

## EDUCATION AND TRAINING REFORM ACT 2006

### INSTRUMENT OF DELEGATION BY THE SECRETARY TO THE DEPARTMENT OF EDUCATION AND EARLY CHILDHOOD DEVELOPMENT

#### 1. PURPOSE

The purpose of this instrument is to delegate the powers and functions specified in schedule 1 conferred on the Secretary to the Department of Education and Early Childhood Development by the *Education and Training Reform Act 2006* and *Ministerial Order 199*.

#### 2. AUTHORITY

This instrument is made under the power conferred by Section 5.3.3 of the *Education and Training Reform Act 2006* and clause 12.1.1 of *Ministerial Order 199*.

#### 3. REVOCATION

All previous delegations relating to the powers and functions in schedule 1 are revoked, provided that all decisions made under the revoked delegations shall be valid for the purpose of implementing the decision.

#### 4. DELEGATION

- (1) Subject to sub clause 4(2), the Secretary to the Department of Education and Early Childhood Development delegates the powers and functions described in column 2 of schedule 1 to the persons occupying, or for the time being performing the duties of the delegate level described in column 5 of schedule 1. Schedule 2 identifies the positions nominated at each delegate level.
- (2) The delegates are instructed to observe and comply with the limitations and conditions in clause 5 of this instrument.
- (3) The failure of the delegate to observe or comply with a limitation or condition referred to in clause 5 does not, for that reason only, affect the validity of the exercise of the delegation.

#### 5. LIMITATIONS AND CONDITIONS

- (1) Prior to the exercise of any power or function the delegate must consider whether the matter –
  - (i) is of such importance that it should be submitted to; or
  - (ii) possesses special features which should be considered by,  
  
a delegate at a higher level or the Secretary, Department of Education and Early Childhood Development.
- (2) If the delegate considers under sub-clause 5(1) that a matter should be considered by or submitted to the Secretary, Department of Education and Early Childhood Development, the delegate must refer the matter to the Executive Director, Human Resources.

- (3) The delegate must:
- (i) conform with any specific limitations on the exercise of the delegated power or function imposed on the Secretary by or under the *Education and Training Reform Act 2006* or Ministerial Order 199 or as specified in schedule 1;
  - (ii) act in a manner consistent with the general duties and functions of the Secretary to the Department of Education and Early Childhood Development under the *Education and Training Reform Act 2006* and consistent with the objects and purposes of the *Education and Training Reform Act 2006*;
  - (iii) not take any action inconsistent with:
    - (a) the *Education and Training Reform Act 2006*;
    - (b) any applicable Federal Act or Law, including any applicable Federal Award or Workplace Agreement;
    - (c) any applicable Victorian Act or Law, including any regulations or Orders made under the *Education and Training Reform Act 2006*; and
    - (d) previously established policy approved by the Secretary subject to the policy being applied having regard to the merits of each individual case;
  - (iv) comply with the law in exercising delegated functions (in particular with the rules of administrative law) and with any guidance issued by the Secretary to the Department of Education and Early Childhood Development to delegates on legal requirements;
  - (v) only exercise the delegation in respect of persons other than the delegate.
- (4) Unless otherwise stated:
- (i) The Deputy Secretary Regional Support Group must only exercise the delegation in respect of positions or employees not connected with a school;
  - (ii) Regional Directors must only exercise the delegation in respect of positions or employees in their region;
  - (iii) Principals must only exercise the delegation in respect of positions or employees in their school.

- (5) In exercising any delegation, the delegate must be satisfied that any cost implication of the decision can be funded.

**6. DATE OF EFFECT**

This instrument takes effect on and from the day it is made.

