

DELEGATIONS MANUAL

COMBINED

**ADMINISTRATIVE
FINANCIAL
STAFF**

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Audit Branch
Locked Mail Bag 961
North Sydney NSW 2059
(Please apply in writing)

Phone: (02) 9391-9402
Facsimile: (02) 9391-9417

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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.

<u>List A</u>	<u>List B</u>
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.
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.

SECTION ONE

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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)

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*

ALLOWANCES

1.7

REVOKED.

DELEGATION: (S192)

57(14/01/14)

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.

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*

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*

CAPITAL WORKS**2.4**

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

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)

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)

DELEGATES:

LEVEL 1

DEPUTY SECRETARY STRATEGY AND RESOURCES

CHIEF FINANCIAL OFFICER

DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT

ASSOCIATE DIRECTOR TREASURY REPORTING

CAPITAL WORKS

2.7

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*

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

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

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*

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

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)

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

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)

CAPITAL WORKS**2.13**

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)

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)

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

*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*

CAPITAL WORKS**2.15**

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*

DELEGATION: (A256)

57(14/01/14)

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>

CAPITAL WORKS**2.17**

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>

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)

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

CAPITAL WORKS

2.19

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

DELEGATION: (F83)

66(08/10/15)

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)

DELEGATES:*LEVEL 1**DEPUTY SECRETARY STRATEGY AND RESOURCES**CHIEF FINANCIAL OFFICER**DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT**ASSOCIATE DIRECTOR TREASURY REPORTING**0.25 Million*

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

CAPITAL WORKS

2.21

REVOKED.

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)

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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GRANTS FOR INFORMATION TECHNOLOGY (IT) STRATEGY 3.3

COMPUTER EQUIPMENT**3.2**

COMPUTER EQUIPMENT

Approve expenditure in respect of computer equipment, software and associated services up to the limit of funds available and subsequently committed.

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**CHIEF FINANCIAL OFFICER*

DELEGATION: (F5)**58(24/01/14)**

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)

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

SECTION FOUR

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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.

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.

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

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

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)

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.

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.

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*

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.

DELEGATES:

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

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.

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)

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

DELEGATES:

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

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.

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)

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)

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).

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.

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

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.

DELEGATES:

MENTAL HEALTH COMMISSIONER

EMPLOYMENT

5.30

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

DELEGATES:

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

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

EXPENDITURE ON GOODS AND SERVICES

Authority to incur expenditure on goods and services for the day to day funding of a division/branch etc.

PROCEDURES:

Authority is subject to:

- The financial limit appearing opposite the position held by the delegate.
- The availability of funds.
- Approval for consultancy services being obtained in accordance with the delegation specific to consultancy services.
- Note: these limits may be exceeded for the express purpose of meeting the cost of essential services (e.g. telephone accounts, electricity etc), and centralised group payments (e.g. equipment lease and travel) where individual expenditure approvals are held elsewhere.
- All stores and services are to be obtained in accordance with the Ministry's purchasing instructions and Goods and Services Procurement Policy Manual.
- **Officers who are authorised to incur expenditure are also authorised to sign and execute contracts on behalf of the Health Administration Corporation up to the limits indicated below.**

Provided that the Chief Health Officer and the Director, Health Protection NSW are specifically authorised to approve unlimited expenditure for the purchase of vaccines for use in NSW immunisation programs at a cost in excess of their respective financial limits, **subject** to the annual approval allocation/budget for the immunisation program not being exceeded.

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

Line supervisors of delegates have the right to limit exercise of financial delegation by lesser delegates to levels lower than those otherwise available to those delegates.

DELEGATES:

LEVEL 1	LESS THAN 1,000,000
LEVEL 2, CHIEF FINANCIAL OFFICER	500,000
LEVEL 3	150,000
LEVEL 4	100,000
LEVEL 5	50,000
ADMINISTRATION/EXECUTIVE OFFICERS	5,000
CHIEF OF STAFF MINISTER'S OFFICE	5,000
LIAISON OFFICER MINISTER'S OFFICE	500

In respect of accommodation and related expenses where such funding is within the budget approved for such expenses.

DEPUTY SECRETARY GOVERNANCE, WORKFORCE AND CORPORATE	LESS THAN 1,000,000
DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER	LESS THAN 1,000,000
ASSOCIATE DIRECTOR ASSET SERVICES	800,000
SENIOR MANAGER ASSET SERVICES	100,000
MANAGER ASSET SERVICES	50,000
MANAGER GLADESVILLE AND ROZELLE (limited to urgent site maintenance & repairs only)	10,000

EXPENDITURE**6.3**

EXPENDITURE ON LEGAL REPRESENTATION

Authority to incur expenditure on legal proceedings including engagement of legal representation and settlement of cases for and on behalf of the Department, Health Administration Corporation, Minister and the NSW Public Health System.

PROCEDURES:

This authority entitles the delegate to approve expenditure with no limit.

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

DELEGATES:

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

SALARIES AND WAGES EXPENDITURE

Authority to approve expenditure on salaries and wages and associated payments including termination payments.

PROCEDURES:

This authority entitles the delegates to approve expenditure with no limit, however, it is subject to the obtaining of the necessary approvals where prescribed, e.g. overtime, voluntary redundancies, appointment schedules etc. It is also subject to receiving appropriate advice from HealthShare Corporate payroll support services.

Payments for leave on retirement/resignation etc are to be made in accordance with Treasurer's Directions 600.01 to 608.08.

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

DELEGATES:

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES
CHIEF FINANCIAL OFFICER
FINANCIAL CONTROLLER
MANAGER ACCOUNTS

EX GRATIA PAYMENTS

Authority to approve ex gratia payments.

