

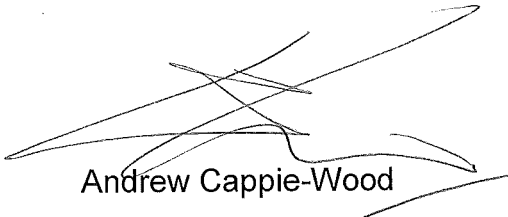



ACT
Government

Public Sector Management Act 1994

DELEGATION OF FUNCTIONS AND POWERS

Under section 36A of the *Public Sector Management Act 1994* I, Andrew Cappie-Wood, Head of Service, revoke all previous delegations and delegate the powers and functions listed in Schedule 1 to the offices (delegates) listed in Schedule 2.


Andrew Cappie-Wood
Head of Service

 March 2012

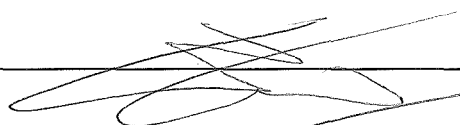
PART B – DELEGATES

Made by the Head of Service under the *Public Sector Management Act 1994 s.36A*

GROUP A DELEGATES

Office	Administrative Unit
Director-General	Chief Minister and Cabinet Directorate
Director-General	Community Services Directorate
Director-General	Economic Development Directorate
Director-General	Education and Training Directorate
Director-General	Environment and Sustainable Development Directorate
Director-General	Health Directorate
Director-General	Justice and Community Safety Directorate
Director-General	Territory and Municipal Services Directorate
Director-General	Treasury Directorate

Authorised by Andrew Cappie-Wood
Head of Service



March 2012

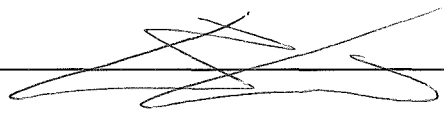
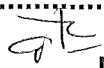
PART B – DELEGATES

Made by the Head of Service under the *Public Sector Management Act 1994 s.36A*

GROUP B DELEGATES

<i>Office</i>	<i>Administrative Unit</i>
Deputy Director-General	Workforce Capability and Governance Division Chief Minister and Cabinet Directorate

Authorised by Andrew Cappie-Wood
Head of Service

..... March 2012

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Group A = Directors' General

Group B = Deputy Director-General, People & Performance, Chief Minister & Cabinet Directorate

(references to the Head of Service have been **highlighted** in for ease of reference)

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
Administrative Arrangements				
15(1). If an administrative unit is abolished, the head of service may , in writing, transfer an office in the administrative unit to another administrative unit. (Machinery of government changes-offices)	Transfer an office between administrative units.	Power – may be delegated under s.36A	Delegated	Delegate Group B
15(2). If, because of administrative arrangements approved by the Chief Minister, a matter that immediately before those arrangements took effect was the responsibility of an administrative unit (the <i>losing area</i>) becomes the responsibility of another administrative unit (the <i>gaining area</i>), the head of service may , in writing, transfer an office in the losing area to the gaining area where the holder of the office is required to perform duties that- (a) relate wholly or mainly to that matter; or (b) are certified by the Chief Minister to be ancillary to, or attributable to, that matter. (Machinery of government changes-offices and officers)	Transfer of officers between administrative units.	Power – may be delegated under s.36A	Delegated	Delegate Group B
16(2). The head of service may direct in writing that— (a) if subsection (1) (a) applies—an employee who was employed in the administrative unit immediately before the abolition is to be employed in another administrative unit; or (b) if subsection (1)(b) applies—an employee who was employed in the losing area immediately before the arrangements took effect is to be employed in the gaining area; and, if such a direction is given, an employee shall be taken as from that time to be employed as so directed, in the same capacity and subject to the same conditions as were applicable immediately before that time. (Machinery of government changes-employees)	Transfer of employees between administrative units.	Power – may be delegated under s.36A	Delegated	Delegate Group B

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
Head of Service				
<p>23B (1) The head of service is responsible for the service as a whole.</p> <p>(2) Without limiting subsection (1), the head of service has the following functions:</p> <ul style="list-style-type: none"> (a) management of the service; (b) development and implementation of whole-of-government strategies; (c) provision of advice and reports to the Chief Minister about whole-of-government issues; (d) coordination of activities and outcomes across administrative units; (e) direction of administrative units in relation to critical or potentially critical issues; (f) approval of the structure of the administrative units; (g) management of the employment of members of the service; (h) management of the exercise by directors-general of their functions; (i) any other function given to the head of service— <ul style="list-style-type: none"> (i) by the Chief Minister; or (ii) under this Act or another territory law. <p>(Head of service—functions)</p>	Functions of the head of service.	Function – may be delegated under s.36A	Not delegated	Retain function – do not delegate
Directors-General				
<p>28(1) The head of service may engage a person to exercise the functions of an office of director-general.</p> <p><i>Note</i> The head of service may also be engaged as the director-general (the CM director-general) of the administrative unit administered by the Chief Minister (see s 23D (1)). The engagement of the head of service as the CM director-general is governed by the contract made under section 23C (see s 23D (2)).</p> <p>(Directors-general—engagement)</p>	Engage a person to exercise functions of an office of director-general (long-term).	Power – may be delegated under s.36A	Not delegated	Retain power – do not delegate

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
28A(1) A contract under section 28 may provide for termination of the employment of the person employed before the end of the period of employment specified in the contract. (Directors-general—early termination of contract)	Terminate a director-general contract. Note: The exercise of this power is under section 10 of the director-general’s contract.	Power – may be delegated under s.36A	Not delegated	Retain power – do not delegate
28AB(1) A contract under section 28 may be varied at any time by a written agreement signed by the director-general and the head of service , on behalf of the Territory. <i>Note</i> If a person engaged by a contract under s 28 is transferred or assigned under s 33A, the person’s contract is taken to be varied by the transfer or assignment (see s33A (4)). (Directors-general—contract variation)	Vary the contract of a director-general .	Power – may be delegated under s.36A	Not delegated	Retain power – do not delegate
28C Section 65 (1), (3) and (4) does not apply in relation to a second or subsequent engagement of a person to perform the duties of the same office of director-general, or an office of director-general with similar duties, if— (a) the period of the second or subsequent engagement is to commence immediately on the end of the period of the previous engagement; and (b) the head of service has certified in writing that he or she is satisfied that it would be in the interests of the service for the person to be re-engaged to perform those duties. (Application of merit principle to re-engagements)	Certify that the reengagement of a director-general, without a further merit process, is in the interests of the service.	Power – may be delegated under s.36A	Not delegated	Retain power – do not delegate

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
<p>28D(1) This section applies in relation to a person engaged by a contract under section 28 (Directors-general—engagement) if the head of service does not intend to re-engage the person under that section to exercise the functions of the same office of director-general or another office of director-general.</p> <p>(2) However, to remove any doubt, this section does not apply if the contract is terminated before the end of the period of employment specified in the contract.</p> <p><i>Note</i> For the termination of a contract under s 28, see s 28A (Early termination of contract).</p> <p>(3) At least 3 months before the day the contract ends, the head of service may give the person written notice that the person will not be re-engaged.</p> <p>(4) An amount equal to 1/4 of the person’s final annual salary is payable to the person by the Territory if, when the person’s contract ends—</p> <p>(a) the head of service has not given a notice under subsection (3); and</p> <p>(b) the person has not accepted another position in the public sector; and</p> <p>(c) the person is not entitled to a redundancy payment (however described) for not being re-engaged.</p> <p><i>Note</i> Section 248B provides that the Territory or a territory instrumentality must not, within 3 months after the day the contract ends, and without consulting the commissioner, employ a person who has received, or is entitled to, an amount mentioned in this subsection.</p> <p>(5) The amount must be paid within 3 months after the day the contract ends.</p> <p>(6) In this section:</p> <p>final annual salary, for a person engaged by a contract under section 28, means the person’s annual remuneration under the contract as at the day the contract ends, but does not include cash payments (for example, cash payments instead of employer provided benefits).</p> <p><i>Note</i> An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).</p> <p>(Directors-general—notice or payment if not re-engaged)</p>	<p>Give notice that a director-general is not to be re-engaged.</p>	<p>Power – may be delegated under s.36A</p>	<p>Not delegated</p>	<p>Retain power – do not delegate</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
<p>30(2) The parties to a contract under this section shall be the Territory and the person engaged.</p> <p>(3) The contract must—</p> <p>(a) be in writing; and</p> <p>(b) be signed by the person and the head of service, on behalf of the Territory; and</p> <p>(c) state the period during which the person is engaged to act as a director-general.</p> <p>(Directors-general—temporary contracts)</p>	<p>Sign a contract (short-term) for a director-general on behalf of the Territory.</p>	<p>Power – may be delegated under s.36A</p>	<p>Not delegated</p>	<p>Retain power – do not delegate</p>
<p>30A(1) A contract under section 30 may be varied at any time by a written agreement signed by the director-general and the head of service, on behalf of the Territory.</p> <p>(Directors-general—variation of temporary contracts)</p>	<p>Vary a director-general (short-term) contract.</p>	<p>Power – may be delegated under s.36A</p>	<p>Not delegated</p>	<p>Retain power – do not delegate</p>
<p>31(2) The head of service must have regard to the advice of the Chief Minister and the Minister responsible for the administrative unit about the proposed engagement before entering into a contract with the person, or any variation of the contract.</p> <p>(3) In this section:</p> <p>engagement means an engagement under section 28 (Directors-general—engagement) or section 30 (Directors-general—temporary contracts).</p> <p>(Head of service must consult with Ministers about engagements etc)</p>	<p>Regard the advice of the Chief Minister and any other responsible Minister before engaging a director-general.</p>	<p>Function – may be delegated under s.36A</p>	<p>Not delegated</p>	<p>Retain function – do not delegate</p>
<p>33A(1) The head of service may, in writing, for a person engaged by a contract under section 28 (Directors-general—engagement)—</p> <p>(a) transfer the person from the office of director-general under the contract to—</p> <p>(i) another office of director-general; or</p>	<p>Transfer or assign a director-general to another office.</p>	<p>Power – may be delegated under s.36A</p>	<p>Not delegated</p>	<p>Retain power – do not delegate</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
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(ii) any other office (including an executive office) in an administrative unit; or (b) assign the person to exercise other stated functions in the public sector. (2) The head of service may transfer or assign the person only if the head of service has— (a) given the person an opportunity to state the person’s views about the transfer or assignment; and (b) considered the person’s views (if any). (Directors-general—transfer or assignment)				
34 The head of service must notify in the gazette each of the following within 28 days after the day each happens: (a) the making of a contract under section 28 (Directors-general—engagement); (b) the termination of a contract made under that section; (c) the end of a period of engagement by a contract under that section; (d) the transfer or assignment of a person under section 33A (Directors-general—transfer or assignment). (Directors-general—notification of engagement etc)	Notify the making, end or termination of a director-general contract and the transfer or reassignment of a director-general.	Power – may be delegated under s.36A	Delegated	Delegate Group B
35 A director-general shall not, except in accordance with the written approval of the head of service , accept or engage in any remunerative employment other than in relation to the performance of his or her duties in the service. (Directors-general—paid employment outside the service)	Approve a director-general to engage in remunerative employment outside of the ACTPS.	Power – may be delegated under s.36A	Not delegated	Retain power – do not delegate

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
Powers of delegation				
<p>36A The head of service may—</p> <p>(a) delegate to a public sector officer the head of service’s functions under this Act or any other law; or</p> <p>(b) sub delegate to a public sector officer the functions delegated to the head of service under a law other than this Act.</p> <p><i>Note</i> For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.</p> <p>(Delegation by head of Service)</p>	<p>Delegate head of service powers.</p>	<p>Power – may be delegated under s.36A</p>	<p>Not delegated</p>	<p>Retain power – do not delegate</p>
<p>36D (1) A delegator must not delegate a function under this division to a non-service delegate unless the delegator considers that the tasks to be undertaken by the non-service delegate require the exercise of that function.</p> <p>(2) A delegator who has delegated or sub delegated a function under this division may give directions to the delegate or sub delegate in relation to the exercise of the function.</p> <p>(3) Subsection (4) applies if the delegation or sub delegation of a function under this division is expressed to be given to people who occupy or exercise the functions of an office of a kind described in the delegation or sub delegation.</p> <p>(4) The delegation or sub delegation extends to any person who occupies, or exercises the functions of, an office of a kind described in the delegation or sub delegation, even if the office does not come into existence until after the delegation or sub delegation is given.</p> <p>(5) In this section:</p> <p>delegator means—</p> <p>(a) the commissioner; or</p> <p>(b) the head of service; or</p> <p>(c) a director-general.</p> <p>non-service delegate means a person exercising a function on behalf of the</p>	<p>Consider whether it is required to delegate powers to a non-service delegate.</p> <p>Give directions to delegates or sub delegates.</p>	<p>Function – may be delegated under s.36A</p>	<p>Not delegated</p>	<p>Retain function – do not delegate</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
Territory otherwise than as— (a) an officer or employee; or (b) a statutory office-holder. (Delegations by head of service, commissioner and directors-general—generally)				
Creation and abolition of executive offices				
54A(1) The head of service may , in writing, create or abolish an executive office in an administrative unit or other branch of the service. (Creation and abolition of executive offices)	Create or abolish an executive office.	Power – may be delegated under s.36A	Delegated	Delegate Group B
54A(2) The head of service shall , in the instrument creating an office under subsection (1), state that the office is created as an executive office. (Creation and abolition of executive offices)	State, through an instrument, an office to be an executive office.	Power – may be delegated under s.36A	Delegated	Delegate Group B
Creation and abolition of non-executive offices				
55(1) For the purpose of enabling an administrative unit to exercise its functions, the head of service may in writing— (a) create an office in an administrative unit; or (b) abolish an office in an administrative unit. (Creation and abolition of offices)	Create or abolish an office in an administrative unit.	Power – may be delegated under s.36A	Delegated	Delegate Group A
56(1). A classification is an approved classification for this Act only if— (a) a management standard is in force that specifies the salary payable in relation to offices having that classification; or (b) in a case to which paragraph (a) does not apply—the head of service declares , in writing, that the classification is an approved classification for this subsection. (Classification of offices and officers)	Approve classifications.	Power – may be delegated under s.36A	Delegated	Delegate Group B

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
58(1) Subject to the management standards, the head of service may , in writing, alter the classification of an office in an administrative unit to the classification stated in the instrument. (Reclassification of offices)	Alter the classification of an office.	Power – may be delegated under s.36A	Delegated	Delegate Group A
58(4). The head of service may , in writing, direct that subsection (3) shall not apply (<i>unattachment where salary different</i>) in relation to alterations of the classification of offices included in a specified class of alterations of the classification of offices. (Reclassification of offices)	Non-unattachment if salary levels different.	Power – may be delegated under s.36	Delegated	Delegate Group B
Part-time offices				
60(1) The head of service may , with the consent of the officer holding an office in an administrative unit, in writing, declare the office to be a part-time office. (Part-time offices)	Declare an office to be part-time.	Power – may be delegated under s.36A	Delegated	Delegate Group A
62(3) Subject to subsection (4), if— (a) a person is appointed under section 68, or reappointed under section 118, to the service as an unattached officer; and (b) the head of service is satisfied that the person will, when he or she ceases to be an unattached officer, be appointed to a part-time office; the head of service may declare, in writing, that the hours of attendance that are applicable to the officer shall, until he or she ceases to be an unattached officer, be those specified in the declaration. (Hours of attendance of certain unattached officers)	Declare the hours of an unattached officer to be part-time.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
62(4) If the hours of attendance applicable to a person are ascertained in accordance with subsection (1), (2) or (3) or a previous application of this subsection, the head of service may , with the consent of the person, determine, in writing, that the hours of attendance applicable to the person are those specified in the determination and, if such a determination is made, the hours of attendance that are applicable to the person shall, until he or she ceases to be an unattached officer, be those specified in the determination. (Hours of attendance of certain unattached officers)	Determine the hours of an unattached officer in accordance with a previous determination.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Personnel management				
65(2) The head of service in exercising the function must ensure that— (a) all people who are eligible have, as far as practicable, a reasonable opportunity to apply for the appointment, engagement, transfer or promotion; and (b) the decision is made on the basis of an assessment of the relative efficiency of the applicants, having regard to— (i) the nature of the duties to be performed; and (ii) the relevant abilities, qualifications, experience, personal qualities and potential for development of the applicants. (Application of merit principle)	Apply the merit principle.	Power – may be delegated under s.36A	Delegated	Delegate Group A
65(5) In this section: identified position means a position that the head of service has decided , in accordance with a prescribed process, must be filled by— (a) an Aboriginal person or Torres Strait Islander, or (b) a person who has a disability. (Application of merit principle)	Determine that a position is to be an 'identified position'.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Act 1994

Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
66 The head of service shall cause notice of— (a) the appointment, transfer or promotion of an officer in the service; or (b) the retirement or dismissal of an officer from the service; to be published in the Gazette. (Notification of certain matters related to appointment, transfer or promotion)	Notify the appointment, transfer, promotion, retirement or dismissal of an officer.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Appointment of officers				
68(1) Subject to subsection (2), the appointment of a person to the service as an officer shall be made by the head of service . (2) A person shall not be appointed to the service unless- (c) the head of service, has certified in writing that after due inquiry he or she is satisfied that the person is a fit and proper person to be so appointed having regard to ...etc (Appointments generally)	Certify a person as fit and proper for appointment to the service.	Power – may be delegated under s.36A	Delegated	Delegate Group A
69 A person shall not be appointed as an unattached officer under section 68 (1) unless the head of service — (a) determines the classification of the person as an unattached officer having regard to the duties to be performed by the officer; and (b) the person is qualified for appointment to an office having a classification corresponding to his or her classification as an unattached officer. (Classification of unattached officers)	Appoint a person as an unattached officer.	Power – may be delegated under s.36A	Delegated	Delegate Group A
70(3) The appointment may be confirmed any day after the day the officer is appointed if the head of service is satisfied that— (a) the officer has undergone a medical examination to assess the person’s standard of health and fitness and the examination confirms that the standard of health and fitness of the person is satisfactory; or (b) it is unnecessary, in the circumstances, to require the officer to undergo a medical examination. (Appointment on probation)	Confirm the appointment of an officer on probation.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
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Public Sector Management Act 1994