Dated this **twenty-fifth** day of **March** 2012

**RICHARD BOLT**

Secretary

Department of Education and Early Childhood Development

## SCHEDULE 1

### EDUCATION AND TRAINING REFORM ACT 2006

#### DELEGATION OF POWERS, FUNCTIONS AND DUTIES OF THE EDUCATION AND TRAINING REFORM ACT 2006 BY THE SECRETARY TO THE DEPARTMENT OF EDUCATION AND EARLY CHILDHOOD DEVELOPMENT

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Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 1.1.1</b>	Education & Training Reform Act 2006 Section 2.4.3(3)(a)	Create, abolish or otherwise deal with any position in the teaching service.		Level 1A, 1B, 2, 3, 4
<b>SEC 2.1.1</b>	Ministerial Order No.199 Clause 3.1.1(1)(a)	Be satisfied that a person is an Australian citizen or a permanent resident in Australia under any law of the Commonwealth or entitled to permanent residency in Australia under any law of the Commonwealth; or is entitled to be resident in Victoria for sufficient periods to enable the person to undertake the duties of a position.		Level 1A, 1B, 2, 3, 4
<b>SEC 2.1.2</b>	Ministerial Order No.199 Clause 3.1.1(1)(b)	Approve the type of pre-employment health declaration which a person must undergo to be an employee in the teaching service.		Level 1A

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 2.1.3</b>	Ministerial Order No.199 Clause 3.1.1(1)(b)	Be satisfied as to the health and fitness of a person for employment.  Where there is reason to doubt a person's health and fitness require the person to be examined by a medical practitioner.		Level 1A, 1B, 2, 3, 4
<b>SEC 2.1.4</b>	Ministerial Order No.199 Clause 3.1.1(1)(c)	Be satisfied that a person is a fit and proper person to be an employee of the teaching service.		Level 1A, 1B, 2, 3, 4
<b>SEC 2.1.5</b>	Ministerial Order No.199 Clause 3.1.1(2)	Where it is considered to be in the interests of Victoria, waive the eligibility requirements for employment set out in clause 3.1.1(1) of Order 199.		Level 1A, 1B
<b>SEC 2.1.6</b>	Ministerial Order No 199 Clause 3.1.5(1)	Determine that a person's eligibility for employment is subject to an employment limitation.		Level 1A, 2, 6

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 2.1.7</b>	Ministerial Order No 199 Clause 3.1.5(2)	Establish criteria and procedures for imposing an employment limitation on a person including the grounds for review of an employment limitation.		Level 1A
<b>SEC 2.1.8</b>	Ministerial Order No 199 Clause 3.2.3(3)(a)	Determine any dispute as to whether a position requires its incumbent to undertake the duties of a teacher in a school.		Level 1A, 2, 3
<b>SEC 2.1.9</b>	Ministerial Order No 199 Clause 3.2.3(3)(b)	Determine any dispute as to whether a position usually involves or is likely to involve work in a school.		Level 1A, 2, 3
<b>SEC 2.1.10</b>	Ministerial Order No 199 Clause 3.2.4	Require a person to undergo a records check in respect of initial employment or promotion, transfer, assignment or otherwise to a position, which requires the person to be registered under Part 2.6 of the Act.		Level 1A, 1B, 2, 3, 4, 6

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 2.1.11</b>	Ministerial Order No 199 Clause 3.2.5	Require a person to undergo a records check in respect to initial employment, promotion, transfer, assignment or otherwise to a position that usually involves or is likely to involve work in a school which does not require the person to be registered under Part 2.6 of the Act.		Level 1A, 1B, 2, 3, 4, 6
<b>SEC 2.1.12</b>	Ministerial Order No 199 Clause 3.2.6(2)	Be satisfied it is appropriate to employ a person, having regard to a records check in respect to initial employment, promotion, transfer, assignment or otherwise to a position that usually involves or is likely to involve work in a school which does not require the person to be registered under Part 2.6 of the Act.		Level 1A, 1B, 2, 3, 6
<b>SEC 2.1.13</b>	Ministerial Order No 199 Clause 3.2.11(1)	Notify a person recommended for initial employment, promotion, transfer, assignment or otherwise to a position that they are not to be employed or otherwise appointed.		Level 1A, 1B, 2, 3, 6