PROCEDURES:

- Payments relating to incidents that occur in the course of employment or compensation claims (which are met by the Treasury Managed Fund etc) are not to be made as ex gratia payments. (For the policy on this see Personnel Handbook 7-4.) Ex gratia payments are discretionary decisions and should only be considered after other available avenues of compensation have been exhausted.
- Such payments are to be made in accordance with any applicable Ministry policy. Ex gratia payment may include the provision of financial aid to impoverished families to assist in meeting the burial cost of relatives.
- ***Chief Executives of Local Health Districts** have the delegation only to approve the provision of financial aid to impoverished families to assist in meeting the burial cost of relatives. Any other ex gratia payments are to be referred to the Ministry of Health.
- All areas responsible for the approval of ex gratia payments under this delegation are required to submit a quarterly return of details of payments made to the Chief Financial Officer, Ministry of Health to allow the data to be completed and submitted to the Director-General for review.

Limits

- Delegates can approve ex gratia payment to assist impoverished families in meeting the burial cost of relatives, up to the maximum of (\$5,000 as at 01/04/13).
- Delegates, other than Local Health District Chief Executives, can approve other ex gratia payments up to a maximum of \$3,000 per person.

Refer Treasury Circular Ex Gratia Payments NSWTC11/02 (M)
Public Finance and Audit Act 1983

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE

CHIEF FINANCIAL OFFICER

**CHIEF EXECUTIVE LOCAL HEALTH DISTRICT*

EXPENDITURE**6.6**

EXPENDITURE ON GOODS AND SERVICES – HEALTH PROFESSIONAL COUNCILS AUTHORITY

Authority to incur expenditure on goods and services for the day to day functioning of the Health Professional Councils Authority.

PROCEDURES:**Authority is subject to:**

- The financial limit appearing opposite the position held by the delegate.
- The availability of funds.
- Approval for consultancy services can only be approved by Director up to the level specified.
- Compliance with the NSW Health Goods and Services Procurement Policy
- **Officers who are authorised to incur expenditure are also authorised to sign and execute contracts on behalf of the Health Administration Corporation up to the limits indicated below.**

Line supervisors of delegates have the right to limit exercise of financial delegation by lesser delegates to levels lower than those otherwise available to those delegates.

Director Health Professional Councils Authority is also delegated authority to approve expenditure with no limit on goods and services related to:

1. Essential services and related expenses (such as rent, electricity, gas, water, telephone etc)
 2. Civil and Administrative Tribunal of New South Wales (NCAT) costs
-

Refer Section 13A Health Administration Act 1982.

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

DELEGATES:

<i>DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE</i>	<i>500,000</i>
<i>DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL</i>	<i>250,000</i>
<i>DIRECTOR HEALTH PROFESSIONAL COUNCILS AUTHORITY</i>	<i>250,000</i>
<i>ASSISTANT DIRECTORS HEALTH PROFESSIONAL COUNCILS AUTHORITY</i>	<i>50,000</i>
<i>EXECUTIVE OFFICER HEALTH PROFESSIONAL COUNCILS AUTHORITY</i>	<i>25,000</i>
<i>MANAGER CORPORATE GOVERNANCE HEALTH PROFESSIONAL COUNCILS AUTHORITY</i>	<i>25,000</i>
<i>PRINCIPAL AIIMS HEALTH PROFESSIONAL COUNCILS AUTHORITY</i>	<i>25,000</i>

DELEGATION: (F109)

84(15/03/19)

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NSW TREASURY MANAGED FUNDS

Approve renewal payment of NSW Treasury Managed Fund deposit premiums as advised by the NSW Treasury Managed Fund.

PROCEDURES:

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

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES

CHIEF FINANCIAL OFFICER

DEPUTY CHIEF FINANCIAL OFFICER

For revised finance and expenditure delegations, refer to separate document titled 'Finance and Expenditure Delegations (NEW)'.

EXPENDITURE ON STATE WIDE BASIS

Authority to incur expenditure in respect of health services provided on a state wide basis or health services not related to the operation of divisions or branches of the Ministry, Local Health Districts, public hospitals or the Ambulance Service.

PROCEDURES

This authority is also to apply to central payments made on behalf of divisions, or branches of the Ministry, public health organisations or the Ambulance Service for health services of the kind referred to above. Central payments are to be restricted to the level of provisions/allocations available from within the Ministry's approved annual budget and subject to the availability of funds.

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

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES

CHIEF FINANCIAL OFFICER

DEPUTY CHIEF FINANCIAL OFFICER

ADJUSTMENTS TO BUDGETS FOR PUBLIC HEALTH ORGANISATIONS

Determination and adjustment from time to time of budgets and subsidies to public health organisations for expenditure or commitment of funds, including any variation in projected expenditure in accordance with specific approval.

PROCEDURES

Refer Section 127 Health Services Act 1997. (M)
Section 12 Public Finance and Audit Act 1983. (M)

DELEGATES

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES

CHIEF FINANCIAL OFFICER

DEPUTY CHIEF FINANCIAL OFFICER

PAYMENTS TO PUBLIC HEALTH ORGANISATIONS

Authority to make weekly/monthly payments to public health organisations from the amount of subsidy determined under S.127 of the Health Services Act, the State Managed Fund, and the NSW National Funding Pool.

PROCEDURES:

This delegation is limited to the extent that amounts paid are within the total cash budget approved for the public health organisation and also that funds are available.

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

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES

CHIEF FINANCIAL OFFICER

DEPUTY CHIEF FINANCIAL OFFICER

MANAGER EXTERNAL REPORTING

MANAGER INTERNAL REPORTING

SPECIAL GRANTS TO PUBLIC HEALTH ORGANISATIONS

Approve and pay special grants to public health organisations towards the cost of airfares, removal expenses, etc. of staff recruited from overseas or from interstate.

