDUCTIONS IN SALARY**

**Approve** the reduction of an officer's salary to the maximum determined to be appropriate to the work performed by the officer and to transfer the officer to a vacant position in the Ministry or any other Department at that salary.

---

**PROCEDURES:**

The exercise of this delegation is limited to the management of excess employees under the *Managing Excess Employees Policy 2011 (PSC Directive 2011-07)* where an officer is to be permanently redeployed to a lower graded position.

**Refer** section 57(2) Public Sector Employment and Management Act 2002. (DH)

**Refer** *Managing Excess Employees Policy 2011 (PSC D2011-11)*.

Delegation from Public Service Commissioner, Manual of Delegations 2012.

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**DELEGATES:**

*LEVEL 2*

*DIRECTOR WORKPLACE RELATIONS*

*DEPUTY DIRECTOR WORKPLACE RELATIONS*



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**SALARIES****16.9**

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**ACCELERATED PROGRESSION**

**Authority** to determine the accelerated progression of an officer through the increment scale for the position occupied by the officer, in accordance with assessments made through a performance management system.

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**PROCEDURES:**

**Refer** section 130(1) Public Sector Employment and Management Act 2002. (DH)

Delegation from Secretary, NSW Treasury – NSW Industrial Relations, Manual of Delegations 2012.

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**DELEGATES:**

*DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE  
DIRECTOR WORKPLACE RELATIONS  
DEPUTY DIRECTOR WORKPLACE RELATIONS  
ASSOCIATE DIRECTOR HUMAN RESOURCES*

SECTION SEVENTEEN

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**OVERSEAS TRAVEL - LEAVE**

Approve official overseas travel for Ministry and NSW Health Service staff where no expenditure other than the granting of special leave is involved.

---

**Conditions:**

Compliance with NSW Health policy and state-wide policies on overseas travel. (Sec)

**Note:**

Where approval of overseas travel involves expenditure of public monies refer to the *Instrument of Authority for Approval of Overseas Travel* approved by the Minister for Health on 2 October 2024 on the following page. (Page 17.2a)

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**DELEGATES:**

*LEVEL 2*

*DIRECTOR WORKPLACE RELATIONS*

*CHIEF EXECUTIVE PUBLIC HEALTH ORGANISATIONS AND AMBULANCE SERVICE*

## APPROVAL OF OVERSEAS TRAVEL INSTRUMENT OF AUTHORITY

On the 2 October 2024 the Minister for Health, hereby **approved** overseas travel by NSW Health staff and expenditure on overseas travel, subject to compliance with the conditions set out in this approval.

Overseas travel must **be consistent** with such **NSW whole of government policies** on overseas travel by officials as may be issued from time to time (currently contained in the NSW Government Travel and Transport Policy), as well as any NSW Health policy directives as may be issued by the NSW Ministry of Health from time to time.

This approval **applies to overseas travel** by staff and officials of the following NSW Health agencies:

- the Ministry of Health
- any public health organisation within the meaning of the Health Services Act 1997
- Cancer Institute (NSW)
- Ambulance Service of New South Wales
- Divisions and units of the Health Administration Corporation
- Health Professional Councils
- Health Professional Councils Authority

only in respect to the following categories of travel:

- 1) Overseas travel taken as part of approved leave arrangements in respect of:
  - a. a staff specialist who is entitled to funding for the purpose of training, education and study leave (TESL) pursuant to an employment entitlement;
  - b. a staff member who is entitled to conference, education or study leave pursuant to an approved employment or contractual entitlement.
- 2) Travel funded using moneys from a Restricted Financial Asset Fund<sup>1</sup>,
- 3) Travel funded using moneys from the Special Deposits Account established under section 13A of the Health Administration Act 1982.

**Individual applications for overseas travel and expenditure** consistent with this approval are to be authorised by:

- i) In respect of overseas travel under point 1) and 2) above:
  - a. For staff of a Public Health Organisation, the Ambulance Service of New South Wales, the Cancer Institute (NSW) or the following divisions of the Health Administration Corporation; NSW Health Pathology, Health Infrastructure, HealthShare NSW and eHealth – the Chief Executive (other than in respect of travel by the Chief Executive)
  - b. For all other staff – the Health Secretary or a Deputy Secretary (other than in respect of travel by the Secretary or Deputy Secretary):
- ii) In respect of overseas travel under point 3) above:
  - a. The Health Secretary or a Deputy Secretary.

