



Commonwealth Securities (Treasury Portfolio Agency) Delegations 2023

I, Jim Chalmers, Treasurer, make the following delegations.

Dated 13 November 2023

Dr Jim Chalmers
Treasurer

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Part 1—Preliminary

1 Name

This instrument is the *Commonwealth Securities (Treasury Portfolio Agency) Delegations 2023*.

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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	
2. Part 2	Immediately after the <i>Commonwealth Inscribed Stock (Treasurer) Delegations 2023</i> commences.	

Note: This table relates only to the provisions of this instrument as originally made.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 following:

- (a) the *Commonwealth Inscribed Stock Act 1911*; and
- (b) the *Commonwealth Inscribed Stock Regulation 2015*; and
- (c) the *Loans Securities Act 1919*; and
- (d) the *Loans Securities Regulation 2015*; and
- (e) the *Public Governance, Performance and Accountability Act 2013*.

4 Definitions

In this instrument:

ADI has the meaning given by the *Banking Act 1959*.

AOFM means the Australian Office of Financial Management.

Section 4

Australian Public Service has the meaning given by the *Public Service Act 1999*.

authorised bank accepted bills and instruments means a bank accepted bill of exchange or negotiable certificate of deposit, that meets all of the following:

- (a) is rated at least A1 or equivalent by a major credit rating agency;
- (b) is denominated in Australian dollars;
- (c) is issued by an ADI which holds an exchange settlement account with the RBA;
- (d) has a remaining term to maturity of no more than 12 months.

authorised commercial paper means commercial paper that meets all of the following:

- (a) is rated at least A1 or equivalent by a major credit rating agency;
- (b) is denominated in Australian dollars;
- (c) has a remaining term to maturity of no more than 12 months.

authorised debt instrument means a debt instrument that meets all of the following:

- (a) is rated at least AAA or equivalent by a major credit rating agency;
- (b) is denominated in Australian dollars;
- (c) meets one of the following:
 - (i) is issued or guaranteed by the national government of a foreign country;
 - (ii) is issued by a financial institution or a supranational institution (being an institution owned or established by governments of 2 or more countries).

CEO, in relation to the AOFM, means the SES employee, or acting SES employee, holding, occupying or performing the duties of the Chief Executive Officer of the AOFM.

CIS Act means the *Commonwealth Inscribed Stock Act 1911*.

CIS Regulations means the *Commonwealth Inscribed Stock Regulation 2015*.

dematerialised security means a dematerialised security that is deposited in the Austraclear System.

Note: Information about the Austraclear System can be found on the Australian Securities Exchange's website (<http://www.asx.com.au>).

LS Act means the *Loans Securities Act 1919*.

LS Regulations means the *Loans Securities Regulation 2015*.

major credit rating agency means one of the following (including a parent or holding company of the one of the following):

- (a) Fitch Australia Pty Ltd;
- (b) Moody's Investors Service Pty Limited;
- (c) S&P Global Ratings Australia Pty Ltd.

PGPAA means the *Public Governance, Performance and Accountability Act 2013*.

RBA means the Reserve Bank of Australia.

Reserve Bank Service has the meaning given by section 66 of the *Reserve Bank Act 1959*.

Part 2—Delegations

5 Delegations and authorisations under the CIS Act

Authorisations

- (1) Under subsection 51H(2) of the CIS Act and the *Commonwealth Inscribed Stock (Treasurer) Delegations 2023*, each person holding, occupying or performing the duties of each of the following offices or positions in the Australian Public Service or Reserve Bank Service, is authorised to exercise the powers under sections 4 and 7 of the CIS Act that have been delegated to Treasurer by the Governor-General:
 - (a) the CEO of the AOFM;
 - (b) the Head, Funding, Strategy and Research, AOFM;
 - (c) the Head, Sustainable Finance, AOFM;
 - (d) the Head, Domestic Markets Department, RBA;
 - (e) a Deputy Head, Domestic Markets Department, RBA;
 - (f) if an office or position covered by a preceding paragraph ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities within the same agency.

Note: Sections 4 and 7 of the CIS Act relate to creating stock and issuing stock.