PROCEDURES:

Payments are to be made at the rates and in accordance with the conditions determined by the Ministry from time to time and are subject to the availability of funds from the Consolidated Fund.

Refer Section 127 Health Services Act 1997. (M)
Section 12 Public Finance and Audit Act 1983. (M)

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES

CHIEF FINANCIAL OFFICER

DEPUTY CHIEF FINANCIAL OFFICER

DIRECTOR WORKPLACE RELATIONS

DEPUTY DIRECTOR WORKPLACE RELATIONS

PAYMENTS FOR S100 HIGHLY SPECIALISED DRUGS

Authority to incur expenditure for actual and/or advance payments to hospitals for S100 highly specialised drugs.

PROCEDURE:

Provided that expenditure in respect of any one item will not exceed the amount shown against each specified delegate.

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

DELEGATE:

<i>CHIEF FINANCIAL OFFICER</i>	<i>200,000</i>
<i>DEPUTY CHIEF FINANCIAL OFFICER</i>	<i>100,000</i>

VARIATION TO INCREASE SUBSIDY

Variation of a determination of subsidy made under section 127(3).

PROCEDURES:

This delegation only relates to an increase in subsidy.

Refer Section 127(3A) Health Services Act 1997. (M)

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES

CHIEF FINANCIAL OFFICER

DEPUTY CHIEF FINANCIAL OFFICER

For revised finance and expenditure delegations, refer to separate document titled 'Finance and Expenditure Delegations (NEW)'.

ADVANCE PAYMENTS

Authority to approve advance payment proposals in accordance with Treasurer's Direction 180.05. (M)

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES

CHIEF FINANCIAL OFFICER

DEPUTY CHIEF FINANCIAL OFFICER

SUBSIDIES TO AFFILIATED HEALTH ORGANISATIONS

Authority to determine:

- (a) subsidy to be received by any affiliated health organisation for its recognised establishments and recognised services; and
- (b) the conditions (if any) that should attach to that subsidy.

Authority to vary a determination of subsidy made under section 127(3).

PROCEDURES:

Refer Section 129 Health Services Act 1997. (M)
Section 127(3A) Health Services Act 1997.

This authority is in respect to recognised establishments and recognised services of an affiliated health organisation that are located within the boundary of the Local Health District as described within the Health Services Act 1997.

This delegation empowers the Local Health District to determine conditions (if any) that should attach to that subsidy, provided that one condition must stipulate compliance with Accounts and Audit Determination.

The delegation to vary a determination of subsidy only relates to an increase in subsidy.

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES

CHIEF EXECUTIVE LOCAL HEALTH DISTRICT

AD HOC FUNDING REQUESTS

Authority to approve ad hoc requests for funding from persons/organisations external to the New South Wales public sector health system.

PROCEDURES:

In exercising this delegation the delegate is to be satisfied:

- the grant is in accordance with the mission of the New South Wales health system
- the person, organisation or group is reputable, accountable and able to provide the service being funded
- there is no conflict of interest
- the funds required are available.

One-off grants of \$10,000 or more require prior advice to the Minister for Health.

Prior to approval of grants, compliance with Ministry of Health Policy Directive PD2005_507 must be ensured, particularly as to any required notice to the Minister.

This delegation cannot be sub-delegated to a lower level within the organisation.

Refer Section 12 Public Finance and Audit Act 1983. (M)
Section 127 (4) Health Services Act 1997. (M)

DELEGATIONS:

DIRECTOR-GENERAL

DEPUTY DIRECTORS-GENERAL

CHIEF EXECUTIVE LOCAL HEALTH DISTRICT

CHIEF EXECUTIVE OFFICER AMBULANCE SERVICE

CHIEF EXECUTIVE THE SYDNEY CHILDREN'S HOSPITALS NETWORK

CHIEF EXECUTIVE JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK

PROGRAM GRANTS

Approve amounts of grants for special program related purposes to organisations which comprise:

- other government departments;
- quasi government organisations; or
- other organisations, excluding those covered under the Non Government Organisations (NGO) grant program,

subject to the procedures and accumulative grant agreement dollar limits as listed hereunder.

PROCEDURES:

All payments are subject to funds being available and completion of an approved agreement to the conditions of each grant. Execution of agreements on behalf of Health Administration Corporation is subject to Delegation (A1).

Execution of agreements on behalf of State of New South Wales is subject to Ministerial authorisation or Delegation (A339).

Refer Section 12 Public Finance and Audit Act 1983. (M)
For execution of agreements refer Delegation (A1).

DELEGATES:

<i>LEVEL 1</i>	<i>500,000</i>
<i>LEVEL 2</i>	<i>400,000</i>
<i>LEVEL 3</i>	<i>100,000</i>
<i>LEVEL 4</i>	<i>75,000</i>

DEFERRAL OF PAYMENT OF SUBSIDY

Determination that payment of the whole or any part of an amount of subsidy payable under section 127 in a financial year is to be deferred until a subsequent financial year.

PROCEDURES:

Payment is deferred in accordance with such a determination.

Refer Section 127A Health Services Act 1997. (M)

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES

CHIEF FINANCIAL OFFICER

DEPUTY CHIEF FINANCIAL OFFICER

INTER AGENCY LOANS WITHIN THE SAME MINISTERIAL PORTFOLIO

Determination of the amount of money and terms and conditions for a loan to an entity for which the Minister for Health is the portfolio Minister.

PROCEDURES:

Any such loan monies are to be derived from funds under the control of the Minister.

Refer Section 14A Public Authorities (Financial Arrangements) Act 1987. (M)

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES

CHIEF FINANCIAL OFFICER

DEPUTY CHIEF FINANCIAL OFFICER

LOANS TO PUBLIC HEALTH ORGANISATIONS

- **Determination** that an amount of money is to be lent to a public health organisation out of money appropriated from the Consolidated Fund to the Minister.
 - **Determination** of any terms and conditions for such amounts lent.
-

PROCEDURES:

Any loans made pursuant to this delegation must not result in expenditure in excess of forward estimates.