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<p>70(4) The appointment may be ended at any time before the appointment is confirmed or taken to be confirmed if the head of service is satisfied on reasonable grounds that—</p> <p>(a) the officer has not undergone a medical examination to assess his or her standard of health and fitness; or</p> <p>(b) the officer has undergone a medical examination to assess his or her standard of health and fitness and an authorised doctor provides a report that the standard of health and fitness of the officer is not satisfactory; or</p> <p>(c) on the basis of a report from the officer’s supervisor, or another appropriate officer—the performance of the officer’s duties is not satisfactory; or</p> <p>(d) the officer is not a fit and proper person to remain an officer of the service; or</p> <p>(e) the officer is an excess officer.</p> <p>(Appointment on probation)</p>	<p>Terminate the appointment of an officer on probation.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>70(6). The head of service must not, without consulting the commissioner, appoint an officer, whose appointment has been ended under this section, within 12 months after the day the appointment ends.</p> <p>(Appointment on probation)</p>	<p>Reappoint an officer after termination of probation, after consultation.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>71(3) The appointment may be confirmed any day after the officer successfully completes the course of training required for the prescribed training office if the head of service is satisfied that—</p> <p>(a) the officer has undergone a medical examination to assess the person’s standard of health and fitness and the examination confirms that the standard of health and fitness of the officer is satisfactory; or</p> <p>(b) it is unnecessary, in the circumstances, to require the officer to undergo a medical examination.</p> <p>(Appointment on probation – prescribed training office)</p>	<p>Confirm the appointment of an officer on probation in a prescribed training office.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

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Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
<p>71(4) The appointment may be ended any time before the appointment is confirmed or taken to be confirmed if the head of service is satisfied on reasonable grounds that—</p> <p>(a) the officer has not undergone a medical examination to assess his or her standard of health and fitness; or</p> <p>(b) the officer has undergone a medical examination to assess their standard of health and fitness and an authorised doctor provides a report that the standard of health and fitness of the officer is not satisfactory; or</p> <p>(c) on the basis of a report from the officer’s supervisor, or another appropriate officer—the performance of the officer’s duties is not satisfactory; or</p> <p>(d) the officer is not a fit and proper person to remain an officer of the service; or</p> <p>(e) the officer is an excess officer; or</p> <p>(f) the officer has not successfully completed the course of training required for the prescribed training office.</p> <p>(Appointment on probation – prescribed training office)</p>	<p>Terminate the appointment of an officer on probation in a prescribed training office.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>71(6). The head of service must not, without consulting the commissioner, appoint an officer, whose appointment has been ended under this section, within 12 months after the day the appointment ends.</p> <p>(Appointment on probation – prescribed training office)</p>	<p>Reappoint an officer after termination of probation - officer in a prescribed training office, after consultation.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>71A(3) The appointment may be confirmed any day after the day the officer is appointed if the head of service is satisfied that—</p> <p>(a) the officer has undergone a medical examination to assess the person’s standard of health and fitness and the examination confirms that the standard of health and fitness of the officer is satisfactory; or</p> <p>(b) it is unnecessary, in the circumstances, to require the officer to undergo a medical examination.</p> <p>(Appointment on probation – teachers)</p>	<p>Confirm the appointment of an officer on probation in a teaching office.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
<p>71A(4) The appointment may be ended any time before the appointment is confirmed or taken to be confirmed if the head of service is satisfied on reasonable grounds that—</p> <p>(a) the officer has not undergone a medical examination to assess his or her standard of health and fitness; or</p> <p>(b) the officer has undergone a medical examination to assess their standard of health and fitness and an authorised doctor provides a report that the standard of health and fitness of the officer is not satisfactory; or</p> <p>(c) on the basis of a report from the officer’s supervisor, or another appropriate officer—the performance of the officer’s duties is not satisfactory; or</p> <p>(d) the officer is not a fit and proper person to remain an officer of the service; or</p> <p>(e) the officer is an excess officer.</p> <p>(Appointment on probation – teachers)</p>	<p>Terminate the appointment of an officer on probation in a teaching office.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>71A(6). The head of service must not, without consulting the commissioner, appoint an officer as a teacher, whose appointment has been ended under this section, within 12 months after the day the appointment ends.</p> <p>(Appointment on probation – teachers)</p>	<p>Reappoint an officer after termination of probation - office classified as a teacher, after consultation.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>71B(1) A period of probation for a person may be extended if—</p> <p>(a) the appointment has not been confirmed or taken to be confirmed; and</p> <p>(b) the head of service is satisfied on reasonable grounds that the extension is reasonably required to assess the person’s suitability for office.</p> <p>Examples—par (b)</p> <p>1 Glen is appointed as an officer. Six weeks after starting work a family crisis occurs and Glen is absent on authorised unpaid leave for a 12-week period. Glen’s extended absence means that there has not been a long enough period at work to assess</p>	<p>Extend a period of probation.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
Section / Authority	Power / Function	Potential to Delegate	Status	Suggested action
<p>whether work performance is satisfactory so an additional period of probation is reasonable.</p> <p>2 Josephine is appointed as a teacher and undergoes a medical assessment to assess her standard of health and fitness. The report from the authorised doctor is delayed because the doctor is taken ill and cannot complete the report before the probationary period would be taken to be confirmed under s 71A (2). An additional period of probation is reasonable to allow for a medical assessment report to be provided.</p> <p>3 Mai is appointed to a prescribed training office. The training required for the office usually takes two years to complete. An additional period of probation is reasonable to allow time for Mai to complete the required training.</p> <p><i>Note</i> An example is part of the Act is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).</p> <p>(Extension of probation)</p>				
<p>71B(4) An appointment that has been extended under this section may be confirmed any day after the extension if the head of service is satisfied that—</p> <p>(a) the officer has undergone a medical examination to assess the person’s standard of health and fitness and the examination confirms that the standard of health and fitness of the officer is satisfactory; or</p> <p>(b) it is unnecessary, in the circumstances, to require the officer to undergo a medical examination.</p> <p>(Extension of probation)</p>	<p>Confirm the appointment of an officer whose probation has been extended.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>71B(5) An appointment that has been extended under this section may be ended at any time before the appointment is confirmed or taken to be confirmed if the head of service is satisfied on reasonable grounds that—</p> <p>(a) the officer has not undergone a medical examination to assess his or her standard of health and fitness; or</p> <p>(b) the officer has undergone a medical examination to assess his or her standard of health and fitness and an authorised doctor provides a report that</p>	<p>Terminate the appointment of an officer whose probation has been extended.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
<p>the standard of health and fitness of the officer is not satisfactory; or (c) on the basis of a report from the officer’s supervisor, or another appropriate officer—the performance of the officer’s duties is not satisfactory; or (d) the officer is not a fit and proper person to remain an officer of the service; or (e) the officer is an excess officer. (Extension of probation)</p>				
<p>71C(1) The head of service may appoint a person to an office without probation if satisfied that— (a) the appointment without probation is in the public interest; or (b) immediately before the day of the appointment, for a period of 12 months or more, the person performed the duties of the office, or an office with similar duties. 2) The head of service must not appoint a person to an office without probation unless satisfied that— (a) the person has undergone a medical examination to assess the person’s standard of health and fitness and on the basis of the examination, the standard of health and fitness of the person is satisfactory; or (b) it is unnecessary, in the circumstances, to require the person to undergo a medical examination. (Appointment without probation)</p>	<p>Appoint a person as an officer without probation.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
Engagement of executives				
<p>72(1) A person may be engaged by a contract under this section to perform the duties of an executive office. (Executives—engagement) – refer also s78(1) below</p>	<p>Engage a person to exercise functions of executive office (long-term).</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group B</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
72A(1) A contract under section 72 may be varied at any time by a written agreement between the parties. (Executives—contract variation) – refer also s78(1) below.	Vary the contract of an executive.	Power – may be delegated under s.36A	Delegated	Delegate Group B
73(1) A contract under section 72 may provide for termination of the employment of the person employed before the end of the period of employment specified in the contract. (Early termination of contract) – refer also s78(1) below.	Terminate an executive contract. Note: The exercise of this power is under section 10 of the director-general’s contract.	Power – may be delegated under s.36A	Delegated	Delegate Group B
75 Section 65 (1), (3) and (4) does not apply in relation to a second or subsequent engagement of a person to perform the duties of the same executive office, or an executive office with similar duties, if— (a) the period of the second or subsequent engagement is to commence immediately on the end of the period of the previous engagement; and (b) the head of service has certified in writing that he or she is satisfied that it would be in the interests of the service for the person to be re-engaged to perform those duties. (Application of merit principle to re-engagements)	Certify that the reengagement of an executive, without a further merit process, is in the interests of the service.	Power – may be delegated under s.36A	Delegated	Delegate Group B
75A(1) This section applies in relation to a person engaged by a contract under section 72 (Executives—engagement) if the head of service for the person does not intend to re-engage the person under that section. (3) Three months or more before the day the contract ends, the head of service may give the person written notice that the person will not be re-engaged. (Notice of payment if executive not re-engaged)	Give notice that an executive is not to be re-engaged.	Power – may be delegated under s.36A	Delegated	Delegate Group B

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
76(2) The parties to a contract under this section shall be the Territory and the person engaged. (3) A contract under this section shall— (a) be in writing; and (b) specify the period during which the person engaged is to perform the duties of the office; and (c) be signed by or on behalf of each party. (Executives—temporary contracts) – refer also s78(1) below.	Sign a contract (short-term) for an executive.	Power – may be delegated under s.36A	Delegated	Delegate Group A & Group B Note: Group A limited to temp contracts of 3 months or less. HoS/Group B hold power for temp contracts of more than 3 months.
76A(1) A contract under section 76 may be varied at any time by a written agreement between the parties. (Executives—variation of temporary contracts) – refer also s78(1) below.	Vary an executive (short-term) contract.	Power – may be delegated under s.36A	Delegated	Delegate Group A & Group B Note: Group A limited to variations of temporary contracts of 3 months or less. HoS/Group B hold power for variations of temporary contracts of more than 3 months.
78(1) The following contracts and contract variations must be signed for the Territory by the head of service : (a) a contract under section 72 (Executives—engagement) or section 76 (Executives—temporary contracts); (b) a variation of a contract under section 72A (Executives—contract variation) or section 76A (Executives—variation of temporary contracts); (c) a contract under section 72 or section 76 to engage a person to exercise the functions of the position of chief executive officer, Calvary; (d) a variation of a contract mentioned in paragraph (c) under section 72A or section 76A.	Sign a contract (long-term/short-term) or contract variation (long-term/short-term) for an executive on behalf of the Territory.	Power – may be delegated under s.36A	Delegated	Delegate Group A & Group B Note: Group A limited to temporary contracts of 3 months or less. HoS/Group B hold power for temporary contracts of more than 3 months.

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
(2) In this section: chief executive officer, Calvary —see section 26 (4) (Powers relating to certain Calvary Health Care staff). (Negotiation and execution of contracts)				
80A(1) The head of service may , in writing, for a person engaged by a contract under section 72 (Executives—engagement)— (a) transfer the person from the executive office under the contract to another executive office that has the same classification; or (b) assign the person to exercise other stated functions in the public sector. (2) The head of service may transfer or assign the person only if the head of service has— (a) consulted— (i) the relevant agency manager that would gain the person; and (ii) the relevant agency manager that would release the person; and (b) given the person an opportunity to state the person’s views about the transfer or assignment; and (c) considered the person’s views (if any). (Executives—transfer or assignment)	Transfer or assign an executive to another office. Consult with agency manager.	Power – may be delegated under s.36A	Delegated	Delegate Group B
81 The head of service must notify in the gazette each of the following within 28 days after the day each happens: (a) the making of a contract under section 72 (Executives—engagement); (b) the termination of a contract made under that section; (c) the end of a period of engagement by a contract under that section; (d) the transfer or assignment of a person under section 80A (Executives—transfer or assignment). (Notification of executive’s engagement etc)	Notify the making, end or termination of an executive contract and the transfer or reassignment of an executive.	Power – may be delegated under s.36A	Delegated	Delegate Group B

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
Promotion of officers				
83(1) The head of service may promote an officer to fill a vacant office if the prescribed requirements are met. (2) If an officer is promoted under this division the head of service must give written notice of the promotion to the officer. (Promotion to vacant office)	Promote an officer.	Power – may be delegated under s.36A	Delegated	Delegate Group A
86(4) If the head of service cancels the promotion as a result of the review— (a) the officer whose promotion is cancelled must for all purposes be treated as having held the office from the date the promotion took effect to the date of the cancellation; and (b) the head of service— (i) must transfer the officer to an office with a classification that is equal to the classification that the officer had immediately before the promotion took effect; and (ii) may if necessary create an office to allow the transfer mentioned in subparagraph (i). (Review of certain promotion positions)	Cancel a promotion as a result of an Internal Review.	Power – may be delegated under s.36A	Delegated	Delegate Group A
87(1) The head of service may promote an officer to fill a vacant office if— (a) a joint selection committee is established in relation to the promotion; and (b) the committee recommends the promotion. (Promotion on advice of joint selection committee)	Promote an officer on the advice of a JSC/MJSC.	Power – may be delegated under s.36A	Delegated	Delegate Group A
87(2) If a joint selection committee makes a recommendation to the head of service about a promotion the head of service may — (a) accept the recommendation; or (b) not accept the recommendation.	Accept, or not, the recommendation of a JSC/MJSC.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
(Promotion on advice of joint selection committee)				
87(3) If an officer is promoted under this section the head of service must — (a) notify the promotion in the gazette; and (b) state in the notification that the selection involved— (i) a joint selection committee agreed to by the principal union (a union agreed joint selection committee); or (ii) a management initiated joint selection committee; and (c) state in the notification whether the promotion is appellable or reviewable. (Promotion on advice of joint selection committee)	Notify the promotion of an officer in accordance with the recommendation of a JSC/MJSC.	Power – may be delegated under s.36A	Delegated	Delegate Group A
90 (1) Before the promotion of an officer to a vacant office in an administrative unit takes effect, the head of service may cancel the promotion on reasonable grounds. (Cancellation of promotion)	Cancel the promotion of an officer.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Transfer of officers				
92(2) The head of service may transfer an officer from within an administrative unit to fill a vacant office in the unit if— (a) the head of service consults with the director-general of the administrative unit; and (b) the prescribed requirements are met. (Transfer to vacant office)	Transfer an officer.	Power – may be delegated under s.36A	Delegated	Delegate Group A
92(3) If an officer is transferred under this division, the head of service must give written notice of the transfer to the officer. (Transfer to vacant office)	Notify an officer of their transfer.	Power – may be delegated under s.36A	Delegated	Delegate Group A
93(1) This section applies if— (a) 2 or more officers in an administrative unit occupy offices with the same classification; and	Transfer officers simultaneously – within administrative unit.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
(b) the head of service approves the simultaneous transfer of the officers between the offices. (2) The head of service may transfer the officers if— (a) the head of service consults with the director-general of the administrative unit; and (b) the prescribed requirements are met. (Simultaneous transfer within administrative unit)				
94 The head of service may transfer an officer in an administrative unit to a vacant office in another administrative unit, if the head of service consults — (a) the director-general of the administrative unit that would gain the officer; and (b) the director-general of the administrative unit that would release the officer. (Transfer between administration units)	Transfer an officer – between administrative units.	Power – may be delegated under s.36A	Delegated	Delegate Group A
95(1). This section applies if the head of service is satisfied on reasonable grounds that the efficient administration of an administrative unit requires the transfer of an officer from one part of the unit to another. 95(2) The head of service may transfer an officer to fill a vacant office in the administrative unit if— (a) the head of service consults the director-general of the unit; and (b) gives the officer an opportunity to state the officer’s views in relation to the transfer; and (c) considers the views of the officer. (Management initiated transfer—within administrative unit)	Transfer an officer – within administrative unit.	Power – may be delegated under s.36A	Delegated	Delegate Group A
96(1) This section applies if the head of service is satisfied on reasonable grounds that the efficient administration of the service requires the transfer of an officer from 1 administrative unit to another.	Transfer an officer – between administrative units.	Power – may be delegated under s.36A	Delegated	Delegate Group B

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Act 1994

Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
(Management initiated transfer—between administrative units)				
<p>96(2) The head of service may transfer the officer from one administrative unit to another if the head of service—</p> <p>(a) consults—</p> <p style="padding-left: 20px;">(i) the officer; and</p> <p style="padding-left: 20px;">(ii) the director-general of the administrative unit that would gain the officer; and</p> <p style="padding-left: 20px;">(iii) the director-general of the administrative unit that would release the officer; and</p> <p>(b) considers whether the transfer is in the interests of the efficient administration of the service; and</p> <p>(c) is satisfied that the efficient administration of the service requires the transfer of an officer from 1 administrative unit to another.</p> <p>(Management initiated transfers – between administration units)</p>	<p>Transfer of an office between administrative units, for the efficient administration of the service.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group B</p>
<p>96A(1) This section applies if the head of service is satisfied for section 96 that the efficient administration of the service requires the transfer of 2 or more officers from one administrative unit to another.</p> <p>(2) In addition to requirements in section 95, the head of service must follow any relevant consultation requirement that is set out in an industrial instrument that applies to an officer whose transfer is required.</p> <p>(Management initiated transfer – additional consultation if transfer of 2 or more officers)</p>	<p>Follow consultative requirements set out in the industrial instrument applying to an officer who is to be transferred.</p>	<p>Function – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group B</p>
<p>96B(1) The head of service may transfer an officer to fill a vacant office in an administrative unit if—</p> <p>(a) a joint selection committee is established in relation to the transfer; and</p> <p>(b) the committee recommends the transfer.</p>	<p>Transfer an officer on the advice of a JSC/MJSC.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
(Transfer on advice of joint selection committee)				
96B(2A) The head of service must consult the director-general of the administrative unit about the recommendation. (Transfer on advice of joint selection committee)	Consult with director-general	Power – may be delegated under s.36A	Delegated	Delegate Group A
96B(3) The head of service may — (a) accept the recommendation; or (b) not accept the recommendation. (Transfer on advice of joint selection committee)	Accept, or not, the recommendation of a JSC/MJSC to transfer an officer.	Power – may be delegated under s.36A	Delegated	Delegate Group A
96B(4) If an officer is transferred in accordance with a recommendation under subsection (2) the head of service must notify the transfer in the gazette. (Transfer on advice of joint selection committee)	Notify a transfer on the advice of a JSC.	Power – may be delegated under s.36A	Delegated	Delegate Group A
96D(1) Before the transfer of an officer to a vacant office in an administrative unit takes effect, the head of service may cancel the transfer on reasonable grounds. (Cancellation of transfer)	Cancel the transfer of an officer.	Power – may be delegated under s.36A	Delegated	Delegate Group A
97(2) The head of service may , in writing, declare that an examination applies to officers included in a stated class of officers. (Transfers and promotions to specified offices may be made in accordance with order of passing examinations)	Declare that an examination applies to a classification for the purposes of promotion or transfer of officers.	Power – may be delegated under s.36A	Delegated	Delegate Group B
97(4) If— (a) in circumstances specified in relation to a class of offices under subsection (1) there is a vacancy in an office or offices included in that class; and (b) an examination applies to that class of officers under a declaration under subsection (2); then, if the head of service — (c) if only 1 officer has passed the examination and is otherwise eligible for	Transfer or promote an officer to a classification on the passing of an examination.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Act 1994

Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
<p>transfer or promotion to that office or those offices—transfers or promotes that officer to that office or to 1 of those offices; or (d) if 2 or more officers have passed the examination and are otherwise eligible for transfer or promotion to that office or those offices—transfers or promotes those officers to that office or those offices in accordance with the order of merit in which they passed the examination; the transfer or promotion, or each of the transfers or promotions, shall be taken to have been made under this section and not under section 83. (Transfers and promotions to specified offices may be made in accordance with order of passing examinations)</p>				
<p>98(1) The management standards may provide that— (a) a specified office (a training office) is an office the occupant of which is required to undergo a course of training for the purpose of enabling him or her to perform duties that require professional, technical or other knowledge; and (b) an officer who has completed that course of training to the satisfaction of the head of service is entitled to occupy an office (the relevant higher office) having a specified classification. (Promotion of officers who complete courses of training for special positions)</p>	<p>Promote and officer to a classification on the completion of a course of training.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>98(4) Subject to subsection (5), if there is a vacancy in an office that is, in relation to a training office, a relevant higher office, the head of service must— (a) if, at the time when that relevant higher office becomes vacant, an officer who has completed that course of training is, because of the operation of subsection (8), an unattached officer—transfer that officer to that office under this section; or (b) if, at the time when that relevant higher office becomes vacant, 2 or more officers who have completed that course of training are, because of the operation of subsection (8), unattached officers—transfer to that office under this section whichever of those officers was the first so to become an</p>	<p>Transfer an unattached officer to a training office.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
unattached officer; or (c) if, at the time when the relevant higher office becomes vacant, no officer who has completed that course of training is, because of the operation of subsection (8), an unattached officer—subject to subsection (9), promote to that office under this section the first officer to complete that course of training. (Promotion of officers who complete courses of training for special positions)				
98(8). If an officer who is entitled, on completion of a particular course of training to the satisfaction of the head of service , to occupy a relevant higher office so completes that course of training but there is, at the time when he or she completes that course, no vacant relevant higher office, or no vacant relevant higher office to which he or she is entitled under subsection (4) (c) to be promoted— (a) he or she becomes, by force of this subsection, an unattached officer who is required to perform duties corresponding to the duties of such an office; and (b) he or she shall have the classification appropriate to the occupant of such an office and shall be entitled to be paid the salary that would, from time to time, be payable to him or her if he or she were the occupant of such an office. (Promotion of officers who complete courses of training for special positions)	Unattach an officer after the completion of course of training where a position not available.	Power – may be delegated under s.36A	Delegated	Delegate Group A
100(1) The head of service may temporarily transfer an officer from an administrative unit to exercise the whole, or part, of the functions of another office in the unit if— (a) the head of service consults the director-general of the unit; and (b) the prescribed requirements are met. (Temporary transfer)	Temporarily transfer an officer to another office – within administrative unit.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Act 1994

Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
100(5) The head of service may , in writing— (a) revoke the temporary transfer at any time; or (b) vary the temporary transfer at any time. (Temporary transfer)	Revoke or vary the temporary transfer of an officer.	Power – may be delegated under s.36A	Delegated	Delegate Group A
100(6) The head of service may temporarily transfer an officer from an administrative unit to exercise the whole, or part, of the functions of an office in another unit if the prescribed requirements are met. (Temporary transfer)	Temporarily transfer an officer to another office – between administrative units.	Power – may be delegated under s.36A	Delegated	Delegate Group A
101(2) The head of service must provide notification in the gazette of a temporary transfer if— (a) the head of service temporarily transfers an officer to perform the duties of a higher office to which this section applies; and (b) the transfer is for a period of more than 6 months. (Notification of certain temporary transfers to higher office)	Notify the temporary transfer of an officer – more than 6 months.	Power – may be delegated under s.36A	Delegated	Delegate Group A
104(3) If the head of service receives a notice under subsection (2) the relevant head of service must — (a) revoke the temporary transfer of the person transferred under section 100; and (b) temporarily transfer the appellant to the position. (Temporary transfer if appeal successful)	Revoke a temporary transfer and temporarily transfer a successful appellant following advice from an appeal panel.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Temporary employment				
106(1) The head of service may engage a person for temporary employment in an administrative unit if satisfied that— (a) there is no officer available in the service with the expertise, skills or qualifications required for the duties to be performed; or	Engage a temporary employee.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
(b) assistance of a temporary nature is required for the performance of urgent or specialised work in the unit and it is not practical in the circumstances to use the services of an existing officer to do the work. (Power to engage temporary employee)				
107(1) The head of service may engage a person in temporary employment to exercise functions in an administrative unit for a fixed term of less than 12 months. (Temporary employment—fixed term less than 12 months)	Engage a temporary employee for a fixed term – less than 12 months.	Power – may be delegated under s.36A	Delegated	Delegate Group A
107(2) A person engaged under this section may be re-engaged with no break in his or her service subject to the following: (a) the total period of engagement must be less than 12 months; (b) the head of service must have complied with the prescribed requirements for merit selection in temporary employment. (Temporary employment—fixed term less than 12 months)	Reengage a temporary employee for a fixed term – aggregate of engagements no more than 12 months.	Power – may be delegated under s.36A	Delegated	Delegate Group A
108(1) The head of service may engage a person in temporary employment to exercise functions in an administrative unit for a fixed term of not longer than 5 years. 108(2) The head of service must not engage a person under this section unless the principal union has been consulted about the need for the temporary employment. (Temporary employment—fixed term not more than 5 years)	Engage a temporary employee for a fixed term – more than 12 months but less than 5 years, following consultation.	Power – may be delegated under s.36A	Delegated	Delegate Group A
108(3) A person engaged under this section may be re-engaged with no break in his or her service subject to the following: (a) the total period of engagement must not be more than 5 years; (b) in the initial engagement of the person the head of service must have	Reengage a temporary employee for a fixed term – aggregate of engagements no more	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
<p>complied with—</p> <p style="padding-left: 20px;">(i) the merit principle in section 65; and</p> <p style="padding-left: 20px;">(ii) the prescribed requirements for merit selection in temporary employment.</p> <p>(Temporary employment—fixed term not more than 5 years)</p>	<p>than 5 years.</p>			
<p>109(2) The head of service may engage a person for temporary employment under subsection (1) without having to be satisfied about matters referred to in section 106 (1).</p> <p>(Entry to the workforce programs)</p>	<p>Engage a temporary employee in a workforce program.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>111(1) The head of service shall, on application by the person within 2 months after the declaration of the result of the election, employ the person in the same or a similar capacity with the same rate of pay as that payable to the person immediately before resigning.</p> <p>(Employment of unsuccessful election candidates)</p>	<p>Employment of person who resigned to become a candidate for certain elections, and was unsuccessful.</p>	<p>Power – may be delegated under s.36</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>112(2) The head of service may terminate the employment of—</p> <p>(a) a person engaged in the unit as a casual employee—at any time before the end of the employment; and</p> <p>(b) a person otherwise engaged in the unit as a temporary employee—on the provision of reasonable written notice.</p> <p>(Termination of temporary employment)</p>	<p>Terminate casual or temporary employment.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>112(4) If the head of service and the person engaged as a temporary employee agree that 2 weeks notice is not required, the temporary employment may be terminated at the agreed time.</p> <p>(Termination of temporary employment)</p>	<p>Agree to waive notice period.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A <i>Section / Authority</i>	Column B <i>Power / Function</i>	Column C <i>Potential to Delegate</i>	Column D <i>Status</i>	Column E <i>Suggested action</i>
114 The head of service must not , without consulting with the commissioner— (a) engage as an employee a person who has, whether before or after the commencement of this section, ceased to be an officer; or (b) enter into a contract with a person who has, whether before or after the commencement of this section, ceased to be an officer for the performance of services by that person; if the person has- (c) within the previous year been retired from the service under section 143 as an excess officer without volunteering to accept retirement on that basis; or (d) within the previous 2 years been retired as an officer under section 143 as a result of having volunteered to accept retirement as an excess officer; and received a payment from the Territory or a territory instrumentality for being so retired. (Engagement of certain former officers as employees, and contracts with certain former officers, prohibited)	Engage certain former officers following consultation. Note K14.1 Enterprise Agreement 2010-2011 displaces 114(d) allowing a Director-General to engage an officer, <u>at any time</u>, who is involuntarily retired from the ACTPS.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Miscellaneous				
117(1) Subject to this section, the head of service may reappoint to an office in an administrative unit a person who has ceased to be an officer. 117(2A) The head of service must not , without consulting the commissioner, reappoint the person to the service. 117(3) The head of service shall not reappoint a person to the service under this section— (a) if the person ceased, or last ceased, to be an officer by reason of his or her having been dismissed from the service for misconduct or inefficiency; or (b) if the person has, since ceasing, or last ceasing, to be an officer, been engaged in prescribed employment and been dismissed from that employment for misconduct or inefficiency. (Reappointment of retired officers)	Consent to reappoint certain retired officers, following consultation.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
<p>118(1) If—</p> <p>(a) an executive performing the duties of an office in an administrative unit under a contract under section 72—</p> <p style="padding-left: 20px;">(i) terminated his or her contract to become a candidate for election as a member of the Legislative Assembly for the Australian Capital Territory, of a House of the Parliament of the Commonwealth or of a State, of the Legislative Assembly for the Northern Territory or of a prescribed legislative or advisory body for another Territory; and</p> <p style="padding-left: 20px;">(ii) was a candidate at the election; and</p> <p style="padding-left: 20px;">(iii) failed to be elected; and</p> <p>(b) the contract was terminated not earlier than 6 months before the day nominations for the election closed;</p> <p>the head of service shall, on application by the person within 2 months after the declaration of the result of the election, enter a further contract with the person under section 72 to engage the person to perform the duties of the same office or an equivalent office in the same administrative unit.</p> <p>(Reappointment of unsuccessful election candidates)</p>	<p>Reappoint an executive whose campaign for election failed.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>118(3) If—</p> <p>(a) a person who was an officer holding an office in an administrative unit—</p> <p style="padding-left: 20px;">(i) resigned to become a candidate for election as a member of the Legislative Assembly for the Australian Capital Territory, of a House of the Parliament of the Commonwealth or of a State, of the Legislative Assembly for the Northern Territory or of a prescribed legislative or advisory body for another Territory; and</p> <p style="padding-left: 20px;">(ii) was a candidate at the election; and</p> <p style="padding-left: 20px;">(iii) failed to be elected; and</p> <p>(b) the resignation took effect not earlier than 6 months before the day nominations for the election closed;</p> <p>the head of service shall, on application by the person within 2 months after</p>	<p>Reappoint an officer whose campaign for election failed.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
the declaration of the result of the election, reappoint the person to the service to fill the office occupied by the person immediately before resigning or an equivalent office in the administrative unit or, if such an office is not available, as an unattached officer having the same classification as the person had immediately before resigning. (Reappointment of retired officers)				
118A(2) The person may apply to the head of service for— (a) if the disciplinary action involved termination of employment from the service—reappointment to the service; or (b) if the disciplinary action involved other actions—reconsideration of those actions. 118A(3) The head of service — (a) must consider the application; and (b) may do 1 or more of the following: (i) reappoint the person to an appropriate office; (ii) transfer the person to an appropriate office; (iii) promote the person; (iv) take other action to address the disciplinary action; (v) refuse the application. (Quashing etc of conviction)	Reappoint or reconsider another disciplinary action for an officer whose conviction is quashed, nullified, set aside, pardoned etc.	Power – may be delegated under s.36A	Delegated	Delegate Group A
118A(4) The head of service must give the applicant written notice of a decision made under subsection (3) and reasons for the decision. (Quashing etc of conviction)	Notify an applicant of decision.	Power – may be delegated under s.36A	Delegated	Delegate Group A
119(1) The head of service may , with the written consent of an officer who holds an office in an administrative unit, declare in writing that the officer will become an unattached officer on a day stated in the declaration. (Unattached officers)	Declare an officer to be an unattached officer.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
119(1A) If the head of service makes a declaration under subsection (1), the office held by the officer becomes vacant on the day stated in the declaration. (Unattached officers)	Determine the date of unattachment by declaration.	Power – may be delegated under s.36A	Delegated	Delegate Group A
119(2) Except as otherwise directed by the head of service under this or another provision of this Act, a person who is, or is deemed to be, an unattached officer of the service is included in the administrative unit in which the person last held an office. (Unattached officers)	Direct an unattached officer to be included in an administrative unit other than where the officer was last employed.	Power – may be delegated under s.36	Delegated	Delegate Group B
120(1) Subject to subsection (4), the head of service may enter into an arrangement with an authority of the Commonwealth, a State, another Territory or a place overseas for the services of officers or employees of— (a) the public service of the Commonwealth, State, Territory or place; or (b) a body established for a public purpose by or under a law of the Commonwealth, State, Territory or place; to be made available to the head of service . (Arrangements with other governments and bodies for provision of services by employees to the Territory)	Obtain the services of staff of other governments.	Power – may be delegated under s.36A	Delegated	Delegate Group A
120(2) Subject to subsection (4), the head of service may enter into an arrangement with a body (other than a body referred to in subsection (1)) for the services of officers or employees of the body to be made available to the head of service . (Arrangements with other governments and bodies for provision of services by employees to the Territory)	Obtain the services of officers or employees from non-public service bodies in other jurisdictions.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Act 1994

Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
120(3) While a person is performing services under an arrangement under subsection (1) or (2), the person shall perform those services in accordance with the directions of the head of service and not otherwise. (4) The head of service shall not enter into an arrangement under subsection (1) or (2) unless the authority or body with whom the arrangement is made acknowledges in writing that while a person is performing services under the arrangement he or she is to perform those services in accordance with the directions of the head of service and not otherwise. (Arrangements with other governments and bodies for provision of services by employees to the Territory)	Give directions in relation to services to be performed.	Power – may be delegated under s.36A	Delegated	Delegate Group A
121(1) The head of service may enter into an arrangement with an appropriate authority of the Commonwealth, a State, another Territory or a place overseas for an officer of an administrative unit, or an employee performing duties in an administrative unit, to perform any work or services for the government of the Commonwealth, State, Territory or place. (Arrangements with other governments for provision of services by officers and employees of service)	Agree to provide services of ACTPS staff.	Power – may be delegated under s.36A	Delegated	Delegate Group A
122(2) The head of service may terminate the employment of the public employee. (Termination of employment)	Terminate an officer or employee of the service.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Retirement and redeployment of officers				
140 The power given by this part to the head of service to reduce an officer's classification is a power— (a) to assign the officer to an office of a lower classification in an administrative unit; or (b) to declare the officer to be an unattached officer of a lower classification; or (c) if the officer is an unattached officer—direct that the officer be included in an administrative unit. (Power to reduce officer's classification)	Definition of power in respect of Part 6 – <i>Retirement and redeployment of officers.</i>	N/A	N/A	N/A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
<p>143(1) This section applies to an officer if the head of service is satisfied on reasonable grounds that the officer—</p> <p>(a) is unable to perform duties appropriate to the officer’s classification because of physical or mental incapacity; or</p> <p>(b) is not qualified to perform the officer’s duties; or</p> <p>(c) is an excess officer.</p> <p>143(2) The head of service must take reasonable steps to identify a vacant position in an administrative unit that the officer is capable of performing and qualified to fill.</p> <p>(Redeploy or retire officer from the service)</p>	Identify a vacant position.	Power – may be delegated under s.36A	Delegated	Delegate Group A
<p>143(3) If the head of service identifies a position under subsection (2) the head of service must—</p> <p>(a) offer the position to the officer; and</p> <p>(b) if the officer consents to be redeployed—redeploy the officer to the position.</p> <p>(Redeploy or retire officer from the service)</p>	Redeploy an officer to a vacant position, with consent.	Power – may be delegated under s.36A	Delegated	Delegate Group A
<p>143(4) (4) The head of service must refer the matter to the commissioner if—</p> <p>(a) the head of service does not identify a position under subsection (2); or</p> <p>(b) an officer is offered a position under subsection (3) and does not consent to be redeployed.</p> <p>(Redeploy or retire officer from the service)</p>	Refer a matter to the Commissioner for Public Administration.	Power – may be delegated under s.36A	Delegated	Delegate Group A
<p>143(8) On receiving a referral under subsection (7) the head of service may give the officer written notice of—</p> <p>(a) the head of service’s intention to—</p> <p style="padding-left: 20px;">(i) reduce the officer’s classification; or</p> <p style="padding-left: 20px;">(ii) retire the officer from the service; and</p> <p>(b) the proposed date of effect of the reduction or retirement.</p> <p>(Redeploy or retire officer from the service)</p>	Notify an officer of the intention to reduce the officer’s classification or retire the officer from the service.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Act 1994

Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
<p>144(1) If the officer agrees with the action proposed under section 143 (8) the date of effect of the action is— (a) for an officer unable to perform duties appropriate to the officer’s classification because of physical or mental incapacity—a day agreed in writing between the officer and the head of service; or (b) for an officer not qualified to perform duties or an excess officer—a day not earlier than the day the notice was given under section 143 (8) that is agreed in writing between the officer and the head of service. (Date of effect of redeployment or retirement)</p>	<p>Agree on a date of effect.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>146(1) If an authorised doctor has recommended that an officer should, because of physical or mental incapacity, be redeployed to perform other duties or retired from the service, the head of service may, by writing, declare that the officer shall, on a specified day, become an unattached officer and, if the head of service does so, the office held by the officer becomes vacant on that day. (Unattachment of officers)</p>	<p>Declare an officer to be an unattached officer in response to the recommendations of an authorised doctor.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
Maternity leave				
<p>171(1) If, an unauthorised absence of an officer occurs immediately before the commencement of the period when, apart from the operation of paragraph (a), the officer would be required to take maternity leave under section 169 (1) (b), unless the head of service determines that the unauthorised absence occurs in extenuating circumstances— (a) the other provisions of this part do not apply to her in relation to her confinement, or her expected confinement; and (b) she shall absent herself from duty during that firstmentioned period, but, subject to subsection (2), is not entitled to pay in relation to the period while she is so absent; and</p>	<p>Determine that extenuating circumstances apply in relation to a period of unauthorised absence for the purposes of paid maternity leave.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
<p>(c) if, on the end of that firstmentioned period, the unauthorised absence of the officer continues—her unauthorised absence before the commencement of that period shall be deemed to be continuous with her unauthorised absence after the end of that period.</p> <p>(Unauthorised absences)</p>				
<p>172(2) Notwithstanding subsection (1), if an officer who is granted leave of absence without pay for a period (the relevant period) being a period exceeding 6 weeks, has become pregnant before, or becomes pregnant after, the commencement of that leave, then unless the head of service otherwise determines—</p> <p>(a) section 169 (1) does not authorise a leave officer to grant her maternity leave under this part at any time while she is absent during the relevant period; and</p> <p>(b) she is not entitled to pay under section 170 (1) in relation to any part of the relevant period.</p> <p>(Absence on leave without pay)</p>	<p>Determine that paid maternity leave may be granted during a period of leave without pay.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>174(5) If the head of service receives a request under subsection (4), the head of service shall, within 7 days after receiving the request—</p> <p>(a) subject to subsection (6)—</p> <p>(i) affirm the decision of the leave officer; or</p> <p>(ii) set aside the decision of the leave officer and grant the applicant the permission sought in her application; and</p> <p>(b) inform the applicant, in writing, of the decision.</p> <p>(Other applications to resume duty)</p>	<p>Review a request from an officer to resume duty prior to the end of an approved period of maternity leave.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group B</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
174(6) An application under subsection (1) shall be granted by the leave officer to whom the application is made, or by the head of service in reviewing a refusal by the leave officer to grant the application, unless the leave officer or the head of service is satisfied that it would not be in the interests of the service to grant the application. (Other applications to resume duty)	Grant an application to resume duty unless satisfied it is not in the interests of the service.	Power – may be delegated under s.36A	Delegated	Delegate Group B
176(1) Notwithstanding anything in this Act, if— (a) an officer is absent on maternity leave; and (b) that absence is after her confinement and is without pay; the head of service may , with the officer’s written consent, declare that the office held by the officer is vacant and, in that event, the officer becomes an unattached officer for this Act. (3) Notwithstanding subsection (2), if an officer who has become an unattached officer under subsection (1) returns to duty before the end of the period of 52 weeks commencing on the date of commencement of the period when she is required to take maternity leave under section 169 (1) (b), the head of service is not required to comply with the provisions of subsection (2) until the firstmentioned period has ended. (Officers on maternity leave)	Declare an officer on unpaid maternity leave to be an unattached officer.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Forfeiture of office				
221(1) If an officer is absent from duty without permission, and has been so absent for a continuous period of not less than 4 weeks, the head of service may send to the officer by post addressed to him or her at his or her address last known to the director-general a notice informing him or her that unless, within a period of 2 weeks from and including the day the notice was sent— (a) he or she returns to duty; or (b) he or she explains his or her absence and seeks the permission of the head	Notify an officer that they are to be taken to have retired from the service due to unauthorised absence.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
<p>of service for any further period of absence that may be necessary having regard to that explanation; the officer will be taken to have retired from the service at the end of that period of 2 weeks. (Forfeiture of office)</p>				
<p>221(2) If an officer to whom a notice under subsection (1) has been sent does not, within the period of 2 weeks from and including the day the notice was so sent— (a) return to duty; or (b) explain his or her absence and seek the permission of the head of service for any further period of absence; and the notice has not been revoked under subsection (5), the officer shall be taken to have retired from the service on the day following the end of that period of 2 weeks. (Forfeiture of office)</p>	Retire an officer from the service.	Power – may be delegated under s.36A	Delegated	Delegate Group A
<p>221(3) If a notice has been sent to an officer under subsection (1) and, within the period of 2 weeks after that notice was so sent, the officer explains his or her absence and seeks the permission of the head of service for any further period of absence, the head of service shall, as soon as practicable, consider the matter and may, by written notice sent to the officer by post addressed to him or her at his or her address last known to the director-general, inform the officer— (a) that he or she has been granted leave of absence for the period and on the conditions specified in the notice; or (b) that he or she is required to return to duty and that, unless he or she returns to duty within a specified period (being a period of at least 2 weeks from and including the day the notice is sent) he or she will be taken to have retired from the service at the end of the period so specified. (Forfeiture of office)</p>	Notify an officer of the grant of leave or requirement to return to duty before being retired for unauthorised absence.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Act 1994

Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
222(2) If the head of service is satisfied that the applicant had, in all the circumstances, reasonable grounds for being absent the head of service must reappoint the applicant to the service to fill— (a) the office occupied by the applicant immediately before the applicant is taken to have retired; or (b) if that office is not available—an equivalent office, or an office as nearly as possible equivalent, to that office; or (c) with the written consent of the applicant—another office. (Reappointment of officers taken to have retired under s221)	Reappoint a person who has demonstrated reasonable grounds for their unauthorised absence.	Power – may be delegated under s.36A	Delegated	Delegate Group A
222(3) If the head of service is not satisfied that the applicant had, in all the circumstances, reasonable grounds for being absent the head of service must refuse the application. (Reappointment of officers taken to have retired under s221)	Refuse an application for reappointment following unauthorised absence.	Power – may be delegated under s.36A	Delegated	Delegate Group A
222(4) If the head of service refuses an application the head of service must give the applicant written notice of the refusal and the reasons for the refusal. (Reappointment of officers taken to have retired under s221)	Notify a person of the outcome of their application for reappointment following retirement for unauthorised absence.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Miscellaneous				
244(1) An officer shall not, except in accordance with the written approval of the head of service or as otherwise provided by the management standards— (a) accept or continue in employment— (i) with the Commonwealth, a State, another Territory or the government of a foreign country; or	Approve an officer to accept or continue in a position, whether remunerated or not, in addition to the office they hold within the	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
(ii) in or under any public or municipal corporation; or (b) accept or continue to hold or discharge the duties of, or be employed in a paid office in relation to, any business whether carried on by any corporation, company, firm or individual; or (c) engage in or undertake business of the kind referred to in paragraph (b), whether as principal or agent; or (d) engage or continue in the private practice of any profession occupation or trade, or enter into any employment, whether remunerative or not, with any person, company or firm who or which is so engaged; or (e) act as a director of a company or incorporated society, otherwise than in accordance with the requirements of the duties of the office held by the officer or otherwise on behalf of the Territory; or (f) accept or engage in any other remunerative employment. (Second jobs)	service.			
245(1) An officer or employee shall not demand, or except with the approval of the head of service given in accordance with the management standards, receive for his or her own use any remuneration, other than salary and allowances payable under this Act, for services rendered in relation to the performance of his or her duties in the service. (Remuneration additional to salary)	Approve an officer to receive remuneration in addition to their salary for the performance of services.	Power – may be delegated under s.36A	Delegated	Delegate Group A
246 Payments to an officer or employee in relation to his or her employment, other than by way of salary, allowances or expenses payable under this Act or the management standards, may only be made under the authority of the head of service from money appropriated by the Assembly. (Payment to officers)	Approve payments other than salary, allowances or expenses payable under Act and Standards to an officer.	Power – may be delegated under s.36A	Delegated	Delegate Group B

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

<i>Public Sector Management Act 1994</i>				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested action</i>
249(2) The officer is taken to be on leave of absence without pay for the period of custody or imprisonment unless— (a) the employment of the officer is terminated for misconduct; or (b) the head of service is satisfied that the officer is experiencing hardship and is to be paid the whole or part of the officers’ salary for a stated time. (Imprisonment)	Determine that an officer is to be paid salary during a period of custody or imprisonment.	Power – may be delegated under s.36A	Delegated	Delegate Group A
249(3) If the officers’ employment is not terminated for misconduct— (a) a period of service before the custody or imprisonment must be regarded as continuous with a period of service after the custody or imprisonment; and (b) the period of custody or imprisonment is not to be regarded as service under this Act or any other Act, unless the head of service decides otherwise . (Imprisonment)	Determine whether a period of custody or imprisonment is to be regarded as service for the purpose of calculating any entitlement affected by the length of service with the Territory.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
Ethics				
6 In this division: core hours means the hours which are determined by the head of service as the core hours of work. (Interpretation—div 2.1.1)	Determine the core hours for officers/employees.	Power – may be delegated under s.36A	Delegated	Delegate Group A
10 In this division: core hours means the hours which are determined by the head of service as the core hours of work. (Interpretation—div 2.1.2)	Determine the core hours for officers/employees.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Merit and the selection process				
29(2) The head of service may determine prior to the commencement of a selection process that an office is an identified position. (Identified positions)	Determine an office to be an identified office.	Power – may be delegated under s.36A	Delegated	Delegate Group A
30(1) The head of service may only exercise a function in relation to an employment matter if the head of service — (a) is satisfied that the process used to assess the comparative ability of the applicants to perform the duties of an office complied with the merit principle stated in the Act, section 65; and (b) has used appropriate ways of assessing the ... (c) has considered the recommendations about the suitability of applicants made by a selection committee... 30(2) The head of service must exercise a function in relation to an employment matter in writing. (Merit in selection)	Exercise a function in relation to an employment matter.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
<p>31(1) The relevant director-general may arrange for testing to assess the comparative ability of applicants to perform the duties of an office. 31(2). However, testing may only be used if— (a) the head of service approves the testing; (Testing of applicants)</p>	<p>Approve testing to assess the comparative ability of applicants to perform the duties of an office.</p>	<p>Power - may be delegated under s.36</p>	<p>Delegated</p>	<p>Delegate Group B</p>
<p>32(1) The head of service must advertise an office in the gazette unless the office is— (a) to be filled by transfer; or (b) to be filled by promotion of an applicant selected on merit to a recurring or identical vacancy; or (c) to be filled by promotion by advancement from a training office; or (d) to be filled by appointment, transfer or promotion of an applicant under an Equal Employment Opportunity Program under division 2.2.2; or (e) for an Administrative Service Officer Class 5 office that the director-general will fill the vacancy with an officer who is— (i) a Graduate Administrative Assistant; and (ii) confirmed as an officer; (f) to be filled under part 3.2. <i>Note</i> it may be necessary to advertise in the gazette under part 3.2. 32(4) The head of service must be satisfied that the advertisement of the office allowed all eligible people a reasonable opportunity to apply for the office. (Advertising)</p>	<p>Advertise a vacant office.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>33 The head of service may use a selection committee’s recommendation for up to 12 months, to fill an office by appointment, transfer or promotion, if the office— (a) is the same office; or (b) is at the same level and has the same selection criteria as the original office. (Recurring and identical vacancies)</p>	<p>Use a selection committee report to fill a vacant position for up to 12 months.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
<p>33A At the time of appointment or engagement, the head of service must inform a person in writing of the person’s terms of employment, including:</p> <p>(a) the type of employment; and</p> <p>(b) whether a probationary period applies and the expected duration of the period; and</p> <p>(c) if the person is engaged as a fixed term employee, the duration of the engagement; and</p> <p>(d) the ordinary weekly hours; and</p> <p>(e) the ordinary weekly hours before overtime is payable; and</p> <p>(f) a list of the main instruments governing the terms and conditions of employment.</p> <p>(Notice of appointment or engagement)</p>	<p>Inform an employee of their terms of employment.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
Merit and the selection process in temporary employment				
<p>36(1) The head of service may—</p> <p>(a) approve the establishment of an ACTPS temporary employee register; and</p> <p>(b) set out additional requirements for that register.</p> <p>(Temporary employee registers)</p>	<p>Establish a temporary employee register.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group B</p>
<p>37(1) The head of service must advertise a temporary position by—</p> <p>(a) advertising the position in accordance with subsection (2); or</p> <p>(b) advertising the existence of a temporary employee register in accordance with subsection (3); or</p> <p>(c) lodging the position with an employment agency.</p> <p>(Advertising temporary employment)</p>	<p>Advertise a temporary position</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
Use of joint selection committees in the selection process				
<p>40 In this part—</p> <p>officer includes an employee.</p> <p>Note The head of service may determine which union is the principal union.</p> <p>(Interpretation—pt3.3)</p>	<p>Determine the relevant principal union.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
<p>41(1) The head of service may use a joint selection committee to—</p> <p>(a) reduce the time and cost of filling positions; or</p> <p>(b) fill multiple positions with similar or identical duties.</p> <p><i>Note</i> Unless the head of service and principal union agree otherwise, multiple positions means five or more positions.</p> <p>(Procedure of a joint selection committee)</p>	Use a joint selection committee.	Power – may be delegated under s.36A	Delegated	Delegate Group A
<p>42(1) A joint selection committee will normally comprise, but not be limited to—</p> <p>(a) a chairperson who has appropriate skills and experience, nominated by the head of service; and</p> <p>(b) a person who has appropriate skills and experience, nominated by the head of service, from a list of officers agreed by the agency and principal union; and</p> <p>(c) a person nominated by the principal union—</p> <p style="padding-left: 20px;">(i) in all cases for a union agreed joint selection committee; or</p> <p style="padding-left: 20px;">(ii) if that union nominates a person within fourteen days of notice being given to the union, for a management initiated joint selection committee.</p> <p>(Composition of a joint selection committee)</p>	Nominate a JSC chairperson.	Power – may be delegated under s.36A	Delegated	Delegate Group A
<p>42(2) If a person nominated by the principal union is an officer—</p> <p>(a) the nominee is on duty for all purposes while serving on a joint selection committee; and</p> <p>(b) if the nominee was receiving a higher duties allowance immediately prior to the formation of the joint selection committee, they are entitled to receive a higher duties allowance while performing work relevant to a joint selection committee; and</p> <p>(b) the head of service should provide relief staffing as necessary for the nominee; and</p> <p>(c) the head of service should provide the nominee appropriate training in selection techniques and joint selection committee procedures.</p> <p>(Composition of a joint selection committee)</p>	Provide relief staffing and training for an officer who is a union nominee for a JSC.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
43(1) The head of service must consult with the principal union to decide how a union agreed joint selection committee will be established in an agency. (Establishing a union agreed joint selection committee)	Consult with the principal union on the establishment of a JSC.	Power – may be delegated under s.36A	Delegated	Delegate Group A
43(2) The head of service must notify the principal union and any other relevant union or unions of a proposal to establish a union agreed joint selection committee. (Establishing a union agreed joint selection committee)	Notify the principal/relevant union/s of the proposed establishment of a JSC.	Power – may be delegated under s.36A	Delegated	Delegate Group A
43(4) If the principal union agrees to the establishment of a joint selection committee, and no other relevant union objects within seven days, the head of service must establish a joint selection committee. (Establishing a union agreed joint selection committee)	Establish a JSC following union agreement.	Power – may be delegated under s.36A	Delegated	Delegate Group A
43(6) If the head of service is unable to arrange for the establishment of a union agreed joint selection committee the head of service may transfer or promote an officer to fill the vacant office under the Act, section 83. (Establishing a union agreed joint selection committee)	Transfer or promote an officer under s83 where a JSC cannot be established.	Power – may be delegated under s.36A	Delegated	Delegate Group A
44(1) If the chairperson of a union agreed joint selection committee ceases to take part in the deliberations of the committee before the committee makes a recommendation the committee will be reconstituted by— (a) the remaining member or members; and (b) another chairperson nominate by the head of service . (Reconstituting a union agreed joint selection committee)	Nominate another chairperson for a JSC.	Power – may be delegated under s.36A	Delegated	Delegate Group A
45(1) A management-initiated joint selection committee must not be used unless there has been prior consultation between the head of service and the relevant union about—	Consult with the relevant union about the establishment of an	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
(a) the use of management-initiated joint selection committees in that agency; and (b) the implementation and operation of management-initiated joint selection committees in that agency. (Establishing a management-initiated joint selection committee)	MJSC.			
45(2) If the head of service intends to fill positions using a management-initiated joint selection committee he or she must— (a) notify the principal union; and (b) provide the principal union with details of vacancies and related selection documents; and (c) invite the principal union to nominate a member of the joint selection committee within fourteen days, if it wishes to participate. 45(3) After fourteen days, the head of service must establish a joint selection committee. (Establishing a management-initiated joint selection committee)	Notify the principal union of intention to fill a vacant position by MJSC.	Power – may be delegated under s.36A	Delegated	Delegate Group A
46(1) if the chairperson of a management-initiated joint selection committee ceases to take part in the deliberations of the committee before the committee makes a recommendation the committee will be reconstituted by— (a) the remaining member or members; and (b) another chairperson nominated by the head of service . (Reconstituting a management-initiated joint selection committee)	Nominate another chairperson for an MJSC	Power – may be delegated under s.36A	Delegated	Delegate Group A
46(2) If the member of a management-initiated joint selection committee nominated by the head of service ceases to take part in the deliberations of the committee before the committee makes its recommendations and— (a) if the head of service nominates another person within fourteen days of their nominee ceasing to act, then the committee will be reconstituted by—	Nominate another person to reconstitute an MJSC.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
(i) the remaining members or member; and (ii) the head of service's new nominee; or (b) if the head of service does not nominate another person within fourteen days of their nominee ceasing to act, then the committee will be reconstituted by the remaining members. (Reconstituting a management-initiated joint selection committee)				
46(3) If a member of a management-initiated joint selection committee nominated by the relevant union ceases to take part in the deliberations of the committee, then the head of service will notify the principal union and— (a) if the principal union nominates another person within fourteen days of being notified by the head of service , then the committee will be reconstituted— (i) by the remaining members; and (ii) the principal union's new nominee; or (b) if the principal union does not nominate another person within fourteen days of being notified by the head of service, then the committee will be reconstituted by the remaining members. (Reconstituting a management-initiated joint selection committee)	Notify the principal union that a union nominee has ceased to take part in an MJSC.	Power – may be delegated under s.36A	Delegated	Delegate Group A
48(2) If head of service promotes an officer who was not recommended by the union agreed joint selection committee the promotion is subject to appeal. (Appealable and non-appealable promotions)	Promote an officer not recommended by JSC.	Power – may be delegated under s.36A	Delegated	Delegate Group A
48(3) If head of service promotes an officer who was not unanimously recommended by the management –initiated joint selection committee the promotion is subject to appeal. (Appealable and non-appealable promotions)	Promote an officer not recommended by MJSC.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
<p>49 After the completion of a joint selection committee recommended selection the head of service should advise all applicants in writing as soon as practicable, including details of—</p> <p>(a) any officers who were promoted under the Act, section 88; and</p> <p>(b) any officers who were transferred or promoted under the Act, section 83: and</p> <p>(c) the date of the gazette in which the transfers or promotions are expected to appear.</p> <p>(Notification of applicants)</p>	Advise applicants of the outcome of a JSC.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Appointment				
<p>51(1) The head of service may appoint a person to an office or unattached, if the person—</p> <p>(a) is eligible to apply for the office; and</p> <p>(b) is qualified for the office.</p> <p>(Appointment)</p>	Appoint a person to an office or unattached.	Power – may be delegated under s.36A	Delegated	Delegate Group A
<p>51(2) If two applicants for appointment are assessed as equal, and one is a returned soldier, the head of service must appoint the returned soldier.</p> <p>(Appointment)</p>	Appoint a returned soldier.	Power – may be delegated under s.36A	Delegated	Delegate Group A
<p>52(2) All permanent vacancies advertised in the gazette are open to all Australian Citizens or permanent residents of Australia unless—</p> <p>(a) a former officer is restricted from re-employment under the Act, section 114; or</p> <p>(b) a former statutory office holder is restricted from re-employment under the Standards, section 641; or</p> <p>(c) the head of service has decided, because of cost or operational efficiency, that vacancy is only open officers.</p> <p>(Eligibility for appointment)</p>	Determine a vacancy is only open to officers of the service.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
<p>53(1) Appointment under this section may be initiated by the head of service or on request by an individual employee.</p> <p>53(2) The head of service may appoint an employee as an officer into a nominally vacant office without an additional selection process if—</p> <p>(a) the head of service believes it would be reasonable to do so; and</p> <p>(b) immediately before appointment the employee has performed the duties of the office, or an identical office continuously, for a period of 12 months or more; and</p> <p><i>Note</i> The 12 months continuous period is not broken if the employee performs the duties of another office at a higher level during the period.</p> <p>(c) the employee was initially selected for the office on the basis of a merit based selection process, and the initial advertisement made potential applicants aware that the successful candidate may be eligible for appointment; and</p> <p>(d) an additional merit based selection process would not reasonably be expected to identify a better candidate for the nominally vacant office; and</p> <p>(e) immediately before appointment the head of service assesses the employee’s efficiency, diligence and conduct as satisfactory; and</p> <p>(f) there are no excess officers who would be eligible for the office.</p> <p>(Appointment after temporary engagement for 12 months)</p>	<p>Appoint a person after acting without a further merit selection process.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
Recognition of prior service on appointment or engagement				
<p>60(2) The head of service may recognise an officer’s prior service as service that accrues personal leave if, at the time of the employment—</p> <p>(a) the employment was with an organisation, body or corporation that was at least 50% government owned; or</p> <p>(b) the employment was with an organisation, body or corporation that was created for a public purpose, and is recognised for the purposes of long service leave by a government.</p> <p>(Recognition of prior service—personal leave)</p>	<p>Recognise prior service for personal leave.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
<p>60(4). However, prior service will not be recognised as service that accrues personal leave if any break between that service and service with the Territory is longer than two months, unless the head of service determines that a break exceed 2 months because of—</p> <p>(a) unforeseen complications or deficient administration; or</p> <p>(b) an unduly protracted selection and appointment process; or</p> <p>(c) inadequate or incorrect advice regarding a suitable commencement date; or</p> <p>(d) other problems which, through no fault of the officer, prevented them from commencing in the required time.</p> <p>(Recognition of prior service—personal leave)</p>	<p>Determine breaks exceeding two months do not break continuity of service for the purpose of recognising prior service for personal leave.</p>	<p>Power - may be delegated under s.36</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>64(2) The head of service may recognise an officer’s prior service as service that accrues long service leave if, at the time of the employment—</p> <p>(a) the employment was with an organisation, body or corporation that was at least 50% government owned; or</p> <p>(b) the employment was with an organisation, body or corporation that was created for a public purpose, and is recognised for the purposes of long service leave by the Commonwealth, a State or the Northern Territory.</p> <p>(Recognition of prior service—long service leave)</p>	<p>Recognise prior service for long service leave.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>64(3) The head of service may approve an application for recognition of a period of unrecorded employment for calculating an officer’s long service leave accrual if—</p> <p>(a) the employment would be recognisable prior service if it had been recorded; and</p> <p>(b) the applicant submits—</p> <p style="padding-left: 20px;">(i) a statutory declaration that sets out the details of the prior service; and</p> <p style="padding-left: 20px;">(ii) statutory declarations from 2 people that worked with the applicant for the period that verify the details in the applicant’s statutory declaration.</p> <p>(Recognition of prior service—long service leave)</p>	<p>Recognise unrecorded service for long service leave.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
65(1). This section applies to— (a) officers who are entitled to personal leave; and (b) people employed by an incorporate company that has been declared by the head of service to be a relevant body corporate. (Recognition of prior service—paid maternity leave and primary care giver leave)	Declare incorporate company to be a relevant body corporate.	Power - may be delegated under s.36	Delegated	Delegate Group A
65(3) The head of service may recognise an officer’s prior service as service for calculating eligibility for paid maternity leave or primary care giver leave if, at the time of the employment— (a) the employment was with an organisation, body or corporation that was at least 50% Commonwealth or ACT government owned; or (b) the employment was with an organisation, body or corporation that was created for a public purpose, and is recognised for the purposes of maternity leave by the Commonwealth. (Recognition of prior service—paid maternity leave and primary care giver leave)	Recognise prior service for paid maternity leave and primary care giver leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A
67 The head of service may determine that all or part of a period between an officer being retired through forfeiture of office under the Act, section 221 and reappointed under the Act, section 222 counts as service for any purpose. (Recognition of service—reappointment following forfeiture of office)	Recognise a period between retirement and reappointment for service for all purposes.	Power – may be delegated under s.36A	Delegated	Delegate Group A
68(1). The head of service may approve recognition of an officer’s prior service as if it had been service with the Territory for the purpose of calculating any entitlement affected by the length of service in the ACTPS, if— (a) the prior service would otherwise not be recognised; and (b) the prior service was employment predominantly for a public purpose. 68(2) The head of service’s approval must— (a) be in writing; and (b) identify the previous employment; and (c) state the length of service that has been recognised; and	Approve an officer’s prior service as if it had been service with the Territory, where the prior service would otherwise not be recognised.	Power - may be delegated under s.36A	Delegated	Delegate Group B