Delegations

- (2) Under subsection 51JA(1) of the CIS Act, each item of the table in Schedule 1:
 - (a) specifies a function or power under the CIS 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, occupying or performing the duties of the respective offices or positions in the AOFM or RBA that are specified); and
 - (b) sets out any limitation on the delegation covered in that item in the table.

Note: In exercising delegated powers under section 3A of the CIS Act, delegates are subject to the *Commonwealth Inscribed Stock (Maximum Total Face Value of Stock and Securities) Direction 2020*.

- (3) If an office or position referred to in an item of the table in Schedule 1 ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities within the same agency are also delegated the function or power as specified in the item of the table.

Direction

- (4) Under paragraph 51JA(3)(b) of the CIS Act, a delegate under subsections 5(2) and 5(3) of this instrument, exercising the Treasurer's power under section 3A of the CIS Act, is directed to exercise the functions and powers in a manner consistent with all of the following:
 - (a) the objective of satisfying the on-going budgetary requirements of the Commonwealth, in a prudent and cost-effective manner; and

- (b) the objective of supporting the efficient and effective operation of the government bond market.

6 Delegations under the CIS Regulations

Delegations relating to the AOFM

- (1) Under subsection 23(1) of the CIS Regulations, each person holding, occupying or performing the duties of each of the following offices or positions in the AOFM, is delegated the Treasurer's powers under sections 15, 17, and 22 of the CIS Regulations:
- (a) the CEO of the AOFM;
 - (b) the Chief Operating and Finance Officer of the AOFM;
 - (c) if an office or position covered by a preceding paragraph ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities.

Note: Sections 15, 17 and 22 of the CIS Regulations relate to prescribing amounts of stock for verification of transmission, transferring stock to the administrator of certain estates, and destroying bearer securities and coupons.

Delegations relating to the RBA

- (2) Under subsection 23(1) of the CIS Regulations, each person holding, occupying or performing the duties of each of the following offices or positions in the RBA, is delegated the Treasurer's powers under sections 21 and 22 of the CIS Regulations:
- (a) the Senior Manager, Service Delivery, Banking Department, RBA;
 - (b) the Manager, Overseas, Banking Department, RBA;
 - (c) if an office or position covered by a preceding paragraph ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities.

Note: Sections 21 and 22 of the CIS Regulations relate to payments for defaced, lost, stolen or destroyed bearer securities or coupons, and destroying bearer securities and coupons.

7 Delegations under the LS Act

Delegations relating to the Treasurer's powers under section 5B

- (1) Under subsection 5D(1) of the LS Act, each person holding, occupying or performing the duties of each of the following offices or positions in the AOFM, is delegated the Treasurer's power under subsection 5B(1) of the LS Act:
- (a) the CEO of the AOFM;
 - (b) the Head, Funding, Strategy and Research, AOFM;
 - (c) the Head, Sustainable Finance, AOFM;
 - (d) if an office or position covered by a preceding paragraph ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities.

Note: Section 5B of the LS Act relates to swaps and other financial arrangements.

Section 8

Delegations relating to the Treasurer's powers under section 5BA

- (2) Under subsection 5E(1) of the LS Act, each person holding, occupying or performing the duties of each of the following offices or positions in the AOFM and RBA, is delegated the Treasurer's power under section 5BA of the LS Act:
- (a) the CEO of the AOFM;
 - (b) the Head, Funding, Strategy and Research, AOFM;
 - (c) the Head, Sustainable Finance, AOFM;
 - (d) the Head, Domestic Markets Department, RBA;
 - (e) a Deputy Head, Domestic Markets Department, RBA;
 - (f) if an office or position covered by a preceding paragraph ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities.

Note: Section 5BA of the LS Act relates to security lending arrangements.

Direction

- (3) Under subsection 5E(2) and paragraph 5E(3)(b) of the LS Act, a delegate under subsection 7(2) of this instrument, exercising the Treasurer's power under section 5BA of the LS Act, is directed to exercise the functions and powers in a manner consistent with all of the following:
- (a) the kinds of collateral that must be received in relation to securities lending arrangements entered into under subsection 5BA(1) must be one or more of the following:
 - (i) cash; or
 - (ii) is of a kind covered by a paragraph in subsection 5BA(3) of the LS Act where that kind is also accepted as collateral by the RBA in its open market operations.