Refer Section 127B Health Services Act 1997. (M)

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES

CHIEF FINANCIAL OFFICER

DEPUTY CHIEF FINANCIAL OFFICER

FINANCE

7.16

CONDITIONS OF SUBSIDY

Determination of conditions for the payment of any subsidy (or part of any subsidy).

PROCEDURE:

Refer Section 127(4) Health Services Act 1997. (M)

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTORS-GENERAL

CHIEF FINANCIAL OFFICER

DEPUTY CHIEF FINANCIAL OFFICER

DELEGATION: (F95)

54(07/10/13)

For revised finance and expenditure delegations, refer to separate document titled 'Finance and Expenditure Delegations (NEW)'.

PUBLIC HEALTH SYSTEM – SCALE OF FEES

Approval of an order fixing, amending or revoking a scale of fees for hospital services and other health services received from any public health organisation.

PROCEDURES:

Refer Section 69 Health Services Act 1997. (M)

Where a proposed scale of fees is newly created, or where a proposed increase is in excess of CPI, or in excess of an increase proposed by the Commonwealth, the Director-General is required to consult with central agencies prior to exercising the delegated authority.

Section 69 requires that any order fixing, amending or revoking a scale of fees must be published in the Gazette to take effect.

DELEGATE:

DIRECTOR-GENERAL

PUBLIC HEALTH SYSTEM – AMBULANCE SERVICE – SCALE OF FEES

Approval of a notice fixing, amending or revoking a scale of fees for ambulance services provided by the Ambulance Service.

PROCEDURES:

Refer Section 67D Health Services Act 1997. (M)

Where a proposed scale of fees is newly created, or where a proposed increase is in excess of CPI, or in excess of an increase proposed by the Commonwealth, the Director-General is required to consult with central agencies prior to exercising the delegated authority.

Section 67D requires that any notice fixing, amending or revoking a scale of fees must be published in the Gazette to take effect.

DELEGATE:

DIRECTOR-GENERAL

WRITE-OFF OF DEBTS DUE TO THE STATE

Authority to write-off debts due to the State up to the limits specified subject to the delegate:

- Being satisfied that all practical means to effect recovery or collection of the debt have failed or that the cost of action to recover or collect the debt would be uneconomic; and
 - Directing in writing that the debt be written-off.
-

PROCEDURES:

Refer Treasurer’s Direction 450.01-09 for required procedures. (M)

DELEGATE:

<i>DIRECTOR-GENERAL</i>	<i>20,000</i>
<i>DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES</i>	<i>16,000</i>
<i>CHIEF FINANCIAL OFFICER</i>	<i>12,000</i>
<i>DEPUTY CHIEF FINANCIAL OFFICER</i>	<i>8,000</i>

PERIODIC PAYMENT TO AMBULANCE SERVICE

Authority to make periodic payments in relation to the provision of ambulance services from the amount of budget determined annually.

PROCEDURES:

This delegation is limited to the extent that amounts paid are within the total budget amount approved for the provision of ambulance services and also that funds are available.

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

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES

CHIEF FINANCIAL OFFICER

DEPUTY CHIEF FINANCIAL OFFICER

MANAGER EXTERNAL REPORTING

MANAGER INTERNAL REPORTING

VARIATION OF SUBSIDY OF AMBULANCE SERVICE BY WAY OF INCREASE

Variation of a determination of subsidy, made in respect of the Ambulance Service of New South Wales, but only as to increase.

PROCEDURES:

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

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES

CHIEF FINANCIAL OFFICER

DEPUTY CHIEF FINANCIAL OFFICER

For revised finance and expenditure delegations, refer to separate document titled 'Finance and Expenditure Delegations (NEW)'.

DEFERRAL OF PAYMENT TO AMBULANCE SERVICE

Determination that payment of the whole or any part of an amount of budget payable in relation to the provision of ambulance services in a financial year is to be deferred until a subsequent financial year.

PROCEDURES:

Payment is deferred in accordance with such a determination.

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

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES

CHIEF FINANCIAL OFFICER

DEPUTY CHIEF FINANCIAL OFFICER

DETERMINATION OF FEES/CHARGES PAYABLE FOR HEALTH SUPPORT SERVICES

Authority to determine fees and charges payable for any health support services provided by or on behalf of the Director-General.

PROCEDURES:

Refer section 126B(3) Health Services Act 1997. (DG)

Delegation made by DG under section 126B(4) of the Health Services Act 1997.

DELEGATES:

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

DIRECTOR-GENERAL SERVICES AND AMBULANCE SERVICE

Authority to expend Annual Consolidated Fund Allocation monies for the provision of ambulance services and services, the Director-General provides under section 126B of the Health Services Act 1997.

PROCEDURES:

This delegation is subject to:

1. The Annual Consolidated Fund Allocation not being exceeded; and
2. **The Chief Executive of the Ambulance Service of NSW being limited to approving expenditure on any one item of goods and services or salaries and wages to \$5 million.**

The Chief Executive of the Ambulance Service of NSW, under the provisions of Sections 21(3) and 21(4) of the Health Administration Act 1982, is to approve authority to incur expenditure delegations to specific officers within the Ambulance Services of NSW.

Refer Section 12 Public Finance and Audit Act 1983 (HAC)
Section 21 Health Administration Act 1982 (HAC)
Chapter 10 Part 1A Health Services Act 1997
Chapter 5A Health Services Act 1997

DELEGATES:

*DIRECTOR-GENERAL
DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES
CHIEF FINANCIAL OFFICER
CHIEF EXECUTIVE AMBULANCE SERVICE OF NSW*

AMBULANCE SERVICE RESEARCH FUND – SUMS TO BE PAID

Authority to determine the amount and purpose of sums to be paid from the Ambulance Service Research Fund following advice from an advisory panel established by the Director-General from time to time for that purpose.