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
(d) state the entitlement or entitlements that prior service is recognised for. (Recognition of prior service—Head of Service discretion)				
Promotions				
71(1) Promotion under this section may be initiated by the head of service or on request by an individual officer. 71(2) The head of service may promote an officer into a nominally vacant office without an additional selection process if— (a) the head of service believes it would be reasonable to do so; and (b) immediately before promotion the officer has performed the duties of the office, or an identical office continuously, for a period of 12 months or more; and <i>Note</i> The 12 months continuous period not to have been broken if the officer performs the duties of another office at a higher level during the period. (c) the officer was initially selected for the office on the basis of a merit based selection process, and the initial advertisement made potential applicants aware that the successful candidate may be eligible for promotion; and (d) an additional merit based selection process would not reasonably be expected to identify a better candidate for the nominally vacant office; and (e) immediately before promotion the head of service assesses the officer’s efficiency, diligence and conduct as satisfactory; and (f) there are no excess officers who would be eligible for the office. (Promotion after acting for 12 months)	Promote an officer after acting without a further merit process.	Power – may be delegated under s.36A	Delegated	Delegate Group A
73(4) If an officer applies to the head of service executive to cancel a promotion under the Act, division 5.5, and the head of service refuses the application, the date of effect of that promotion is the later of— (a) the day the director-general notifies the officer that the application has been refused; or (b) the day the office becomes vacant. (Date of effect of promotions)	Cancel a promotion.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A <i>Section / Authority</i>	Column B <i>Power / Function</i>	Column C <i>Potential to Delegate</i>	Column D <i>Status</i>	Column E <i>Suggested Action</i>
<p>74(3) If the officer does not make a valid promotion election, the officer is taken to have been offered the following promotion:</p> <p>(a) if an appeal has been made against all but one of the promotions—the promotion that has not been appealed;</p> <p>(b) if no appeal has been made against any of the promotions—</p> <p style="padding-left: 20px;">(i) the promotion that was notified; or</p> <p style="padding-left: 20px;">(ii) if more than one promotion was notified at the earliest time, the promotion nominated by the head of service;</p> <p>(c) if appeals have been made against all the promotions—</p> <p style="padding-left: 20px;">(i) the promotion that was notified first; or</p> <p style="padding-left: 20px;">(ii) if more than one promotion was notified at the earliest time, the promotion nominated by the head of service; or</p> <p>(d) in any other case, a promotion, that is not subject to appeal, nominated by the head of service.</p> <p>(Multiple promotions)</p>	<p>Nominate the promotion for an officer offered multiple promotions at the same time, where the officer has not made a valid promotion election.</p>	<p>Power - may be delegated under s.36</p>	<p>Delegated</p>	<p>Delegate Group A Group B</p> <p>Note: Group A limited to promotions within the DG Directorate. Group B limited to promotions across Directorates.</p>
<p>75(1) An officer may apply in writing to the head of service to have a promotion cancelled.</p> <p>75(2) The promotion will not take effect until a decision is made on the application if the head of the service receives the application—</p> <p>(a) less than 21 days after an appealable promotion was notified; or</p> <p>(b) less than 7 days after a non-appealable promotion was notified.</p> <p>(Cancellation of promotion)</p>	<p>Cancel a promotion.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
Transfer				
78 The date of effect of a transfer of an officer is the date agreed by all relevant parties, or the later of— (a) the seventh day after notice of the transfer is given to the officer; or (b) the date of effect indicated in the notice of the transfer; or (c) the day the office becomes vacant; or (d) if the officer applies for permission to decline the transfer—the day the head of service notifies the officer that permission is refused. (Date of effect of transfers)	Notify an officer that permission to decline a transfer is refused.	Power – may be delegated under s.36A	Delegated	Delegate Group A
81(1) The head of service may approve a reduction of an officer’s classification by transfer if the officer has given written agreement to the transfer on reduction. (Reduction in classification)	Reduce an officer’s classification by agreement.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Temporary Transfer				
81C The head of service may approve a temporary reduction of an officer’s classification by temporary transfer if— (a) the officer has given written agreement to the transfer on reduction; and (b) the head of service is satisfied that the temporary reduction is in the interests of the officer’s career. (Temporary reduction of classification)	Approve a temporary reduction in an officer’s classification by agreement.	Power – may be delegated under s.36A	Delegated	Delegate Group A
81F(2). In special circumstances the head of service may approve payment of a higher duties allowance for temporary transfer for a period less than five consecutive days. (Periods when higher duties allowance is payable)	Approve payment for higher duties allowance where the temporary transfer is for less than five consecutive working days.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
Structure and classification standards				
91(2) The person is willing and eligible to undertake a course of training for advancement to Research Officer, Grade 1 and, in the opinion of the head of service , is likely to complete the course of training satisfactorily. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
95(2) The person is willing and eligible to undertake a course of training for advancement to Information Technology Officer, Class 1 and, in the opinion of the head of service , is likely to complete the course of training satisfactorily. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
103(3) The person is willing and eligible to undertake a course of training for advancement as Professional Officer, Class 1 and, in the opinion of the head of service , is likely to complete the course of training satisfactorily. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
107(2) In the case of appointment— (a) the person is willing and eligible to undertake a course of training for advancement as Professional Officer, Class 1; and (b) in the opinion of the head of service , is likely to complete the course of training satisfactorily. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
107(3) in the case of promotion or transfer— (a) the person is eligible to undertake a degree in Engineering which, in the opinion of the head of service , is appropriate to the duties of the office; and a minimum of four years’ technical or drafting experience or training; or (b) the person has partially completed a degree in Engineering, which in the opinion of the head of service , is appropriate to the duties of the office; and	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
(c) the person is willing to undergo a course of training for advancement as Professional Officer, Class 1 and, in the opinion of the head of service , is likely to complete the course of training satisfactorily. (Eligibility Requirements)				
115(2) The person is willing and eligible to undertake a course of training for advancement to Veterinary Officer, Class 1 and, in the opinion of the head of service , is likely to complete the course of training satisfactorily. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
124(1) The person is willing and eligible to undertake a course of training for advancement to Research Officer, Grade 1 and, in the opinion of the head of service , is likely to complete the course of training satisfactorily. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
128(1) The person is willing and eligible to undertake a course of training for advancement to Information Technology Officer, Class 1 and, in the opinion of the head of service , is likely to complete the course of training satisfactorily. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
136(1) The person is eligible to undertake a course of training for a degree or diploma at an Australian tertiary institution in a professional discipline, which, in the opinion of the head of service is appropriate to the duties of the office. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
136(2) The person is willing and eligible to undertake a course of training for advancement to Professional Officer, Class 1 and, in the opinion of the head of service , is likely to complete the course of training satisfactorily. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
140(1) In the case of appointment, the person is willing and eligible to undertake a course of training for advancement as Professional Officer, Class 1 and, in the opinion of the head of service , is likely to complete the course of training satisfactorily. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
140(2) In the case of transfer or promotion the person must— (a) be eligible to undertake an approved degree in Engineering; and (b) have a minimum of four years’ technical or drafting experience or training; or (c) have partially completed a degree in Engineering, which in the opinion of the head of service , is appropriate to the duties of the office. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
140(3) The person is willing to undergo a course of training for advancement as Professional Officer, Class 1 and, in the opinion of the head of service , is likely to successfully complete that course. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
148(1) The person is willing to undergo a course of training for advancement as Veterinary Officer, Class 1 and, in the opinion of the head of service , is likely to complete the course of training satisfactorily. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
152(2) The person undertaking or is eligible to undertake a course of training in Radiography which, in the opinion of the head of service , is appropriate to the duties of the office. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
152(3) The person is willing to undertake a course of training for advancement as Radiographer, Grade 1 and, in the opinion of the head of service , is likely to complete the course of training satisfactorily. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
156(2) The person is eligible to undertake a course of training for an associate diploma or a certificate of technology at a Technical and Further Education (TAFE) institution, which in the opinion of the head of service , is appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
156(3) The person is willing to undergo a course of training for advancement to Technical Officer, Level 2 and, in the opinion of the head of service , is likely to complete the course of training satisfactorily. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
158(5). Alternatively, trainees with appropriate experience, or qualifications approved by the head of service , may be required to undertake a training course of between six and twelve months duration, where this is offered, consisting of theoretical training, on-the-job training, and training in other agencies performing similar functions. (Training provisions – Aboriginal Trainee Technical Officer)	Approval of appropriate experience or qualifications for trainees.	Power - may be delegated under s.36	Delegated	Delegate Group B
160(1) A degree or diploma from an Australian tertiary institution, or a comparable overseas qualification, which includes a major (or equivalent) in one or more of the following areas: Acoustics, Education, Electronics, Linguistics, Physics, Physiology, Psychology, or other comparable qualifications which, in the opinion of the head of service , are appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A

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Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
160(2) The person is willing to undertake a course of training in Audiology and, in the opinion of the head of service , is likely to complete the course of training satisfactorily. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
162(1) Applicants will undergo a course of training approved by the head of service . (Training Provisions – Audiologist-in-training)	Approve a course of training.	Power – may be delegated under s.36	Delegated	Delegate Group A
169(1) The person is undertaking or is eligible to undertake a course of training in Radiography, which, in the opinion of the head of service , is appropriate to the duties of the office. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
169(2) The person is willing to undertake a course of training for advancement to Radiographer, Grade 1 and, in the opinion of the head of service , is likely to complete the course of training satisfactorily. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A
174(1) Eligibility to undertake a course of training for an associate diploma or a certificate of technology at a TAFE institution, which, in the opinion of the head of service is appropriate to the duties of the position. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
174(2) The person is willing to undergo a course of training for advancement as Technical Officer, Level 2, and in the opinion of the head of service , is likely to complete the course of training satisfactorily. (Eligibility Requirements)	Determine that eligibility requirements are likely to be met.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
178(1) A degree or diploma of an Australian tertiary institution, or an overseas qualification comparable to those referred to this section, which, in the opinion of the head of service , is appropriate to the duties of the office; or (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
178(2) Other comparable qualifications which, in the opinion of the head of service is appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
179(1) A degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the relevant head of service , is appropriate to the duties of the office, and the minimum period of full-time study for which is not less than four years; or (Salary Advancement Provisions—Academic Level 1)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
179(3) A graduate or post-graduate award of an Australian tertiary institution, or a comparable overseas qualification, which in the opinion of the head of service , is appropriate to the duties of the office. (Salary Advancement Provisions—Academic Level 1)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
180(2) Other comparable qualifications which, in the opinion of the head of service , are appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
182 When the head of service is satisfied that the officer is capable of performing efficiently the whole of the duties of the office. (Salary Advancement Provisions)	Determine an officer is capable of performing duties.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
183 If— (a) the officer has attained the age of twenty-one years; and (b) the head of service is satisfied that the officer is capable of performing efficiently the whole of the duties of the office. (Accelerated Advancement)	Determine an officer is capable of performing duties.	Power – may be delegated under s.36A	Delegated	Delegate Group A
184(1) A degree or diploma in Dental surgery or Dental Science of an Australian tertiary institution, which, in the opinion of the head of service , is appropriate to the duties of the office; and a postgraduate qualification in Orthodontia, Oral Surgery, Pedodontia or Periodontia; or (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
184(3) Other comparable qualifications which, in the opinion of the head of service , are appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
185(1) A degree in Dental Surgery or Dental Science of an Australian tertiary institution, which, in the opinion of the head of service , is appropriate to the duties of the office; or (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
185(4) Other comparable qualifications which, in the opinion of the head of service , are appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
186(1) An officer must not be paid a salary at a rate exceeding the fourth salary point, unless the head of service is satisfied as to the officer’s experience and proficiency following assessment of performance against approved criteria. (Salary Advancement Provisions)	Determine an officer is capable of performing duties.	Power – may be delegated under s.36A	Delegated	Delegate Group A

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Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
186(2) An officer must be paid at the fifth salary point, if the head of service is satisfied as to the officer's experience and proficiency following assessment of performance against approved criteria. (Salary Advancement Provisions)	Determine an officer is capable of performing duties.	Power – may be delegated under s.36A	Delegated	Delegate Group A
187(2) Other comparable qualifications which, in the opinion of the head of service , are appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
188(1) Where an office, which until 30 August 1990, would have had the classification of Electrical Assistant, has a classification which has been translated to General Service Officer, Level 3—a pass in a practical test approved by the head of service . (Eligibility Requirements)	Approve testing.	Power – may be delegated under s.36A	Delegated	Delegate Group A
188(2) Where an office, which until 30 August 1990, would have had the classification of Electrical Tradesman, has a classification which has been translated to General Service Officer, Levels 5 and 6— (a) First Class Tradesman qualifications in an Apprenticeship Tradesman course, which in the opinion of the head of service , is appropriate to the duties of the office; or (b) Tradesman Rights and a current licence to operate as an Electrical Tradesman in a State or Territory of Australia; or (c) other comparable qualifications which, in the opinion of the head of service , are appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
188(3) Where an office, which until 30 August 1990, would have had the classification of Lineman, has a classification which has been translated to General Service Officer, Levels 3 and 4—a pass in an examination approved by the head of service . (Eligibility Requirements)	Approve testing.	Power – may be delegated under s.36A	Delegated	Delegate Group A