Delegations relating to the Treasurer's powers under section 5C

- (4) Under subsection 5D(1) of the LS Act, each person holding, occupying or performing the duties of each of the following offices or positions in the AOFM, is delegated the Treasurer's power under section 5C of the LS Act:
- (a) the CEO of the AOFM;
 - (b) if an office or position covered by a preceding paragraph ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities.

Note: Section 5C of the LS Act relates to the jurisdiction of foreign courts.

8 Delegations under the LS Regulations

Under subsection 8(1) of the LS Regulations, each person holding, occupying or performing the duties of each of the following offices or positions in the AOFM, is delegated the Treasurer's powers under sections 6 and 7 of the LS Regulations:

- (a) the CEO of the AOFM;
- (b) the Chief Operating and Finance Officer of the AOFM;

- (c) if an office or position covered by a preceding paragraph ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities.

Note: Sections 6 and 7 of the LS Regulations relate to lost, stolen, destroyed and mutilated securities.

9 Delegations under the PGPAA

Delegation

- (1) Under subsection 108(1) of the PGPAA, each person holding, occupying or performing the duties of each of the following offices or positions in the AOFM, is delegated the Treasurer's functions and powers under subsection 58(1) of the PGPAA:
- (a) the CEO of the AOFM;
 - (b) the Head, Funding, Strategy and Research, AOFM;
 - (c) the Head, Sustainable Finance, AOFM;
 - (d) if an office or position covered by a preceding paragraph ceases to exist or is renamed—all of the offices or positions with similar functions or responsibilities.

Note: Section 58 of the PGPAA relates to investment by the Commonwealth.

Direction

- (2) Under subsection 108(4) of the PGPAA, a delegate under subsection 9(1) of this instrument is directed to exercise the functions and powers in a manner consistent with all of the following:
- (a) relevant money is to be invested only in one or more of the following classes of investment:
 - (i) securities issued or guaranteed by the Commonwealth, a State or a Territory;
 - (ii) term deposits with the RBA;
 - (iii) authorised bank accepted bills and instruments;
 - (iv) authorised commercial paper;
 - (v) authorised debt instruments;
 - (vi) dematerialised securities that are the equivalent of a class of investment referred to in subparagraph (iii).
 - (b) where an investment held by the Commonwealth ceases to fall within a class specified in paragraph (a), the investment may continue to be held to maturity or until it can be sold at a reasonable price.

Note: To avoid doubt, nothing in subsection (2) is intended to prevent the AOFM from entering into repurchase agreements, on behalf of the Commonwealth, using an investment referred to in subsection (2), for short-term financing as part of its management of the Official Public Account Group of Accounts.

Part 3—Repeals and revocations

10 Revocations

- (1) The authorisations and delegations, made by the Treasurer on 2 September 2021, under Acts and instruments mentioned in section 3, are revoked.
- (2) The Directions Relating to Commonwealth Investment, made by the Acting Treasurer on 25 June 2014, under the section 108 of the PGPAA, are revoked.

Schedule 1—Delegations under the CIS Act

Note: See subsection 5(2).

Item	Function or power	Description of the function or power	Delegates	Limitations
1	subsection 3A(1) of the CIS Act	Authority to borrow	(a) CEO of the AOFM; (b) Head, Funding, Strategy and Research, AOFM; (c) Head, Sustainable Finance, AOFM; (d) Head, Domestic Markets Department, RBA; (e) Deputy Head, Domestic Markets Department, RBA.	none
2	section 13C of the CIS Act	Arrangements etc relating to stock and depository interests	(a) CEO of the AOFM.	none
3	subsection 14(1) of the CIS Act	Establishment of registries and appointment of Registrars	(a) CEO of the AOFM.	none
4	section 27 of the CIS Act	Limitations on registration of transactions	(a) CEO of the AOFM; (b) Chief Operating and Finance Officer of the AOFM.	none
5	section 29 of the CIS Act	Verification of transmission	(a) CEO of the AOFM; (b) Chief Operating and Finance Officer of the AOFM.	none

Schedule 1 Delegations under the CIS Act

Item	Function or power	Description of the function or power	Delegates	Limitations
6	subsection 55(2) of the CIS Act	Forms	(a) CEO of the AOFM; (b) Chief Operating and Finance Officer of the AOFM.	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.