PROCEDURES:

The Minister for Health approved on 28 February 2007 the establishment, under the provisions of sections 16 and 19 of the Health Administration Act 1982, of an account within the accounts of the NSW Health Foundation Fund to be called the “Ambulance Service Research Fund”. The Minister further directed, pursuant to sections 17 and 19 of the Health Administration Act 1982, that the NSW Health Foundation, from monies vested in the Ambulance Service Research Fund, shall provide funds, make grants, and provide other support, for research into the clinical or other aspects of aeromedical and associated road retrieval services, or for other purposes related to the conduct of the Ambulance Service of NSW. The ministerial powers, as the Health Foundation, to approve and make grants etc are delegated to the Director-General, subject to the abovementioned provisions.

Refer Sections 16, 17 and 19 Health Administration Act 1982.

Refer Delegations by Minister under section 12 Public Finance and Audit Act 1983 and section 21 of Health Administration Act 1982.

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE

MARKET RENTAL ASSISTANCE GRANT

Approve grants that directly respond to the NSW Treasury policy requiring the charging of market rental for organisations that comprise:

- Non-government organisations (NGO's)
- Other philanthropic or charitable organisations (providing not for profit health services)

where these organisations are renting or leasing crown properties with control vested to the Ministry, Health Administration Corporation or public health organisations.

Procedures:

NSW Treasury policy states that market rental is to be charged for rental/lease of crown properties under the control of the Ministry of Health, Health Administration Corporation or public health organisations.

All grant approvals are subject to funds being available and completion of an agreement to the conditions of grant.

Authority to approve grants and execute any agreement to organisations as indicated that specifically address the Treasury policy has been given to the following Ministerial officers.

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

DELEGATES:

*DIRECTOR-GENERAL
DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE
DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES
CHIEF FINANCIAL OFFICER*

OVERSEAS RECRUITMENT PROGRAM GRANTS

Authority to approve payment of a grant to employees recruited under the overseas recruitment program, toward the cost of airfares, removal expenses and accommodation.

Procedures:

Delegates who are officers authorised to incur expenditure may approve grants for dollar amounts up to the relevant financial limits applicable to those delegates as set out in Delegation (F10, F69).

Refer: Section 12, Public Finance and Audit Act (M)

DELEGATES:

LEVEL 1

LEVEL 2

LEVEL 3

CLINICAL PLACEMENT GRANT PROGRAMS AND SCHOLARSHIP PAYMENTS

Authority to approve payment to individuals:

- under a clinical placement grant program, for the cost of travel, accommodation and other costs associated with a clinical placement.
 - under a scholarship scheme, for financial assistance for an approved course of study.
-

Procedures:

Delegates who are officers authorised to incur expenditure may approve grants for dollar amounts up to the relevant financial limits applicable to those delegates as set out in Delegation (F10, F69).

Note: This delegation does **not** cover financial assistance to Ministry of Health staff undertaking external courses.

Refer: Section 12, Public Finance and Audit Act (M)

DELEGATES:

LEVEL 1

LEVEL 2

LEVEL 3

ASSOCIATE DIRECTOR NURSING AND MIDWIFERY OFFICE

WORKERS COMPENSATION HOSPITAL TREATMENT RATES

Concurrence with the determination of fee rates for hospital treatment set by the WorkCover Authority of New South Wales

Note: public hospital fee rates are set separately under delegation from the Minister under section 69 of the *Health Services Act 1997*, see Combined Delegations Manual Delegation F96. Concurrence is however effectively required for both public and private hospital rates under section 62(8).

Refer Section 62(8) *Workers Compensation Act 1987* (M)

DELEGATES:

DIRECTOR GENERAL

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES

CHIEF FINANCIAL OFFICER

NON-GOVERNMENT ORGANISATION GRANT PROGRAM

Authority to approve the use of surplus grant funds by non-government organisations up to the limits specified against each delegate.

Procedures:

Note: NGO's, without approval of the Ministry of Health, can retain a grant surplus that is realised and identified for the project/service which is:

- \$1,000 or less for grants up to \$50,000, or
- Up to 2% of the grant up to a maximum surplus of \$10,000

Subject to the surplus being used for the currently approved project/service and identified in the subsequent accounting period as surplus grant funds brought forward.

If the surplus exceeds the abovementioned amounts application is to be made **to** a delegate listed hereunder including an explanation of how the surplus came about.

See policy directive/guidelines on "Non-Government Organisation Grant Program – Operation Guidelines".

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

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL

CHIEF EXECUTIVE LOCAL HEALTH DISTRICT

LEVEL 3

\$150,000

LEVEL 4

\$100,000

NEW SOUTH WALES HEALTH FOUNDATION FUND

Authority to pay out of the NSW Health Foundation Fund all charges, costs and expenses incurred in the administration of the NSW Health Foundation.

Refer Section 19(3)(a) Health Administration Act 1982.

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

DELEGATES:

SECRETARY

CHIEF FINANCIAL OFFICER AND DEPUTY SECRETARY FINANCIAL SERVICES AND ASSET MANAGEMENT

DEPUTY CHIEF FINANCIAL OFFICER AND EXECUTIVE DIRECTOR SYSTEM FINANCIAL PERFORMANCE

EXECUTIVE DIRECTOR FINANCIAL DATA ANALYTICS, REPORTING AND GOVERNANCE

EXECUTIVE DIRECTOR FINANCIAL ACCOUNTING, POLICY, INSURANCE AND REVENUE

ENTERING INTO FINANCIAL ARRANGEMENTS UNDER THE GOVERNMENT SECTOR FINANCE ACT

Enter into the following types of financial arrangement for and on behalf of a NSW Health entity, where authorised under the Government Sector Employment Act:

- (a) a borrowing,
- (b) an investment,
- (c) a derivative arrangement.

