

Manual of Delegations 2014

The Manual of Delegations 2014:

- Delegates functions from the *Government Sector Employment Act 2013* and *Government Sector Employment Regulation 2014*.
- Contains functions delegated from the Industrial Relations Secretary.

Attachment: Manual of Delegations 2014

The Manual includes delegations except where Heads of Public Service agencies now have authority under the *Government Sector Employment Act 2013* and *Government Sector Employment Regulation 2014*.

This Manual of Delegations rescinds and replaces the 2012 Manual of Delegations to Department Heads, NSWTC12/18 refers.

Heads of Public Service agencies should now review their agency's internal delegations and authorisations to ensure they are current.

The Delegations are effective from the date of signature.

Philip Gaetjens
Secretary

Further information:

Which agencies does this Circular apply to?

This Circular applies to all Agencies employing staff under the Crown Employees (Public Sector - Salaries 2008) Award, Heads of a Public Service Agency as specified in Part 1, 2 and 3 of Schedule 1 to the Act (Note: Clause 9 of Schedule 3 of the Government Sector Employment Regulation 2014 preserves conditions of employment under former Act.)

Who needs to know about this Circular?

Heads of Public Service Agencies, Chief Executives, Senior Executives, Finance, Payroll, Industrial Relations, Human Resources.

Issued by: Public Sector Industrial Relations, NSW Industrial Relations, NSW Treasury

Contact: Public Sector Industrial Relations, ph 9020 4644, psir@industrialrelations.nsw.gov.au

Web: www.treasury.nsw.gov.au

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This Circular supersedes NSWTC12/18.

Delegations to Heads of Public Service Agencies Secretary, The Treasury

Functions in *Government Sector Employment Act 2013*

Under section 53(2) of the *Government Sector Employment Act 2013* (“the Act”), I, Philip Gaetjens, Secretary, The Treasury, hereby delegate to Heads of Public Service Agencies and to those persons exercising the functions of the Head of a Public Service Agency*, as specified in Part 1 of Schedule 1 to the Act, respectively, (“Public Service Agency Head”) the following functions of the Secretary, The Treasury:

1. Industrial Proceedings - Industrial Matters

Under section 50 of the Act, to appear in proceedings before tribunals having jurisdiction to deal with industrial matters including negotiations, conferences and inspections involved in industrial matters, subject to the following:

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

2. Determine Salaries - Commencing Rates of Pay

Under section 52 of the Act, to determine the commencing rates of pay for any Public Service employee:

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

3. Skill Shortage Allowance

Under section 52 of the Act, to determine the payment of a skill shortage allowance as outlined in the Guidelines for the Implementation of Skill Shortage Allowances issued 9 February 1994 where the Public Service Agency Head is satisfied:

- There has been strong evidence of difficulty in either attraction or retention which have had a significant disruptive effect on service delivery.

Payment of the allowance is to be reviewed every twelve months or when the position becomes vacant.

The allowance is payable to positions at or above Clerk Grade 12 or equivalent but is not payable to Senior Officers.

The maximum allowance payable is \$13,000 per annum.

4. Job Evaluation Allowance

Under section 52 to determine the payment of a job evaluation allowance as outlined in Premier's Department Circular 97-35 *Implementation of Job Evaluation Outcomes* and Premier's Department Circular 98-50 *Implementation of Job Evaluation Outcomes* only if each of the following requirements are satisfied:

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

These delegations rescind and replace any and all existing delegations and authorisations on these matters included in the Manual of Delegations to Department Heads issued in 2012.

The functions above may be sub-delegated by the Public Service Agency Head provided that a record is maintained of employees to whom the exercise of such functions has been sub-delegated.

The delegations have effect on and from the date of signature below.

Dated this 30th day of June 2014.

A handwritten signature in black ink, appearing to read 'P. Gaetjens', with a stylized flourish at the end.

Philip Gaetjens
Secretary

Appendix 1 Delegation of Functions in *Government Sector Employment Act 2013* to a role in a Cluster and/or Agency

In addition to delegating the functions to those persons exercising the functions of the Head of a Public Service Agency*, as specified in Part 1 of Schedule 1 to the Act, respectively, (“Public Service Agency Head”) I delegate these functions of the Secretary, The Treasury to the following role in the nominated cluster or agency listed below:

Cluster/Agency	Function	Role
Fire & Rescue	All	Deputy Chief Executive Director, Human Resources
DITIRIS including Executive Agencies within the cluster	Industrial Proceedings – Industrial Matters	Director, Industrial Relations
	Determine Salaries – Commencing Rates of Pay	The Secretary; Deputy Secretary Finance Strategy and Operations; Deputy Secretary Industry, Innovation, Hospitality and the Arts; Deputy Secretary Resources and Energy; Director General Department of Primary Industries, Executive Director People Learning and Culture, Group Manager Organisation Performance and Director Industrial Relations along with the heads of all Executive Agencies within the NSW Trade and Investment Cluster
	Skill Shortage Allowance	The Secretary Deputy Secretary Finance Strategy and Operations
	Job Evaluation Allowance	The Secretary Deputy Secretary Finance Strategy and Operations Executive Director People Learning and Culture