



Public Interest Disclosure (Treasury) Delegations 2022

I, Steven Kennedy, Secretary to the Treasury, make the following delegations.

Dated 12 August 2022

Steven Kennedy
Secretary
Department of the Treasury

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Part 1—Preliminary

1 Name

This instrument is the *Public Interest Disclosure (Treasury) Delegations 2022*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Public Interest Disclosure Act 2013*.

4 Definition

Note: Expressions have the same meaning in this instrument as in the *Public Interest Disclosure Act 2013* as in force from time to time—see paragraph 13(1)(b) of the *Legislation Act 2003*.

In this instrument:

Assistant Secretary (governance) means the SES Band 1 with general responsibility for an agency's general fraud prevention and control policies.

Note: In 2022, the Assistant Secretary, Executive Coordination and Governance, Corporate Division, Corporate and Foreign Investment Group, had general responsibility for Treasury's general fraud prevention and control policies.

Director (governance) means the EL2 employee with general responsibility for an agency's general fraud prevention and control policies.

Note: In 2022, the Director, Risk and Governance, Executive Coordination and Governance Branch, Corporate Division, Corporate and Foreign Investment Group, had general responsibility for Treasury's general fraud prevention and control policies.

EL2 employee means an APS employee who has been allocated an Executive Level 2 classification.

Section 4

SES Band 1 means an SES employee who has been allocated an SES Band 1 classification.

the Act means the *Public Interest Disclosure Act 2013*.

the Treasury means the Department of the Treasury.

Part 2—Delegations

5 General delegations of functions and powers under the Act

Under subsection 77(1) of the Act, any person holding, occupying or performing the duties of any of the following offices or positions in the Treasury is delegated all the principal officer of the Treasury's functions and powers under the Act:

- (a) Deputy Secretary of Corporate and Foreign Investment Group;
- (b) if Corporate and Foreign Investment Group ceases to exist or is renamed—the Deputy Secretary of the Group with general responsibility for corporate services.

6 Delegations relating to specified functions and powers under the Act

- (1) Under subsection 77(1) of the Act, each item of the table in Schedule 1:
 - (a) specifies a function or power of the principal officer of the Treasury under a provision of the Act that is delegated to the person or persons referred to in that item in the table (being the persons for the time being holding, acting or performing the duties of the respective offices or positions in the Treasury that are specified); and
 - (b) sets out any limitation on the delegation covered in that item in the table; and
 - (c) sets out any direction the delegate must comply with in exercising powers, or performing functions delegated in that item in the table.
- (2) Nothing in this section affects the scope of a delegation under section 5.

Part 3—Repeals

7 Revocation of previous delegations

All previous delegations of the principal officer of the Treasury's functions or powers under the Act are revoked.

Schedule 1—Delegations relating to specified functions and powers under the Act

Note: see section 6.

Item	Function or power	Description of the function or power	Delegates	Limitations	Directions
1	section 47 of the Act	principal officer must investigate disclosures	(a) Assistant Secretary (governance) (b) Director (governance)	the delegate may only exercise the function or power in relation to a disclosure if the delegate is satisfied that the delegate does not have a conflict of interest (real or apparent) in connection with the disclosure	none
2	section 48 of the Act	discretion not to investigate	(a) Assistant Secretary (governance) (b) Director (governance)	the delegate may only exercise the function or power in relation to a disclosure if the delegate is satisfied that the delegate does not have a conflict of interest (real or apparent) in connection with the disclosure	none
3	section 50 of the Act	notification to discloser	(a) Assistant Secretary (governance) (b) Director (governance)	none	none
4	subsection 50A(1) of the Act	notification to Ombudsman of decision not to investigate	(a) Assistant Secretary (governance) (b) Director (governance)	none	none
5	section 51 of the Act	report of investigation	(a) Assistant Secretary (governance)	none	none

Schedule 1 Delegations relating to specified functions and powers under the Act

Item	Function or power	Description of the function or power	Delegates	Limitations	Directions
			(b) Director (governance)		
6	paragraph 52(3)(b) of the Act	application for extension of time	(a) Assistant Secretary (governance) (b) Director (governance)	none	none
7	section 53 of the Act	conduct of investigations under Division 2 of Part 3 of the Act	(a) Assistant Secretary (governance) (b) Director (governance)	none	none
8	section 54 of the Act	adoption of findings of another investigation	(a) Assistant Secretary (governance) (b) Director (governance)	none	none
9	section 59 of the Act	additional obligations of principal officers	(a) Assistant Secretary (governance) (b) Director (governance)	none	none

Note: The description of the function or power in the table are to assist readers only. They are not intended to affect the interpretation nor limit the function or power referred to in the table.