CONDITIONS:

1. A delegate can enter into a financial arrangement only if:
 - (a) the arrangement for the agency is authorised, and
 - (b) the terms and conditions of the authorisation are complied with (s6.22(1) of Government Sector Finance Act)
2. A financial arrangement is authorised only if:
 - (a) the arrangement is authorised or permitted by a provision of the Act, the Government Sector Finance Regulation 2018 or the Treasurer's directions, or
 - (b) the Treasurer has given a written approval (known as a "financial arrangement approval") to:
 - (i) enter into the financial arrangement, or
 - (ii) enter into financial arrangements of the same kind as the financial arrangement. (s6.22(2) of the Government Sector Finance Act)
3. Compliance with any condition or limitations contained in Directives issued by the Treasurer or the NSW Treasury.
4. Compliance with NSW Health policy directives, including as to requirements for administering financial arrangements and keeping records of financial arrangements.

Note:

1. A "financial arrangement" is defined in the Government Sector Finance Act to mean "*an arrangement (whether entered into or occurring in or outside of Australia) with respect to any of the following—*
 - (a) a borrowing,
 - (b) an investment,
 - (c) a derivative arrangement,
 - (d) a joint financing arrangement,
 - (e) a joint venture arrangement,
 - (f) any other arrangement (or arrangement of a kind) prescribed by the regulations as a financial arrangement."

For the avoidance of doubt, this delegation only permits a delegate to enter into a financial arrangement that is a borrowing, an investment, or a derivative arrangement, and does not extend to any other type of financial arrangement as defined under the Government Sector Finance Act.

2. The power to enter into a financial arrangement includes the power to do all things that are necessary or convenient to be done in connection with entering into authorised financial arrangements for the agency including, without limitation, entering into or incurring obligations under, a contract, agreement or other transaction. See section 6.22(5) of the Government Sector Finance Act.
3. A NSW Health entity is defined in s2.3 of the Government Sector Finance Act.

Refer Section 6.22(3) Government Sector Finance Act 2018

Authority for this delegation comes from the Secretary under section 9.11 Government Sector Finance Act 2018

DELEGATES:

CHIEF FINANCIAL OFFICER AND DEPUTY SECRETARY FINANCIAL SERVICES AND ASSET MANAGEMENT

DEPUTY CHIEF FINANCIAL OFFICER AND EXECUTIVE DIRECTOR SYSTEM FINANCIAL PERFORMANCE

EXECUTIVE DIRECTOR FOR FINANCIAL DATA ANALYTICS, REPORTING AND GOVERNANCE

EXECUTIVE DIRECTOR FOR FINANCIAL ACCOUNTING, POLICY, INSURANCE AND REVENUE

MINISTERS' DISCRETIONARY AD HOC GRANTS

Authority to incur expenditure on ad hoc grants to support community-based activities.

Terms and conditions

The following terms and conditions are imposed on the delegation:

1. An annual limit is established, in writing, by the Minister.
2. The delegate is not permitted to subdelegate this function.
3. This delegation is limited to the extent that the amounts paid are within the approved annual expenditure limit and also that funds are available.
4. The purpose for which grants are paid must not be inconsistent with the purposes for which the NSW Health appropriation was given, and must be directly related to the delegate's Ministerial portfolio.
5. Prior to approving a funding request, the delegate must obtain written advice from the Ministry of Health.

Source: Section 5.2 Government Sector Finance Act 2018

Authority for this delegation comes from the Minister under Section 9.9 Government Sector Finance Act 2018

DELEGATES:

MINISTER FOR REGIONAL HEALTH
MINISTER FOR MENTAL HEALTH

SECTION EIGHT

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CONTRACTS FOR GOODS AND SERVICES

Execution and acceptance of documents relating to contracts or agreements for the performance of services or for the supply of goods, plant, machinery or material.

PROCEDURES:

Officers authorised to incur expenditure may sign and execute contracts on behalf of the Health Administration Corporation committing funds to the limits indicated by their respective financial delegations.

The delegates listed below have the authority to execute documents and agreements on behalf of the Health Administration Corporation, subject to an approval having previously been granted by an officer with an appropriate financial delegation.

Refer to Section 13(1) of the Health Administration Act 1982. (C)

DELEGATES:

LEVEL 2

LEVEL 3

LEVEL 4

GOODS AND SERVICES**8.3**

CONSULTANCY SERVICES

Approval for the procurement of consultancy services.

Approval is subject to:

- the availability of funds
 - compliance with the Goods and Services Procurement Policy Manual
 - the relevant financial limit per delegate as set out in Delegation (F10, F69). (HAC)
-

DELEGATES:*LEVEL 2**LEVEL 3**LEVEL 4*

DELEGATION: (A96)**57(14/01/14)**

For revised finance and expenditure delegations, refer to separate document titled 'Finance and Expenditure Delegations (NEW)'.

GOODS AND SERVICES**8.4**

SALE OR LETTING OUT ON HIRE BY THE CORPORATION

Execution and acceptance of documents relating to the sale or letting out on hire of any goods, plant, machinery or material, excluding real property dealings, acquired by the Corporation under the Health Administration Act 1982 or any other act.