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 2.2.1</b>	Ministerial Order No.199 Clause 3.1.1(1)(d)	Be satisfied that a person has fulfilled such qualification requirements for ongoing employment in the teaching service as are in effect at the time.		Level 1A, 1B, 2, 3, 4
<b>SEC 2.2.2</b>	Ministerial Order No.199 Clause 3.1.3	Require particular qualifications and/or training for any specific position.	<ul style="list-style-type: none"> <li>Delegation to Levels 2, 3 and 4 delegates is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 1B, 2, 3, 4
<b>SEC 2.2.3</b>	Ministerial Order No 199 Clause 3.1.4	Employ, transfer or promote a person who would not otherwise be qualified for employment, transfer or promotion.	<ul style="list-style-type: none"> <li>Delegation to Levels 2, 3 and 4 delegates is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 1B, 2, 3, 4
<b>SEC 2.3.1</b>	Education & Training Reform Act 2006 Section 2.4.5(2)(f)	Determine that it is not in the public interest or efficient to publish a notice of a vacancy or proposed vacancy.		Level 1A, 1B

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 2.3.2</b>	Education & Training Reform Act 2006 Section 2.4.6 (1)	When deciding whom to employ to fill a principal vacancy take into account, in the manner decided by the Minister, the recommendation of the school council; or a committee approved by the Minister.		Level 1A
<b>SEC 2.3.3</b>	Ministerial Order No 199 Clause 9.2.1	Be responsible for executive class and liaison principal selection.		Level 1A, 1B
<b>SEC 2.3.4</b>	Ministerial Order No 199 Clause 9.2.1	Form a selection panel for an executive class or liaison principal position.		Level 1A, 1B
<b>SEC 2.3.5</b>	Ministerial Order No 199 Clause 9.2.2	Ensure that selection criteria are consistent with the role description of the position.		Level 1A, 1B
<b>SEC 2.3.6</b>	Ministerial Order No 199 Clauses 9.4.2 and 9.5.2	Form a selection panel in a school where there is no principal position in the case of a teacher class or education support class position.		Level 1B

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
SEC 2.4.1	Ministerial Order No 199 Clause 9.2.7	Employ, transfer or promote a person to a vacant executive class or liaison principal position.	<ul style="list-style-type: none"> <li>Delegation to Level 1A is limited to school based executive class positions.</li> </ul>	Level 1A, 1B
SEC 2.4.2	Education & Training Reform Act 2006 Section 2.4.3(3)(b) and (c)	Employ persons as ongoing or temporary employees for the exercise of the functions of the teaching service.	<ul style="list-style-type: none"> <li>Delegation to Levels 2, 3 and 4 delegates is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 1B, 2, 3, 4
SEC 2.4.3	Education & Training Reform Act 2006 Section 2.4.3(3)(h)	Transfer an employee to other duties in the Teaching Service.		Level 1A, 2
SEC 2.4.4	Education & Training Reform Act 2006 Section 2.4.4(1)(a)	Take steps to employ, transfer or promote a person to fill a vacant position.	<ul style="list-style-type: none"> <li>Delegation to Levels 2, 3 and 4 delegates is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> <li>Transfer to a lower classified position cannot</li> </ul>	Level 1A, 1B, 2, 3, 4

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
			occur without the consent of the person.	
<b>SEC 2.4.5</b>	Education & Training Reform Act 2006 Section 2.4.53(2)	Reconsider a decision not to employ an applicant following an order of a Merit Protection Board.	<ul style="list-style-type: none"> <li>Delegation to Levels 2, 3 and 4 delegates is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 1B, 2, 3, 4
<b>SEC 2.4.6</b>	Education & Training Reform Act 2006 Section 2.4.41(2)	Be satisfied that there are special circumstances which make it reasonable for an employee selected for promotion to a vacant position to decline the promotion.		Level 1A, 2, 7
<b>SEC 2.4.7</b>	Education & Training Reform Act 2006 Section 2.4.41(5)	Cancel a provisional promotion before it has been confirmed: <ul style="list-style-type: none"> <li>where it is considered that the position is redundant; or</li> <li>where the vacancy was not notified at least once; or</li> <li>there is an employee without a position available to fill the</li> </ul>		Level 1A, 2, 7