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Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
<p>188(4) Where an office, which until 30 August 1990, would have had the classification of Lines Supervisor, Grade 2, 3 and Lines Controller, Grade 1, 2, 3, has a classification which has been translated to General Service Officer, Levels 8, 9, 10 respectively—</p> <p>(a) compliance with the salary barrier conditions for Lineman; or</p> <p>(b) the person was, on 21 August 1985, the occupant of an office or was an unattached officer performing the duties of an office of Lines Supervisor, Grad 2, Lines Supervisor, Grade 3, or Line Inspector; or</p> <p>(c) other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office.</p> <p>(Eligibility Requirements)</p>	<p>Determine a qualification is appropriate.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>188(5) Where an office, which until 30 August 1990, would have had the classification of Senior Electrical Fitter and Mechanic, Grad 1, 2 and Foreman Electrical Fitter and Mechanic, Grade 1, has a classification which has been translated to General Service Officer, Levels 8 and 9 respectively—</p> <p>(a) compliance with the salary barrier conditions for Electrical Fitter and Mechanic (specified in the salary advancement provisions below); or</p> <p>(b) the person was the occupant, on 1 December 1971, of one of the following offices or was an unattached officer having the designation of either Senior Electrical Fitter and Mechanic Grade 1, 2; or</p> <p>(c) the person was the occupant, on 1 December 1971, of an office of Electrical Fitter and Mechanic and was in receipt of a salary rate of \$4,241, \$4, 356 or \$4,471 per annum; or</p> <p>(d) other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office.</p> <p>(Eligibility Requirements)</p>	<p>Determine a qualification is appropriate.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
188(6) Where an office, which until 30 August 1990, would have had the classification of Senior Electrical Tradesman and Electrical Forman, has a classification which has been translated to General Service Officer, Levels 7 and 9 respectively— (a) First Class Tradesman qualifications or Tradesman Rights and a current licence to operate as an Electrical Tradesman in a State or Territory of Australia; and compliance with the salary barrier conditions for Electrical Tradesman (specified in the salary advancement provisions below); or (b) other comparable qualifications which, in the opinion of the head of service , are appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
203 Accelerated Advancement to fifth salary point— (a) a minimum of two years’ relevant on-the-job experience in information technology work, not including experience gained through a training course; and (b) the head of service is satisfied as to the officer’s ability to create, innovate, analyse and evaluate; ability to organise time and resources; ability to meet deadlines; and ability to communicate effectively. (Salary Advancement Provisions)	Determine an officer is capable of performing duties.	Power – may be delegated under s.36A	Delegated	Delegate Group A
204(1) A degree in Laws of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service , is appropriate to the duties of the office; or (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
205(1) On appointment an officer must be paid salary at the second salary point applicable to the Legal 1 classification, unless the head of service determines otherwise (that is, approves a salary above the minimum as described in section	Determine an officer is capable of performing duties.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
<p>254) or the officer—</p> <p>(a) has been admitted as a practitioner, however described of the High Court or the Supreme Court of a State or Territory; and</p> <p>(b) has served under articles of clerkship for a period of not less than one year; or</p> <p>(c) before being so admitted, successfully completed a course of training in the Legal Workshop conducted by the Faculty of Law at the Australian National University or a comparable course in Australia; or</p> <p>(d) has gained equivalent experience, in the opinion of the head of service.</p> <p>(Salary Advancement)</p>				
<p>205(8) An officer should not be advanced beyond the seventh salary point in the scale unless—</p> <p>(a) in the opinion of the head of service, the level of the work allocated for the office is classified as higher level work; and</p> <p>(b) the officer has performed work at the higher level for a minimum period of three months and attained a performance rating of 3, 4, or 5 shown in table 205.</p> <p>(Salary Advancement)</p>	Determine salary point advancement.	Power – may be delegated under s.36A	Delegated	Delegate Group A
<p>210(1) The Diploma in Nursing Education of the College of Nursing, Australia, the Sister Tutor Diploma of the New South Wales College of Nursing, a Degree or Diploma in Nursing Education of a University (formerly a College of Advanced Education) or equivalent qualification recognised by the head of service.</p> <p>(Salary Advancement Provisions)</p>	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
210(2) The Diploma in Nursing Education of the College of Nursing, Australia, the Sister Tutor Diploma of the New South Wales College of Nursing, a Degree or Diploma in Nursing Education of a University (formerly a College of Advanced Education) or equivalent qualification recognised by the head of service . (Salary Advancement Provisions)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
212(1) A degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service , is appropriate to the duties of the office; or (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
212(2) Eligibility for graduate membership of, or registration by, a professional body, which, in the opinion of the head of service , is appropriate to the duties of the office; or (Eligibility Requirements)	Determine eligibility.	Power – may be delegated under s.36A	Delegated	Delegate Group A
212(3) A degree or diploma of an Australian tertiary institution, or a comparable overseas qualification and a graduate diploma in Librarianship of an Australian tertiary institution, or a comparable overseas qualification, which in the opinion of the head of service is appropriate to the duties of the office; or (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
212(4) Other qualifications, comparable to those referred to in subsection (1), which in the opinion of the head of service , are appropriate to the duties of the office; or (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
213(1) On and from 21 November 1991, an officer who has obtained a degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service , is appropriate to the duties of the office, and the minimum period of full-time study for which is not less than three years. (Salary Advancement Provisions for Professional Officer Class 1)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
213(2) On and from 21 November 1991, an officer who has obtained— (a) a degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service , is appropriate to the duties of the office, and the minimum period of full-time study for which is equivalent to four years; or (b) a degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, and a graduate or post graduate award of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service , is appropriate to the duties of the office; or (c) a degree of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service , is appropriate to the duties of the office; and eligibility for registration with an Australian Pharmacy Board or Council. (Salary Advancement Provisions for Professional Officer Class 1)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
213(3) On and from 21 November 1991, an officer who has obtained— (a) a license or registration as a Surveyor in an Australian State or Territory; or (b) a degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service , is appropriate to the duties of the office, and the minimum period of full-time study for which is three years; or Certificate of Competency from a Surveyors' Board of an Australian State or Territory. (Salary Advancement Provisions for Professional Officer Class 1)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A

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Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
213(4) On and from 21 November 1991, an officer who has obtained— (a) a license or registration as a Surveyor in an Australian State or Territory; or (b) a degree or diploma of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service , is appropriate to the duties of the office, and the minimum period of full-time study for which is not less than four years. (Salary Advancement Provisions for Professional Officer Class 1)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
215(2) Other comparable qualifications which, in the opinion of the head of service are appropriate to the duties of the office; or (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
217(2) A degree or diploma or postgraduate diploma with a major in journalism, editing, communications, public relations, marketing, press photography, television or radio production, film or video production, creative or graphic art design, of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service , is appropriate to the duties of the office; or (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
217(3) Possession of recognised skills or relevant experience which, in the opinion of the head of service , are appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
218(2) Other comparable qualifications which, in the opinion of the head of service , are appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A

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Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
220(2) Other comparable qualifications which, in the opinion of the head of service , are appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
223(1) A degree of Doctor of Philosophy of an Australian university or a comparable overseas qualification, which, in the opinion of the head of service , is appropriate to the duties of the office; or other comparable qualifications which, in the opinion of the head of service , are appropriate to the duties of the office; and (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
223(2) The head of service is satisfied that the scientist possesses— (a) scientific research ability, a breadth and depth of scientific interests and the potential to vary those scientific interests and to accept responsibility for scientific research in fields broader than those encompassed by university training; and (b) scientific skills and judgement, together with the capacity to make mature assessments and decisions on the progress of his or her scientific research work and to accept responsibility for— (i) the accuracy and validity of that work; and (ii) the scientific conclusions derived personally from that work; and (iii) the advancement of that work in directions which might have a bearing on its application. (Eligibility Requirements)	Determine an officer possesses appropriate skills and abilities.	Power – may be delegated under s.36A	Delegated	Delegate Group A
225 A degree with First or Second Class Honours in Science or Engineering of an Australian university, or a comparable overseas qualification, which, in the opinion of the head of service , is appropriate to the duties of the office, or other comparable qualifications which, in the opinion of the head of service , are appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A

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Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
226(2) A Masters degree of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service , is appropriate to the duties of the office – third salary point. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
226(3) A degree of Doctor of Philosophy of an Australian tertiary institution, or a comparable overseas qualification, which, in the opinion of the head of service , is appropriate to the duties of the office—fourth salary point. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
227(2) Other comparable qualifications which, in the opinion of the head of service , are appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
229(2) A postgraduate degree or diploma of an Australian institution, or a comparable overseas qualification, which, in the opinion of the head of service , is appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
231(3) A teacher must be place in Category A by satisfying one of the following conditions: (a) successful completion at approved tertiary institutions of either an undergraduate Bachelor’s degree or undergraduate Diploma course, and of a pre-service postgraduate Graduate Diploma course in teacher training; (b) successful completion of a four year integrated degree in education an an approved Australian tertiary institution; (c) successful completion of an approved four year diploma course in education in an approved Australian tertiary institution;	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A

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Public Sector Management Standards 2006				
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<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
<p>(d) Category B or Category C plus the successful completion of a Bachelor’s Degree course and an approved Australian tertiary institution, or Category B, as set out in subsections (2)(a) and (b) under category B, plus the successful completion of an appropriate, approved Graduate Diploma course at an approved Australian tertiary institution;</p> <p>(e) a Category B teacher must be placed in Category A on the successful completion of an approved balanced selection of final year units offered as part of an integrated four year Bachelor of Education course (or its equivalent) at an Australian tertiary institution, provided—</p> <p style="padding-left: 20px;">(i) these units of study are the equivalent of one year of full-time study at fourth year level; and</p> <p style="padding-left: 20px;">(ii) that the units are the same as those taken by students in the fourth year of a Bachelor of Education degree program;</p> <p>(f) it should be noted that the determination of a balanced selection remains the relevant authority’s prerogative and that the determination of Category A status on this basis is subject to approval by the relevant authority;</p> <p>(g) Category C teachers who commence a Post-Graduate Diploma course on or after 1 January 1990 will not be considered for Category A status on completion of that course;</p> <p>(h) overseas and other comparable qualifications which, in the opinion of the head of service, are appropriate to the duties of the office; ...</p> <p>(Salary Advancement)</p>				
<p>232 A teacher with Category A classification who has satisfactorily completed a course or courses listed below, whether as pre-service or post-service training must be awarded on, and only one, additional increment in salary—</p> <p>(a) first or second class honours degree involving at least one year of additional full time study following a Bachelor’s degree from an approved Australian tertiary institution or its equivalent (eg, certain acceptable Master’s degree qualifying courses and post-graduate diplomas from approved Australian</p>	<p>Determine a qualification is appropriate.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

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Public Sector Management Standards 2006				
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<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
tertiary institutions); or (b) a degree at Master’s or Doctorate level from an approved Australian tertiary institution; or (c) overseas or other qualifications considered by the head of service to be the equivalent of those listed above. (Salary Advancement—Accelerated advancement)				
235(1) An officer must meet one of the following prerequisites to be eligible to apply for advancement to Advanced Skills Teacher Level 1— (a) Category A on the tenth or eleventh incremental point; (b) Category B on the eighth incremental point and with a minimum of ten years of teaching experience which in the opinion of the head of service is appropriate; (c) Category A with a minimum of ten years of teaching experience which in the opinion of the head of service is appropriate. (Advanced Skills Teacher 1 (AST))	Determine that teaching experience is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
235(3) The head of service may approve advancement of applicants to this classification on the basis of a recommendation after assessment of the applicant. (Advanced Skills Teacher 1 (AST))	Approve advancement following an assessment.	Power – may be delegated under s.36A	Delegated	Delegate Group A
236(1) For promotion, appointment or transfer to Teacher Band 1, qualifications and experience which in the opinion of the head of service , are appropriate to the duties of the office, are required. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A

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Public Sector Management Standards 2006				
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<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
236(3) For promotion, appointment or transfer to a Senior Teaching Post, Teacher Band 2 and Teacher Band 3, qualifications in adult education, and relevant professional qualifications and industry experience, which in the opinion of the head of service are appropriate to the duties of the office, are required. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
237(1) Qualifications in adult education, which in the opinion of the head of service are appropriate to the duties of the office, are required for a Band 1 Teacher to advance beyond the eighth increment point. (Salary Advancement Provisions)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
239(1) An associate diploma from an Australian Technical and Further Education (TAFE) institution, or a comparable overseas qualification, which, in the opinion of the head of service , is appropriate to the duties of the office; or (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
239(2) Relevant experience, training or accreditation, which, in the opinion of the head of service , enable the officer competently to perform the duties appropriate to the office; or (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
239(3) A competency assessment, such as an eligibility test, approved by the head of service and recognised as determining a level of skill equivalent to that described in subsection (1); or (Eligibility Requirements)	Approve testing.	Power – may be delegated under s.36A	Delegated	Delegate Group A
239(4) Other qualifications comparable to those referred to in subsection (1) which, in the opinion of the head of service , are appropriate to the duties of the office; or (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A

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Public Sector Management Standards 2006				
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<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
<p>240(1) Where an office of Senior Mechanic (Maritime Aids) has been translated to Technical Officer, Level 2, the following Salary Advancement Provisions apply;</p> <p>(a) an officer must not advance beyond the third salary point unless the officer—</p> <p style="padding-left: 20px;">(i) has satisfied the eligibility requirements for entry into the Technical Officer and Senior Officer (Technical) Structure; or</p> <p style="padding-left: 20px;">(ii) passed a competency test conducted by the Australian Maritime Safety Authority, which, in the opinion of the head of service, is appropriate to the duties of the office.</p> <p>(Salary Advancement Provisions)</p>	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
<p>240(2) Where an office of Supervisor (Maritime Aids) Grade 3, has been translated to Technical Officer, Level 4, the following Salary Advancement Provisions apply;</p> <p>(a) an officer must not advance beyond the third salary point unless the officer—</p> <p style="padding-left: 20px;">(i) has satisfied the eligibility requirements for entry into the Technical Officer and Senior Officer (Technical) Structure; or</p> <p style="padding-left: 20px;">(ii) passed a competency test conducted by the Australian Maritime Safety Authority, which, in the opinion of the head of service, is appropriate to the duties of the office; or</p> <p>(Salary Advancement Provisions)</p>	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
<p>240(3) Where an office of Works Supervisor Grade 1, has been translated to Technical Officer, Level 4, the following Salary Advancement Provisions apply;</p> <p>(a) an officer must not advance beyond the third salary point unless the officer—</p> <p style="padding-left: 20px;">(i) has satisfied the eligibility requirements for entry into the Technical Officer and Senior Officer (Technical) Structure; or</p>	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A

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Public Sector Management Standards 2006				
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(ii) passed a competency test conducted by a relevant body which, in the opinion of the head of service , is appropriate to the duties of the office; or (Salary Advancement Provisions)				
241(1) A degree in Veterinary Science or Veterinary Medicine of an Australian university, or a comparable overseas qualification, which, in the opinion of the head of service , is appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
241(2) Other comparable qualifications which, in the opinion of the head of service , are appropriate to the duties of the office. (Eligibility Requirements)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
242(2) A Dental Assistant who has successfully completed a course of study which will lead to holding (or who already holds) the DAECA Dental Assistant Certificate or equivalent will be advance to the fifth salary point in the salary scale of Dental Assistant 1/2. (3) In subsection (2): Equivalent means a nationally recognised educational institution or a comparable qualification, which in the opinion of the head of service is appropriate to the duties of the office. (Salary Advancement Provisions)	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A
242(4) A Dental Assistant who has successfully completed a course of study which will lead to holding (or who already holds) both the DAECA Dental Assistant Certificate and DAECA Radiography Certificate or equivalents will be advanced to the sixth salary point in the salary scale of Dental Assistants 1/2. (5) In subsection (4): Equivalentents mean a nationally recognised portable dental assistant certificate from a recognised educational institution and other qualifications relevant to the duties of the office, (eg. Dental Radiography	Determine a qualification is appropriate.	Power – may be delegated under s.36A	Delegated	Delegate Group A

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<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
<p>Certificate) or a comparable qualification, which in the opinion of the head of service is appropriate to the duties of the office. (Salary Advancement Provisions)</p>				
Equal Employment Opportunity Programs				
<p>247C(2) Except where special arrangements have been approved by the head of service, relative suitability of applicants will be decided by reference to one or more of: (a) expressions of interest; (b) participation in a program preparing the applicant for full time work (c) interviews. (Selection)</p>	<p>Determine special arrangements for the assessment of suitability for appointment to the ATSI Traineeship Program.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group B</p>
<p>247F The head of service may promote an Aboriginal and Torres Strait Islander Trainee to a position with the classification Administrative Service Officer Class 2, without an additional selection process if the appointment of the officer has been confirmed. (Promotion)</p>	<p>Promote an ATSI Trainee without a further merit process.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>251 The head of service may take any or all of the following measures: (a) identify vacancies for permanent or temporary employment of a person under this Program. The identified vacancy is to be filled from the pool of applicants provided by an Employment Service; (b) for temporary employment less than 12 months, engage a person from an employment register provided by an Employment Service; (c) without limiting the powers of the head of service, provide permanent or temporary employment by appointing, engaging, transferring or promoting a person with a disability under this Program; (d) redesign positions or workplace arrangements to remove barriers to the employment of people with disabilities. (Elements of the Program)</p>	<p>Identify and fill permanent or temporary positions by appointment, promotion, transfer or engagement.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

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<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
Graduate Program				
<p>252C(1). The head of service must give written approval, having considered the recommendations of a written selection report, for the selection of a person to participate in the Graduate Program.</p> <p>252C(2) When considering the recommendations of a written selection report the head of service must be satisfied that the process used to assess the comparative ability of the applicants to perform the duties of a position complied with the merit principle set out in the Act, section 65 before approval is given.</p> <p>(Selection)</p>	<p>Approve selection of a person to participate in the Graduate Program.</p>	<p>Power - may be delegated under s.36</p>	<p>Delegated</p>	<p>Delegate Group A</p>
<p>252G(1) For this section, unless the contrary intention appears, part 3.10 applies.</p> <p>252G(2) The head of service may promote a Graduate Administrative Assistant without an additional selection process, if the appointment of the Graduate Administrative Assistant has been confirmed.</p> <p>252G(3) For subsection (2), the head of service may only promote a person to a position if-</p> <p>(a) the classification has a pay point that either-</p> <p style="margin-left: 20px;">(i) is the same as the base salary of an Administrative Services Officer Class 5; or</p> <p style="margin-left: 20px;">(ii) does not exceed the base salary of an Administrative Services Officer Class 5 by more than 10%; and</p> <p>(b) the position has 1 of the following classifications:</p> <ul style="list-style-type: none"> • Administrative Services Officer Class 5 • Correctional Officer Class 2 • Custodial Officer Grade 3 • Disability Support Officer Level 3 • Facilities Technical Officer Level 3 	<p>Promote a GAA without a further merit selection process.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group A</p>

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<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
<ul style="list-style-type: none"> • Family Services Worker 1 • General Service Officer Level 9 • Health Professional Level 2 • Health Services Officer Level 9 • Information Technology Officer Class 2 • Legal 1 • Professional Officer Class 1 • Prosecutor Grade 1 • Public Affairs Officer 1 • Senior Research Officer 1 • Technical Officer Level 3 • Tourism & Events Officer Class 5 • Trust Officer Level 1 • WorkCover Officer 5 <p>(4) The head of service must not promote a person to a classification at a pay point that is below the base salary of an Administrative Services Officer Class 5. (Promotion)</p>				
Attendance and absence				
<p>258(1) The head of service may direct an officer to work outside the officer's span of hours if to do so would be in the interests of the administrative unit or the service as a whole. (Direction to work outside the officer's span of hours)</p>	Direct an officer to work outside normal span of hours.	Power – may be delegated under s.36A	Delegated	Delegate Group A
<p>259(2) If an officer is absent from duty for a period of more than 30 minutes and the absence is not authorised, the head of service may make one of the following directions: (a) that the absence will be without pay and will not count as service for any purpose;</p>	Make a direction where an officer is absent without authority for more than 30 minutes.	Power – may be delegated under s.36A	Delegated	Delegate Group A