PROCEDURES

This delegation relates only to the execution of documents not the approval of the sale etc. (HAC)

DELEGATES:*LEVEL 2**DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER**CHIEF FINANCIAL OFFICER**DIRECTOR HEALTH SYSTEM PLANNING AND INVESTMENT*

GOODS AND SERVICES**8.5**

TRANSFER OF ASSETS TO LOCAL HEALTH DISTRICTS AND HOSPITALS

Approval to transfer, at a value assessed by the Ministry, stores, furniture, equipment (including motor vehicles) from the Ministry to Local Health Districts and the Sydney Children's Hospitals Network.

PROCEDURES:

Refer Goods and Services Procurement Policy Manual. (DH)

DELEGATES:

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

DELEGATION: (A270)**57(14/01/14)**

For revised finance and expenditure delegations, refer to separate document titled 'Finance and Expenditure Delegations (NEW)'.

DISPOSAL OF ASSETS TO CHARITABLE BODIES

Approval of disposal, by way of donation to charitable bodies, of those unserviceable stores and equipment (including drugs for which the expiry date has passed).

PROCEDURES:

Approval is subject to the requirement that the stores and equipment would normally have been approved for destruction or dumping as per the Goods and Services Procurement Policy Manual and Goods and Services Procurement Policy.

Refer Goods and Services Procurement Policy Manual. (DH)

DELEGATES:

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

STOCKTAKING DISCREPANCIES

Receive reports on stocktaking discrepancies in accordance with Treasurer's Direction 464.04 and to;

- (a) report to the Auditor-General if serious; or
 - (b) approve adjustment to stock records where the discrepancy, or loss due to theft or suspected theft, is not classified as a debt due to the Crown (as defined in Section 60 of the Public Finance and Audit Act 1983) for all areas.
-

PROCEDURES:

Refer Treasurer's Direction 464-04. (DH)

DELEGATES:

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

DISPOSAL OF UNSERVICEABLE GOODS

Authority to dispose of surplus or unserviceable goods (including motor vehicles).

PROCEDURES:

Refer Goods and Services Procurement Policy.

Motor Vehicle Acquisition and Management Practices (GL2011_010). (DH)

DELEGATES:

DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE

DIRECTOR HEALTH PROFESSIONAL COUNCILS AUTHORITY

CHIEF FINANCIAL OFFICER

FINANCIAL CONTROLLER

EXECUTIVE DIRECTOR NSW INSTITUTE OF PSYCHIATRY

CHIEF EXECUTIVE AMBULANCE SERVICE OF NSW

GENERAL MANAGER CORPORATE SERVICES AMBULANCE SERVICE OF NSW

BAD DEBTS AND LOSSES

Receive notification of a debt due to the Crown and to report to the Auditor-General without delay if the debt is considered of serious proportions or has serious implications for all areas; and

- Request payment of a debt due to the Crown; or
- Approve payment of the debt from Ministry funds; or
- In the case of property, to write off the value,

PROCEDURES:

This delegation relates to losses, deficiencies etc. caused by officers of the Ministry.

Refer to Accounting Manual for NSW Ministry of Health page 5.30 and Treasurer's Directions 455.07, 455.05, 455.01(2) and (3). (DH)

DELEGATES:

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

GOODS AND SERVICES**8.10**

MOBILE COMMUNICATION DEVICES

Approve the purchase of mobile communication devices and the installation of hands free car telephones and/or hands free kits.

PROCEDURES:

Approvals are only to be given where such staff are required to have verbal contact in emergencies and/or where such equipment will enhance the performance of their duties.

Refer to the Premier's motor vehicle conditions and to DoH PD2009_076 relating to the use of mobile phones. (DG)

DELEGATES:

LEVEL 2

LEVEL 3

DIRECTOR HEALTH PROFESSIONAL COUNCILS AUTHORITY

CHIEF EXECUTIVE (PUBLIC HEALTH ORGANISATION) OR DELEGATE

NGO PERFORMANCE AGREEMENTS

Execution and acceptance of funding and performance agreements with non-government organisations under the non-government organisation funding program, subject to Ministerial approval of the financial grant having been previously given.

PROCEDURES:

Refer section 13 of the Health Administration Act 1982. (C)

DELEGATES:

DEPUTY DIRECTOR-GENERAL STRATEGY AND RESOURCES
CHIEF FINANCIAL OFFICER
DEPUTY CHIEF FINANCIAL OFFICER
FINANCIAL CONTROLLER

For revised finance and expenditure delegations, refer to separate document titled 'Finance and Expenditure Delegations (NEW)'.

EXECUTION AGREEMENTS – STATE

Authority to execute agreements, deeds and other documents for and on behalf of the State of NSW in relation to matters within the portfolio responsibility of the Minister for Health.

PROCEDURES:

Exercising this delegation is subject to:

- i) the authorisation being exercised in accordance with the relevant financial delegation where applicable;
 - ii) the authorisation being exercised consistently with any relevant Government policy;
 - iii) the authorisation being exercised in accordance with any relevant Ministerial direction.
(M)
-

DELEGATES:

DIRECTOR-GENERAL

LEVEL 2

LEVEL 3

PROCUREMENT OF LEGAL SERVICES

Authority to procure legal related services without obtaining quotes or inviting tenders.

PROCEDURES:

This delegation authorises the delegates to procure legal services from legal practitioners considered appropriate having regard to the nature of the matter for which the legal services are required and the practicality of obtaining quotes or tenders. This delegation is subject to the rates being charged being considered by the delegate to be competitive (market rates).

This delegation is a general exemption from the requirements of the Goods and Services Procurement Policy Manual.

Refer to Section 13 Health Administration Act 1982. (C)

DELEGATES:

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

INVITATION AND ACCEPTANCE OF TENDERS – HEALTH SUPPORT SERVICES

Authority to approve the invitation and acceptance of tenders for the provision of health support services (goods and services) on a statewide basis for NSW Health.