Approvals are to occur within the relevant financial delegation limits.

This Instrument of Authority commences on 2 October 2024 and on commencement rescinds and replaces the Instrument of Authority concerning overseas travel which was signed by the Minister of Health on 1 March 2024.

<sup>1</sup> “Restricted Financial Asset Fund” has the same meaning as in the NSW Ministry of Health *Accounts & Audit Determination for Public Health Entities in NSW*, as updated from time to time. Accessing monies from the Restricted Finance Asset requires initial approval of the cost centre manager.

**TRAVEL INTERSTATE, INTRASTATE**

1. **Approve** requests to travel interstate including by air.
  2. **Approve** requests to travel intrastate including by air.
  3. **Approve** compensatory leave or payment for leave in respect of time spent travelling on official business; and
  4. **Approve** payment of standard (ie normal subsistence etc) allowances for travel.
- 

**PROCEDURES:**

**The approval** of the Director-General is required for travel to New Zealand, Papua New Guinea, Norfolk and Lord Howe Islands or other external Australian territories.  
(PD2009\_016) See delegation A109.

Delegates, when approving attendance of officers at seminars/conferences, are to ensure that the number of officers attending is not excessive recognising that public monies are involved and officers in the work environment can report back on the conference etc.

**Interstate travel is required to be approved by Directors (Level 3) or above.**

**Refer** to the Personnel Handbook Chapter 7 - travelling compensation.

**Refer** to the Ministry of Health Policy Document - PD2009\_016. (DG)

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**DELEGATES:**

*LEVEL 2 – APPROVE POINTS 1 TO 4*

*LEVEL 3 – APPROVE POINTS 1 TO 4*

*LEVEL 4 – APPROVE POINTS 2 TO 4*

*LEVEL 5 – APPROVE POINTS 2 TO 4*

*DIRECTOR HEALTH PROFESSIONAL COUNCILS AUTHORITY – APPROVE POINTS 1 TO 4*

**PAYMENT OF TRAVEL EXPENSES**

**Approve** payment of the actual expenses of travel properly and reasonably incurred by a person who is absent on official duties and returns to their place of residence on weekends or public holidays.

---

**PROCEDURES:**

Delegates may determine and approve payment of expenses in excess of the allowance otherwise payable under Clause 31 had the public servant remained at the temporary work location, when the delegate is satisfied that the circumstances justify the extra expense.

**Refer** to clause 31 of the Crown Employees (Public Service Conditions of Employment) Award. (DH)

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**DELEGATES:**

*LEVEL 2*

*LEVEL 3*

*LEVEL 4*

*LEVEL 5*

**PAYMENT OF ACTUAL EXPENSES FOR TRAVEL**

**Approve** the payment of an allowance up to the actual expenses of travel properly and reasonably incurred by a person in performance of official duties.

---

**PROCEDURES:**

The allowance is payable where other allowances are not adequate or available and the delegate is satisfied that the circumstances justify the expense. The staff member shall be paid an allowance equivalent to the amount of those additional expenses incurred or the amount of other expenses, as the case may be.

This allowance is subject to production of a receipt for the expenses incurred.

**Refer** to clause 16 of the Public Sector Employment and Management Regulation 2009. (DH)

---

**DELEGATES:**

*LEVEL 2*

*LEVEL 3*

*LEVEL 4*

*LEVEL 5*

**PAYMENT OF ABSENCE ON OFFICIAL DUTIES TRAVEL ALLOWANCE**

**Approve** the continued payment of an absence on official duties allowance (clauses 26 to 30 Crown Employees (Public Service Conditions of Employment) Award) to a person when on leave where the delegate is satisfied that the person is unable, or it would be inappropriate, for the person to return to their residence.

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**PROCEDURES:**

**Refer** to clause 30.1.2, 30.2 and 84.7 of the Crown Employees (Public Service Conditions of Employment) Award. (DH)

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**DELEGATES:**

*LEVEL 2*

*LEVEL 3*