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<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
(b) that the absence will be with pay and will count as service for all purposes; (c) that the officer must make up the period of absence by working an equivalent time outside the officer’s span of hours. <i>Note</i> No overtime or penalty payment will be paid for the time made up. (Unauthorised absences)				
Long service leave				
265(3) Having considered the requirements of this section the head of service may approve an officer’s application to access long service leave. (Evidence and conditions—long service leave)	Approve an application for long service leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A
265(4) The head of service may grant long service leave to an eligible category A officer up to the officer’s available credit. (Evidence and conditions—long service leave)	Grant long service leave up to the officer’s available credit.	Power – may be delegated under s.36A	Delegated	Delegate Group A
265(5) The head of service may grant long service leave to an eligible category B officer for one or more of the following: (a) a period not exceeding the officer’s long service leave credit accrued while working full time; (b) a period not exceeding the officer’s long service leave credit accrued while working part time. (Evidence and conditions—long service leave)	Grant long service leave up to the officer’s available credit.	Power – may be delegated under s.36A	Delegated	Delegate Group A
265(7) If the head of service does not approve an application by an officer for long service leave because of operational requirements the relevant director-general must consult with the officer to determine a mutually convenient alternative time (or times) for the officer to take the leave. (Evidence and conditions—long service leave)	Consult with an officer where an application for long service leave is not approved.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
Reimbursements				
270(1) If an officer pays a premium for a life insurance policy on their life that includes a loading because of the officer’s occupation, the head of service may reimburse the officer an amount equal to that loading. (Life insurance indemnification payments)	Approve reimbursement for a work related premium on an officer’s life insurance policy.	Power – may be delegated under s.36A	Delegated	Delegate Group A
271(1) The head of service may reimburse an officer for the loss or damage of the officer’s clothing or personal effects if— (a) the head of service accepts that the loss or damage is caused by the officer’s employment; and (b) the officer is not entitled to recover the amount of the loss or damage sustained under a contract of insurance. (Loss or damage to clothing or personal effects)	Approve reimbursement for theft, loss or damage of an officer’s personal effects.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Additional requirements for salary and allowances				
273(2). However, the head of service may determine a rate of salary of an unattached excess officer that is not the rate of the classification of the office they held before unattachment. (Salary for unattached officers)	Determine rate of salary for an unattached excess officer that is not the rate of the classification of the office that they previously held.	Power - may be delegated under s.36	Delegated	Delegate Group A
274(1). If under a decision or industrial instrument of a Federal Industrial Tribunal or a process established under such a decision or industrial instrument, an officer is eligible for back-pay in respect of a period, the head of service may approve the payment to the officer of that back-pay. (Salary on reclassification)	Approve the payment of back-pay under a decision of a Federal Industrial Tribunal or industrial instrument.	Power - may be delegated under s.36	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
*Public Sector Management Act 1994, and Public Sector Management Standards 2006***

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
Additional requirements for managing overtime duty				
281 An officer who is required to perform additional hours of duty is entitled to be paid for the meal break if the head of service is satisfied the officer cannot reasonably be expected to return home for a meal in the time allocated for the meal break. (Eligibility for paid meal breaks)	Determine that an officer is eligible to be paid for a meal break.	Power – may be delegated under s.36A	Delegated	Delegate Group A
282 Time spent in travelling to or from work must not be taken into account for calculating overtime payments unless— (a) officers are required by the head of service to drive, on official business and outside their normal hours of duty, and agency vehicle or their private motor vehicle; or (b) the travel is associated with emergency duty; or (c) excess travelling time is applicable under an industrial instrument. (Time spent travelling to and from overtime duty)	Determine that time spent travelling may be taken into account for calculating overtime payments.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Additional requirements for leave				
286(1) If the head of service determines that an officer is in a state of health that makes them a danger to others the head of service may require the officer to get and provide a report of their condition from a medical officer. (Officer’s health a danger to others—personal leave)	Determine that an officer’s health requires a report on their condition from a medical officer.	Power – may be delegated under s.36A	Delegated	Delegate Group A
286(2) Having regard to the medical report, the head of service may require the officer to take personal leave. (Officer’s health a danger to others—personal leave)	Direct an officer to take personal leave on the basis of a medical report.	Power – may be delegated under s.36A	Delegated	Delegate Group A
287 The head of service may approve an officer taking primary care givers’ leave in a non-continuous manner, until the officer has exhausted their paid primary care givers’ leave credit, so long as annual leave or long service leave is not approved in between periods of primary care givers’ leave. (Non-continuous primary care givers’ leave)	Approve non-continuous primary care givers’ leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
Redeployment				
288 approved medical practitioner means a legally registered medical practitioner or registered medical specialist (other than a treating doctor) selected by the head of service for the purpose of providing advice on an officer's medical condition. (Interpretation—div 5.1.1)	Select an approved medical practitioner.	Power – may be delegated under s.36A	Delegated	Delegate Group A
289 The head of service must prepare, or arrange for a supervisor to prepare, a case summary in the case of an officer not claiming compensation or where liability for a claim has not been accepted, if— (a) the officer has been absent from duty for a period of four weeks and is likely to be absent for more than 13 weeks; or (b) the officer has been absent from duty for a period of 13 weeks; or (c) it appears that the officer will be absent indefinitely and it is unclear whether they will be able to return to their former office. (Case summary—non-compensation cases)	Arrange for the preparation of a case summary.	Power – may be delegated under s.36A	Delegated	Delegate Group A
290(4) A reasonable time before an officer is to be examined as part of a health assessment, the head of service must advise the officer, in writing of— (a) the time and place of the examination; and (b) the purpose of the examination; and (c) the relevant provisions of the <i>Health Records (Privacy and Access) Act 1997</i> relating to confidentiality of medical information and the officer's right to have access to any information provided to the person conducting the health assessment; and (d) the officer's right to submit supporting material for consideration by the person conducting the health assessment. (Health assessment—non-compensation cases)	Notify an officer of a health assessment.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
290(5) On receipt of a health assessment, the head of service must provide a copy of the assessment report to the officer as soon as possible, subject to the rules on handling sensitive medical information. (Health assessment—non-compensation cases)	Provide a copy of a health assessment to an officer.	Power – may be delegated under s.36A	Delegated	Delegate Group A
291 If, as a result of a health assessment report, the head of service considers an officer is fit for their normal duties, they must— (a) notify the officer in writing of the decision; and (b) advise the officer they have 14 days to dispute the decision; and (c) advise the officer that if they do not wish to dispute the decision, they must return to duty no later than 14 days after the date of the head of service’s written notification. (Implementation of health assessment report—non compensation cases)	Notify an officer of a determination that the officer is not fit for normal duties.	Power – may be delegated under s.36A	Delegated	Delegate Group A
292(3) If at any stage it appears the officer is unable or unwilling to produce the required new evidence, the head of service must direct the officer to return to duty immediately. (Disputing the fitness for duty decision—non-compensation cases)	Direct an officer to return to duty.	Power – may be delegated under s.36A	Delegated	Delegate Group A
292(4) If the head of service considers that new or more detailed evidence has been provided, they should grant the officer further personal leave and refer the matter to a medical review panel. (Disputing the fitness for duty decision—non-compensation cases)	Grant further personal leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A
293(1) If there is disputed medical evidence, the head of service may arrange an independent medical panel to review the officer’s condition and make recommendations as to the officer’s fitness for duty. (Medical review panels—non-compensation cases)	Arrange for an independent medical review panel.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
293(5) The head of service must advise the officer, in writing, of the establishment and composition of the panel. (Medical review panels—non-compensation cases)	Notify an officer of the establishment of a medical review panel.	Power – may be delegated under s.36A	Delegated	Delegate Group A
293(6) The head of service must also advise the officer that they have the opportunity to present written evidence to the medical review panel. (Medical review panels—non-compensation cases)	Notify an officer of their right to present evidence.	Power – may be delegated under s.36A	Delegated	Delegate Group A
293(10) The head of service must advise the officer of their decision in light of the review panel’s findings and recommendations. (Medical review panels—non-compensation cases)	Notify an officer of a determination following the findings of a medical review panel.	Power – may be delegated under s.36A	Delegated	Delegate Group A
293(11) If the head of service decides that an officer is fit to resume duty on the basis of a recommendation from the medical review panel, they must— (a) direct the officer to return to work; and (b) refer any further medical certificates in relation to the injury or illness to a senior medical officer for advice on their acceptability. (Medical review panels—non-compensation cases)	Direct and officer to return to work following the findings of a medical review panel.	Power – may be delegated under s.36A	Delegated	Delegate Group A
293(12) If an officer does not comply with a direction to return to work, the head of service must immediately commence forfeiture of office procedures against the officer. (Medical review panels—non-compensation cases)	Commence forfeiture of office procedures.	Power – may be delegated under s.36A	Delegated	Delegate Group A
293(13) If the head of service decides that the officer is not fit to resume duty on the basis of a recommendation from the medical review panel, they should proceed with action detailed in part 5.2. (Medical review panels—non-compensation cases)	Commence retirement / redeployment action.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
295(2) The head of service must provide a statement of reasons and explain that if an officer consents to redeployment, they will not be able to appeal against the redeployment. (Voluntary redeployment)	Provide a statement of reasons.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Retirement of officer from Service				
296 This section applies to an officer if the head of service is satisfied on reasonable grounds that the officer— (a) is unable to perform duties appropriate to the officer’s classification, because of physical or mental incapacity; or (b) is not qualified to perform the officer’s duties; or (c) is an excess officer. 297(2) The head of service must provide a statement of reasons and explain that if an officer consents to retirement, they will not be able to appeal against the retirement. (Voluntary retirement)	Provide a statement of reasons.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Underperformance				
299(2) The head of service must provide a statement of reasons and explain that if an officer consents to retirement, they will not be able to appeal against the retirement. (Voluntary retirement- underperformance)	Provide a statement of reasons.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Termination of probationary appointment				
302(1) The head of service must give an officer on probation the opportunity to state their case before making a termination decision. (Termination of probationary appointment)	Give an officer an opportunity to state their case.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
302(2) If the head of service decides to terminate an appointment, they must— (a) notify the officer of the decision, the reason for it and the date of effect of the decision; (b) issue and sign a formal instrument of termination that states the name and classification of the officer, the date of termination and the office details. (Termination of probationary appointment)	Notify an officer of reasons for a determination and the date of effect of the determination.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Payment in lieu of entitlements on cessation of employment or death				
306(1) This section applies in relation to an officer who has died, or is considered by the head of service to have died. 306(2) The head of service may authorise payment of the amount that would have been authorised to be paid in accordance with this section if an officer had ceased to be an officer other than by death to— (a) a dependant of the officer; or (b) two or more dependants of the officer; and (c) where a dependant of the officer is under a legal disability— (i) a trustee for the benefit of the dependant; or (ii) the legal personal representative of the officer. (Payment in lieu of annual leave—death)	Determine and officer has died and authorise payments on behalf of the officer.	Power – may be delegated under s.36A	Delegated	Delegate Group A
306(3) If the officer has two or more dependant s the head of service must consider the respective losses suffered by those dependants as a result of the loss of earnings. (Payment in lieu of annual leave—death)	Consider the losses of a deceased officer’s dependents.	Power – may be delegated under s.36A	Delegated	Delegate Group A
308(2) After consideration of all the circumstances, the head of service may direct that the death of an officer is to be presumed to have occurred on a specified date (presumed death). (Payment in lieu of long service leave—death)	Direct that the death of an officer has occurred on a specified date.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
308(4) If there are two or more dependants of a deceased officer, the head of service will have regard to the respective losses suffered by those dependants as a result of the loss of earnings of the officer. (Payment in lieu of long service leave—death)	Consider the losses of a deceased officer’s dependents.	Power – may be delegated under s.36A	Delegated	Delegate Group A
308(6) If money is to be paid and the dependants are incapable of managing their own affairs, the head of service should authorise payment either to a public trustee or other official with authority to receive payment, or appoint either one or preferably two trustees to whom the payment will be made. (Payment in lieu of long service leave—death)	Authorise payment to a trustee or other official.	Power – may be delegated under s.36A	Delegated	Delegate Group A
308(7) If an officer dies and payment has not been made to a dependant of the officer the head of service must authorise payment of an amount payable to the dependants to the legal personal representative of the officer within 12 months of the death or presumed death of the officer. (Payment in lieu of long service leave—death)	Authorise payment to an officer’s legal personal representative.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Travel—domestic and international				
535(3) The head of service is accountable for ensuring that points earned by directors-general are used to the maximum benefit of the ACT Public Service. (Frequent Flyer Program)	Ensure that director-general frequent flyer points are used to the maximum benefit of the ACTPS	Function	Not delegated	Retain function – do not delegate
Training and development				
558(1). The head of service is responsible for — (a) issuing principles and guidelines for ACT Public Service Performance Management Schemes; and (b) ensuring appropriate monitoring and assistance to agencies in the implementation of Performance Management Schemes. (Performance Management Schemes)	Issue principles and guidelines and appropriate monitoring and assistance to agencies.	Function	Delegated	Delegate Group B

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
Payments for work performed for the board of senior secondary studies				
577(1) The head of service may approve the payment of additional remuneration to an officer or employee who is appointed, under the Board of Senior Secondary Studies Act 1997, section 6(a), to perform work for the Board of Senior Secondary Studies. (Eligibility)	Authorise additional remuneration to an officer performing work for the Board of Senior Secondary Studies.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Rental for ACTPS Housing				
593(2) The head of service must determine the new amount of rental contribution of an officer who becomes entitled to be paid an annual salary at a higher rate, other than by promotion, as soon as practicable, but within 13 weeks of the date the officer becomes entitled to the higher salary. (Increase or decrease in contribution)	Determine rental contribution.	Power – may be delegated under s.36A	Delegated	Delegate Group A
593(3)The new amount of rental contribution is effective from the date the head of service determines the new amount payable. (Increase or decrease in contribution)	Determine date of effect for new amount of rental contribution.	Power – may be delegated under s.36A	Delegated	Delegate Group A
593(4) The head of service may reduce an officer’s contribution in whole, or part by certifying in writing that the location of an officer, or officers, in a particular location is critical to the operating efficiency of the agency. 593(5) The head of service should consider — (a) the incidental obligations of the officer (e.g. after-hours caretaking or responsibility for staff or official property); or (b) the remoteness of the locality from significant population centres; or (c) the extent to which subsidized housing is required to ensure adequate staff levels; or (d) the availability of private rental accommodation; or	Reduce an officer’s rental contribution.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
(e) the length of time for which an officer is transferred; or (f) the personal circumstances of the officer; or (g) the level of the costs arising from the officer’s transfer; or (h) the circumstances in which a transfer has taken place; or (i) the condition of the ACTPS dwelling; or (j) any other relevant matter. (Increase or decrease in contribution)				
PSSAP eligibility				
599. The head of service may , having regard to the circumstances of a person’s employment, deem that person to be a person to whom this part applies provided that person was a member of the PSSAP on the day before the declaration commences. (Other circumstances - PSSAP Membership)	Deem a person to be a member of the PSSap in certain circumstances.	Power can be delegated	Delegated	Delegate Group B
Special arrangements for teachers				
606(1) The head of service may direct a teacher to take annual leave, at a time that is convenient to the agency, whether or not application for leave has been made. (Direction to take annual leave—teachers)	Direct a teacher to take annual leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A
610(1) If a teacher applies to the head of service , under the Act, section 90, to cancel a promotion before its date of effect, the head of service must cancel that promotion. (Cancellation at the request of the promote—teachers)	Cancel a teacher promotion.	Power – may be delegated under s.36A	Delegated	Delegate Group A

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
Special arrangements—pathologists and people covered by ACT Public Sector Medical Practitioners Union Collective Agreement 2008-2011				
615(7) The head of service may determine, if the amount of additional leave is less than one day, expressed in hours, that the amount be carried forward to the following year, if hospital working arrangements so require. (Additional annual leave for career medical officers, resident medical officers and registrars)	Determine an amount of leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A
616(1) The head of service may grant leave to a Specialist or Senior Specialist to attend a medical conference. (Leave for specialists and senior specialists—conference leave)	Grant medical conference leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A
617(1) The head of service may grant leave to a Specialist or Senior Specialist who has completed five years of service, for the purpose of undertaking medical study. (Leave for specialists and senior specialists—conference leave)	Grant medical study leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A
Executive work value				
620(1). The assessed work value in respect of a the head of service or a director-general or executive is the work value obtained by applying the independent job evaluation methodology approved by the head of service . (Determining work value)	Approve independent job evaluation methodology in respect to assessing work value of a director-general or executive.	Power - may be delegated under s.36	Delegated	Delegate Group B

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
622. The head of service may waive the requirement for an independent job evaluation if— (a) a person is to perform the duties of an executive office under the Act, section 76 and the head of service determines the waiver to be in the interests of the Service; or (b) a director-general office has been created in a newly established administrative unit and a person is to perform the duties of a director-general office under the Act, section 30. (2) If the head of service approves a waiver of the requirement for an independent job evaluation, the head of service will determine the remuneration point for the office. (Circumstances where work value assessment not required)	Waive the requirement for an independent job evaluation if it is in interest of the service or the position is a short-term director-general position in a newly established administrative office. Determine the remuneration point for the office where the requirement for an independent job evaluation has been waived.	Power - may be delegated under s.36	Delegated	Delegate Group B
Executive responsibilities				
626(2) A director-general or executive must not, except in accordance with the written approval of the head of service , accept or engage in any remunerative employment other than in connection with the performance of their duties in the ACTPS. (External employment)	Approve other remuneration employment for director-general or executive.	Power – may be delegated under s.36A	Delegated	Delegate Group B
626A The head of service or a director-general or executive who leaves the ACTPS to work for another employer must not use confidential information acquired while a member of the ACTPS in their new employment without the approval of— (a) for the head of service—the Chief Minister: or (b) for a director-general or executive—the head of service . (Unauthorised disclosure of information)	Approve the use of confidential information by a former director-general or executive.	Power – may be delegated under s.36A	Delegated	Delegate Group B

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
Statutory office holder financial entitlements				
<p>641(2) A person to whom this section applies cannot be appointed as a statutory office holder or an officer for the period that corresponds with the period of special benefit that follows immediately after the end of their appointment without the written consent of the head of service.</p> <p>641(3) A person to whom this section applies cannot be engaged as an employee for the period that corresponds with the period of special benefit that follows immediately after the end of their appointment without the written consent of the head of service.</p> <p>(4) The head of service—</p> <p>(a) must consult with the commissioner before giving written consent under this section; and</p> <p>(b) may impose conditions to the consent.</p> <p>(Appointment or engagement of former statutory office holders)</p>	<p>Consent, after consultation, to the appointment or engagement and within a specified period of certain former statutory office holders and impose conditions in relation to the appointment or engagement.</p>	<p>Power - may be delegated under s.36</p>	<p>Delegated</p>	<p>Delegate Group B</p>
Executive and statutory office holder vehicle entitlements				
<p>646(2) The head of service may agree to a recommendation from a director-general, that the vehicle entitlement of an executive engaged on a part-time basis be restricted to a pro rata basis.</p> <p>(Executive vehicle entitlement—part time executives)</p>	<p>Agree to a pro rata vehicle entitlement.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group B</p>
<p>646(3) Having regard to all circumstances, the head of service, in consultation with the relevant director-general, is required to consider and advise on the administration arrangements required for the provision of a pro rata vehicle entitlement.</p> <p><i>Note</i> The usual pro rata arrangement will be pro rata payment in lieu in accordance with section 648.</p> <p>(Executive vehicle entitlement—part time executives)</p>	<p>Determine arrangements for a pro rata vehicle entitlement.</p>	<p>Power – may be delegated under s.36A</p>	<p>Delegated</p>	<p>Delegate Group B</p>