Procedures:

This authority includes:

- i) Approval of the projected/actual expenditure associated with the statewide tender, no matter the dollar amount;
- ii) Acceptance and execution of agreements and contracts;
- iii) Procurement of consultancy services;
- iv) In respect to providing health support services to public health organisations, approval of the undertaking of tender action without referral to Department of Finance and Services and approval of exceptions to Ministry procurement policy;

In all other circumstances, tender action is to be undertaken within the terms of NSW Health's Goods and Services Procurement accreditation and exceptions to Government and Ministry procurement policies are to be approved by the Director Business and Asset Services and Chief Procurement Officer.

Action is subject to:

- i) Compliance with the procurement policies of the Ministry of Health and NSW Government;
- ii) Availability of funds;
- iii) Where HAC is to be used as the contracting party, the following words are to be used in any agreement: "HAC is entering into this agreement in the exercise of a function of the Director-General of the NSW Ministry of Health pursuant to a determination made under section 8A of the Health Administration Act 1982."

Refer: Section 8A Health Administration Act 1982 (DG, HAC)
Section 12 Public Finance and Audit Act 1983 (M)
Section 126B Health Services Act 1997 (DG)

DELEGATES:

DIRECTOR-GENERAL

DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE

DIRECTOR BUSINESS AND ASSET SERVICES AND CHIEF PROCUREMENT OFFICER

DEPUTY DIRECTOR COMMERCIAL AND PROCUREMENT

1 Million

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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*

INDUSTRIAL

9.4

REVOKED.

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”.

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**

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*

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

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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

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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*

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*

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*

DELEGATION: (S208)

57(14/01/14)

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
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SECTION THIRTEEN

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OPERATING BANKING ACCOUNTS AND TRANSACTIONAL BANKING SERVICES

Open, close or operate banking accounts for a Health agency and to enter into any other transactional banking services (including execution of any ancillary documents).

Conditions:

1. Compliance with any condition or limitations contained in Directives issued by the Treasurer or the NSW Treasury.

Notes:

1. Delegation is made by the Secretary for any GSF Agency for which the Secretary is the accountable authority identified in Section 2.7 of the *Government Sector Finance Act (NSW) 2018*
 2. For further guidance see Section 5 Accounting Manual for NSW Ministry of Health
-

PROCEDURES:

Refer Section 6.19 Government Sector Finance Act 2018
Section 6.15(9) Government Sector Finance Act 2018
Section 21 Health Administration Act 1982

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

DELEGATES:

CHIEF FINANCIAL OFFICER AND DEPUTY SECRETARY FINANCIAL SERVICES AND ASSET MANAGEMENT

DEPUTY CHIEF FINANCIAL OFFICER AND EXECUTIVE DIRECTOR SYSTEM FINANCIAL PERFORMANCE

EXECUTIVE DIRECTOR FINANCIAL DATA ANALYTICS, REPORTING AND GOVERNANCE

EXECUTIVE DIRECTOR FINANCIAL ACCOUNTING, POLICY, INSURANCE AND REVENUE

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*

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

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)

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)

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)*

REGRADING 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*

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)

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.

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

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)

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)

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.

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)

DELEGATES:

DIRECTOR-GENERAL

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 0.05 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)

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.

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)*

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.

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.

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)

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.

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

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

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.

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.

Refer Clause 20 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

SECTION SIXTEEN

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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.

PROCEDURES:

Refer clause 11 Public Sector Employment and Management Regulation 2009. (DH)

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)

DELEGATES:

LEVEL 2

LEVEL 3

LEVEL 4

LEVEL 5

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)

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)

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)

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)

SALARIES**16.7**

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.

DELEGATES:

LEVEL 2

DIRECTOR WORKPLACE RELATIONS

DEPUTY DIRECTOR WORKPLACE RELATIONS

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.

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.

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 14 February 2015 on the following page. (Page 17.2a)

DELEGATES:

LEVEL 2

DIRECTOR WORKPLACE RELATIONS

CHIEF EXECUTIVE PUBLIC HEALTH ORGANISATIONS AND AMBULANCE SERVICE

APPROVAL OF OVERSEAS TRAVEL INSTRUMENT OF AUTHORITY

On the 1 March 2024 the Minister for Health, hereby **approved** overseas travel by NSW Health staff and related 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 the following categories of travel:

- a) a staff member who is entitled to funding for the purpose of Training, Education and Study Leave pursuant to an employment entitlement, and overseas travel is taken as part of such leave arrangements, or
- b) travel funded using moneys from a Restricted Financial Asset Fund¹,
- c) travel funded using moneys from the Special Deposits Account established under section 13A of the Health Administration Act 1982.

Individual applications for overseas travel consistent with this approval are to be authorised by:

- 1) in respect of a staff member who is entitled to funding for the purpose of Training, Education and Study Leave pursuant to an employment entitlement, and overseas travel is taken as part of such leave arrangements:
 - 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 of the organisation or unit of the Health Administration Corporation,
 - b. for all staff – the Health Secretary or a Deputy Secretary
- 2) in respect of travel that is funded using moneys from a Restricted Financial Asset Fund (other than in respect of travel falling with item 1) above) – the Health Secretary or a Deputy Secretary (other than in respect of travel by the Secretary or Deputy Secretary),
- 3) in respect of travel that is funded using moneys from the Special Deposits Account established under section 13A of the Health Administration Act 1982 – the Health Secretary or a Deputy Secretary.

This instrument of Authority commences on 1 March 2024 and on commencement rescinds and replaces the Instrument of Authority concerning overseas travel which was signed by the Minister of Health on 14 February 2015 and amended from time to time.

¹ “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.

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)

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)

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.

PROCEDURES:

Refer to clause 30.1.2, 30.2 and 84.7 of the Crown Employees (Public Service Conditions of Employment) Award. (DH)

DELEGATES:

LEVEL 2

LEVEL 3