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
647(8) Where a statutory office holder receives remuneration that does not align with a remuneration zone as determined in section 620 the head of service must determine the appropriate maximum value applicable to the vehicle entitlement of the statutory office holder. (Choice of motor vehicle)	Determine the maximum value for an executive vehicle.	Power – may be delegated under s.36A	Delegated	Delegate Group B
648(2) Where a statutory office holder receives remuneration that does not align with a remuneration zone as determined in section 620 the head of service must determine the appropriate value of payment in lieu. (Payment in lieu of an executive vehicle entitlement)	Determine the value of payment in lieu of an executive vehicle.	Power – may be delegated under s.36A	Delegated	Delegate Group B
649 An executive who has elected to use an executive vehicle may subsequently elect to receive payment in lieu of an executive vehicle— (a) from the date the lease of the executive vehicle ends; or (b) with the agreement of— (i) for the head of service—the Chief Minister; or (ii) for any other executive—the head of service , if the head of service — (A) has received a recommendation from the relevant director-general; and (B) is satisfied there are exceptional circumstances that warrant agreement. (Change to payment in lieu of an executive vehicle entitlement)	Agree to allow an executive to change their election in relation to an executive vehicle.	Power – may be delegated under s.36A	Delegated	Delegate Group B
650(1) If an executive has a disability that affects his or her ability to drive a standard vehicle, the executive is entitled to such modifications or options as the head of service certifies in writing as being reasonably necessary to enable the executive to drive a vehicle. (Executive vehicle modification)	Certify modifications or options to enable an executive to drive a vehicle where the executive has a disability that affects his or her ability to drive a standard vehicle.	Power - may be delegated under s.36	Delegated	Delegate Group B

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
650(2) If a director-general has a disability that affects his or her ability to drive a standard vehicle, the director-general is entitled to such modifications or options as the head of service certifies in writing as being reasonably necessary to enable the director-general to drive a vehicle. (Executive vehicle modification)	Certify modifications or options to enable a director-general to drive a vehicle where the director-general has a disability that affects his or her ability to drive a standard vehicle.	Power - may be delegated under s.36	Delegated	Delegate Group B
Executive and statutory office holder leave entitlements				
658 In this part— decision maker means— (a) in relation to an executive engaged under the Act, section 72 or section 76, the head of service ; and (b) in relation to a director-general engaged under the Act, section 28 or section 30, the head of service ; and... (Intepretation—pt 9.6)	N/A	N/A	N/A	N/A
662(1) The decision maker will only deny an executive’s request for leave where there are operational reasons for doing so. (Non-approval of leave)	Deny a request for leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
662(2) If a request for leave is not approved the decision maker will , if requested in writing by the executive, provide the reasons for the decision to the executive in writing. (Non-approval of leave)	Provide reasons for denying a request for leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG

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Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
662(3) If a request for leave is not approved the decision maker will consult with the executive to determine mutually convenient alternative arrangements. (Non-approval of leave)	Consult with an executive in relation to a request for leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
665(2) The decision maker may grant personal leave if they are satisfied there is sufficient cause, having considered any requested or required documentary evidence. (Evidence and conditions—personal leave)	Grant personal leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
665(3) The decision maker will accept the following documentary evidence as proof of personal illness or injury or the need to care for a member of the executive’s immediate family or household who is sick— (a) a certificate from a registered health professional who is operating within their scope of practice; or (b) a statutory declaration made by the employee if it is not reasonably practicable for the employee to give the decision maker a certificate. (Evidence and conditions—personal leave)	Accept specified documentary evidence.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
665(4) If documentary evidence is not produced when an executive applies for personal leave the decision maker may grant personal leave up to three consecutive working days with pay, to a maximum of seven working days in any accrual year. (Evidence and conditions—personal leave)	Grant personal leave without documentary evidence.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
665(6) The decision maker may , with reasonable cause, request the executive to provide a medical certificate or statutory declaration for any absence from duty on personal leave at the time of notification of the absence. (Evidence and conditions—personal leave)	Request documentary evidence.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
665(8) Subject to the production of satisfactory documentary evidence, a decision maker may grant an executive further absence for personal illness or injury beyond 78 weeks provided the additional period of personal leave is granted without pay and does not count as service for any purpose. (Evidence and conditions—personal leave)	Grant personal leave without pay beyond 78 weeks.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
665(9) The decision maker must not grant personal leave for an absence caused by the misconduct of the executive and may determine that an absence caused by the misconduct does not count as service for any purpose. (Evidence and conditions—personal leave)	Determine that personal leave caused by misconduct does not count as service.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
665(10) A decision maker must approve an application for up to five days personal leave applied for in conjunction with a period of bonding leave. (Evidence and conditions—personal leave)	Grant personal leave in conjunction with bonding leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
665(11) The decision maker may refer an executive for a medical examination by a nominated registered medical practitioner at any time for reasons including— (a) the decision maker is concerned about the wellbeing of an executive and considers that the health of the executive is affecting the executive’s ability to adequately perform their duties; or (b) the decision maker considers that documentary evidence supplied in support of an absence due to personal illness or injury is inadequate; or (c) the executive has been absent on account of illness for a total of thirteen weeks in any twenty six week period. (Evidence and conditions—personal leave)	Refer an executive for a medical examination.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG

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Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
665(12) The decision maker may require the executive to take personal leave after considering the results of a medical examination requested by the decision maker . (Evidence and conditions—personal leave)	Direct an executive to take personal leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
669(2) The decision maker may grant up to a maximum of four days of personal leave in an accrual year, in extraordinary, unforeseen or unexpected circumstances where it is essential that the executive have leave from the workplace. (Personal leave in extraordinary circumstances)	Grant personal leave in extraordinary circumstances.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
669(4) While personal leave in extraordinary circumstances does not normally require documentary evidence, the decision maker may require reasonable evidence before granting personal leave in extraordinary circumstances. (Personal leave in extraordinary circumstances)	Request documentary evidence for personal leave in extraordinary circumstances.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
670(1) Where an executive is prevented from attending for duty under the <i>Public Health Act 1997</i> , part 6, the decision maker may grant that executive personal leave. (Infectious disease contacts)	Grant personal leave for a condition covered by the <i>Public Health Act 1997</i> .	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
672(5) The decision maker may grant an executive a period of paid or unpaid compassionate leave additional to the period of leave specified in subsections (3) and (4). (Entitlement—compassionate leave)	Grant additional compassionate leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG

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Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
673(3) Having considered the requirements of this section the decision maker may approve an executive’s application to access compassionate leave. (Evidence and conditions—compassionate leave)	Grant compassionate leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
673(4) The decision maker may request evidence that would satisfy a reasonable person than an application for compassionate leave is for a purpose set out in section 671. (Evidence and conditions—compassionate leave)	Request documentary evidence.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
680(4) Where operational service personal leave credits have been exhausted, the decision maker may grant an executive a period of unpaid operational service personal leave. (Entitlement—operational service personal leave)	Grant additional unpaid operational service leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
681(3) Having considered the requirements of this section the decision maker may approve an eligible executive’s application to access operational service personal leave. (Evidence and conditions—compassionate leave)	Grant operational service leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
686(3) Having considered the requirements of this section the decision maker may approve an executive’s application to access annual leave. (4) The decision maker should approve an executive’s application to take annual leave, subject to operational requirements. (Evidence and conditions—annual leave)	Grant annual leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG

**Powers and functions held by the Head of Service under the
Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
686(5) If the decision maker does not approve an executive’s application for annual leave because of operational requirements, the decision maker will consult with the executive to determine a mutually convenient alternative time (or times) for the executive to take the leave. (Evidence and conditions—annual leave)	Consult with an executive in relation to a request for leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
686(6) The decision maker must , unless there are exceptional operational circumstances, approve an application for annual leave if it would enable an executive to reduce their annual leave balance below two and a half years worth of annual leave credit, however, in the case of exceptional operational circumstances, the decision maker may consult with the executive to determine another time (or times) for the annual leave to be taken that is mutually convenient to both the administrative unit and the executive. Note For full time executives, two and a half year’s worth of annual leave credit is 10 weeks. (Evidence and conditions—annual leave)	Grant annual leave where the taking of leave will reduce an executive’s accrual to less than 10 weeks.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
686(8) If the operations of an agency, or part of an agency, are suspended at Christmas or another holiday period, the decision maker may direct an executive to take annual leave at a time that is convenient to the working of the agency, whether or not application for leave has been made. (Evidence and conditions—annual leave)	Direct an executive to take annual leave during suspended operations.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
686(9) If an executive has accrued two years worth of annual leave credits and unless exceptional operational circumstances exist, the executive and decision maker must agree, and implement an annual leave usage plan to ensure the executive’s accrued leave credit will not exceed two and a half years worth of annual leave credit. (Evidence and conditions—annual leave)	Agree on and implement an annual leave usage plan where the executive has an accrual in excess of 8 weeks.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG

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Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
686(10) If an executive does not agree to a reasonable annual leave usage plan the decision maker may direct an executive who has two and a half years worth of annual leave credit to take annual leave to the extent that the executive's annual leave credit exceeds two and a half years worth of annual leave credit, subject to giving the executive one calendar month notice. (Evidence and conditions—annual leave)	Direct an executive to take annual leave where the executive has an accrual in excess of 10 weeks.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
688(1) An executive may cash out up to two weeks of the executive's annual leave credit where that credit has exceeded two years accumulated leave subject to— (a) the executive providing the decision maker with a written election to do so; and (b) the decision maker authorising the election; and (c) the executive taking at least one week of annual leave in conjunction with this entitlement or the executive has taken at least one week of annual leave in the past six months. (Payment in lieu of annual leave)	Authorise an election to cash out annual leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
690(2) Subject to the approval of the decision maker , an executive who is on unpaid leave may be granted annual leave during that period subject to the requirements of that leave type. (Access to other leave entitlements—annual leave)	Grant annual leave during a period of unpaid leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
692(7) If an executive is transferred or reassigned from one ACTPS Agency to another ACTPS Agency during the agreed acquittal period, the executive's continuation in the purchased leave scheme will be subject to the approval of the agency that would gain the executive. (Entitlement—purchased leave)	Approve continuation in purchased leave scheme.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG

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Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
693(3) Having considered the requirements of this section the decision maker may approve an executive’s application to access purchased leave. (Evidence and conditions—purchased leave)	Approve access to purchased leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
693(5) A minimum of one week of purchased leave must be taken at any one time unless the remaining balance is less than one week or the relevant decision maker is satisfied , on evidence presented, there are exceptional circumstances which warrant purchased leave being taken in shorter periods. (Evidence and conditions—purchased leave)	Approve access to purchased leave for a period of less than 1 week.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
700(3) Having considered the requirements of this section the decision maker may approve an executive’s application to access long service leave. (Evidence and conditions—long service leave)	Approve long service leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
700(7) If the decision maker does not approve an application by an executive for long service leave because of operational requirements the decision maker will consult with the executive to determine a mutually convenient alternative time (or times) for the executive to take the leave. (Evidence and conditions—long service leave)	Consult with an executive in relation to a request for leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
707(7) An executive who has given birth to a child and produces medical evidence from a medical practitioner that she is fit for duty from a date less than six weeks after the date of birth of the child may resume duty on a date recommended by the medical practitioner subject to the approval of the decision maker . (Entitlement—maternity leave)	Approve a recommendation for an executive to return to work less than 6 weeks after the date of birth.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG

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Public Sector Management Act 1994, and Public Sector Management Standards 2006**

Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
707(8) An executive who has given birth to a child may resume duty following the end of the 6 week period after the birth of the child and earlier than the end of the approved period of maternity leave, subject to the approval of the decision maker . (Entitlement—maternity leave)	Approve a request to return to work before the end of an approved period of maternity leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
708(4) Having considered the requirements of this section the decision maker may approve an executive’s application to access maternity leave. (Evidence and conditions—maternity leave)	Approve maternity leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
709(2) The decision maker may approve , subject to a medical certificate from a registered medical practitioner who is operating within their scope of practice, an executive taking paid maternity leave in a non-continuous manner, provided any other form of paid leave will not be approved until the executive has used all of the executive’s paid maternity leave entitlement. (Rate of payment—maternity leave)	Approve non-continuous maternity leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
714(3) Having considered the requirements of this section the decision maker may approve an executive’s application to access special maternity leave. (Evidence and conditions—special maternity leave)	Approve special maternity leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
721(3) Having considered the requirements of this section the decision maker may approve an executive’s application to primary care giver leave. (Evidence and conditions—primary care giver leave)	Approve primary care giver leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG

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Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
721(7) Unless the decision maker determines that exceptional circumstances apply, primary care giver leave will not be approved to care for— (a) a baby over the age of 14 weeks; or (b) an adopted or foster child— (i) more than after fourteen weeks after the adoption or foster care placement; or (ii) if the child is over the age of 18, on the day of placement. (Evidence and conditions—primary care giver leave)	Approve primary care giver leave in exceptional circumstances.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
728(2) Bonding leave is deemed to be approved; however an executive must submit an application to the decision maker for any period of bonding leave. (Evidence and conditions—bonding leave)	Approve bonding leave. Note: This leave is deemed to be approved – however a leave form and sufficient documentary evidence must be submitted to the decision maker.	N/A	N/A	Delegate Group A Note: Limited to executives. HofS retains power for DG
728(4) Unless the decision maker determines that exceptional circumstances apply bonding leave will not be approved to care for— (a) a baby over the age of 14 weeks; or (b) an adopted or foster child over the age of 18 on the day of placement. (Evidence and conditions—bonding leave)	Approve bonding leave in exceptional circumstances.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
734(3) Having considered the requirements of this section the decision maker may approve an executive’s application to access parental leave. (Evidence and conditions—parental leave)	Approve parental leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
741(3) Having considered the requirements of this section the decision maker may approve an executive’s application to access grandparental leave. (Evidence and conditions—grandparental leave)	Approve grandparental leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG

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Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
747(1) Although the granting of community service leave for jury service is deemed to be approved, an executive must— (a) submit a leave form for the period of the absence; and (b) provide sufficient documentary evidence of the reason for the absence. 747(2) The executive should discuss with the decision maker their intention to be absent on community service leave for jury service. (Evidence and conditions—jury service)	Approve community service leave for jury service. Note: This leave is deemed to be approved – however a leave form and sufficient documentary evidence must be submitted to the decision maker.	N/A	N/A	Delegate Group A Note: Limited to executives. HofS retains power for DG
752(4) Having considered the requirements of this section the decision maker may approve an executive’s application to access community service leave for voluntary emergency management. (Evidence and conditions—voluntary emergency management)	Approve community service leave for voluntary emergency management.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
752(5) The decision maker may grant community service leave for voluntary emergency management to enable the executive to fulfil an obligation in the event of a civil emergency. (Evidence and conditions—voluntary emergency management)	Approve community service leave for voluntary emergency management in a civil emergency.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
752(6) The executive must, if requested by the decision maker , provide sufficient documentary evidence of the reason for the absence. (Evidence and conditions—voluntary emergency management)	Request documentary evidence.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
755 Additional paid leave may be approved by the decision maker for any voluntary emergency management duties required to be performed by an executive who is a member of a State or Territory Emergency Service. (Additional leave—voluntary emergency management)	Approve additional paid community service leave for voluntary emergency management for an SES	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DGs

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Public Sector Management Standards 2006				
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<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
	member.			
757(3) Having considered the requirements of this section the decision maker may approve an executive’s application to access unpaid community service leave for voluntary community service. (Evidence and conditions—voluntary community service)	Approve community service leave for voluntary community service.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
757(7) The decision maker may refuse an application from an executive for leave to engage in a voluntary community service activity on operational grounds. (Evidence and conditions—voluntary community service)	Refuse community service leave for voluntary community service.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
764(3) Having considered the requirements of this section the decision maker may approve an executive’s application for a form of other leave. (Evidence and conditions—other leave)	Approve other leave.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
764(4) The executive must, if requested by the decision maker , provide sufficient documentary evidence of the reason for the absence. (Evidence and conditions—other leave)	Request documentary evidence.	Power – may be delegated under s.36A	Delegated	Delegate Group A Note: Limited to executives. HofS retains power for DG
766A, Column 3, Eligibility An executive who is standing for election to the ACT Legislative Assembly, Commonwealth or State House of Parliament, or other legislative or advisory body approved by the head of service or, for leave for the head of service , the Chief Minister.. (Types of other leave – Campaign for an election)	Approve and advisory body for the purpose of campaign leave.	Power – may be delegated under s.36A	Delegated	Delegate Group B

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Public Sector Management Standards 2006				
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<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
766A, Columns 4, 6 and 7, Entitlement, Rate of payment, Effect on other entitlements Determined in consultation with the head of service , or, for leave for the head of service , the Chief Minister. (Types of other leave – Defence Service)	Determine the eligibility, rate of payment and effect on other entitlements of a period of leave for the purpose of Defence Service.	Power – may be delegated under s.36A	Delegated	Delegate Group B
766A, Columns 2 and 5, Purpose, Conditions To enable the executive to engage in work or employment that the head of service or, for leave for the head of service , the Chief Minister considers is in the interests of the defence or public safety of the Commonwealth or the Territories. (Engage in employment in the interests of defence or public safety)	Determine that work/employment is in the interests of defence or public safety.	Power – may be delegated under s.36A	Delegated	Delegate Group B
immediate family means— (a) an officer’s or employee’s— (i) domestic partner; or (ii) former domestic partner; or (iii) child; or (iv) adult child; or (v) parent; or (vi) grandparent; or (vii) grandchild; or (viii) sibling; or (b) the officer’s or employee’s domestic partner’s or former domestic partner’s— (i) child; or (ii) adult child; or (iii) parent; or	Recognise a person as immediate family in extraordinary circumstances.	Power – may be delegated under s.36A	Delegated	Delegate Group A

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Public Sector Management Standards 2006				
Column A	Column B	Column C	Column D	Column E
<i>Section / Authority</i>	<i>Power / Function</i>	<i>Potential to Delegate</i>	<i>Status</i>	<i>Suggested Action</i>
<p>(iv) grandparent; or (v) grandchild; or (vi) sibling; or (c) a person related to the executive by Aboriginal and/or Torres Strait Islander kinship structure; and (e) a person identified in paragraphs (a), (b) and (c) may be adopted, step-, fostered or ex-nuptial; and (f) a person recognised by the head of service as a member of the officer's or employee's immediate family in exceptional circumstances. Note This might include other close family member or for an employee who has no-one to nominate as 'immediate family', a nominated person. (Dictionary)</p>				