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
		vacancy.		
<b>SEC 2.4.8</b>	Education & Training Reform Act 2006 Section 2.4.41(6)	Cancel a transfer or promotion at any time if satisfied that the person promoted or transferred does not possess the necessary qualifications for the position.		Level 1A, 2
<b>SEC 2.4.9</b>	Education & Training Reform Act 2006 Section 2.4.41(9)	Give effect to any determination of the Merit Protection Board in respect of an appeal against the cancellation of a promotion or transfer under section 2.4.41(6) of the Act.		Level 1A, 2, 3, 4
<b>SEC 2.4.10</b>	Education & Training Reform Act 2006 Section 2.4.52(2)	Confirm a provisional transfer or promotion if a Merit Protection Board makes an order under sections 2.4.51 or 2.4.54 of the Act that a provisional transfer or promotion may be confirmed.	<ul style="list-style-type: none"> <li>Delegation to Levels 2, 3 and 4 delegates is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3, 4

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 2.4.11</b>	Education & Training Reform Act 2006 Section 2.4.52(3)	Confirm a provisional transfer or promotion if no application for review is lodged within 14 days after the publication of the provisional appointment.	<ul style="list-style-type: none"> <li>Delegation to Levels 2, 3 and 4 delegates is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3, 4
<b>SEC 2.4.12</b>	Education & Training Reform Act 2006 Section 2.4.31(2)	Re-employ a person who satisfies the requirements of Section 2.4.31(2) in accordance with that section.		Level 1A
<b>SEC 2.4.13</b>	Education & Training Reform Act 2006 Section 2.4.34(3)	Direct in writing that a person who has ceased to be an employee under Section 2.4.34(1) be reinstated.		Level 1A
<b>SEC 2.4.14</b>	Education & Training Reform Act 2006 Section 2.4.27(3)	Where an employee is performing work in a lower class or grade than that corresponding to an employee's classification transfer the employee as soon as practicable to some other position corresponding with his or her classification.	<ul style="list-style-type: none"> <li>Delegation to Levels 2, 3 and 4 delegates is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3, 4

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 2.5.1</b>	Ministerial Order No.199 Clause 9.6.1	Determine that a person's employment in an ongoing position in the teaching service shall not be on probation.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 delegates is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3
<b>SEC 2.5.2</b>	Ministerial Order No.199 Clause 9.6.1	Determine the period of the probation (not exceeding 12 months or 3 months in respect of an education support class employee) for employment in an ongoing position in the teaching service.		Level 1A, 2, 3, 4
<b>SEC 2.5.3</b>	Education & Training Reform Act 2006 Section 2.4.8(3) Ministerial Order No.199 Clause 9.6.4	Annul the employment of a person at any time while he or she is a probationer.		Level 1A
<b>SEC 2.5.4</b>	Ministerial Order No.199 Clause 9.6.2(1)	Confirm the employment of a probationer at the expiration of the period of probation.		Level 1A, 2, 3, 4

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 2.5.5</b>	Ministerial Order No.199 Clause 9.6.2(2)	Annul the employment of a probationer at the expiration of the period of probation.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class. Delegation to Level 3 delegates is limited to employees of those categories within the delegate's region.</li> </ul>	Level 1A, 2, 3
<b>SEC 2.5.6</b>	Ministerial Order No.199 Clause 9.6.2(3)	Extend the probation period of a probationer for a further period (not exceeding 12 months or three months in respect of an education support class employee) at the expiration of the period of probation under clause 9.6.1. of Ministerial Order 199.		Level 1A, 2, 3, 4

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
SEC 2.5.7	Ministerial Order No.199 Clause 9.6.3	Where a probationary period has been extended, confirm the employment of a probationer at any time during that further period or as soon as practicable upon the expiration of that period.		Level 1A, 2, 3, 4
SEC 2.5.8	Ministerial Order No.199 Clause 9.6.3	Where a probationary period has been extended, annul the employment of a probationer at any time during that further period or as soon as practicable after the expiration of that period.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class. Delegation to Level 3 delegates is limited to employees of those categories within the delegate's region.</li> </ul>	Level 1A, 2, 3
SEC 2.5.9	Ministerial Order No.199 Clause 9.6.5	Determine the date of effect of any annulment of employment of a probationer.		Level 1A, 2, 3

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 2.6.1</b>	Education & Training Reform Act 2006 Section 2.4.14(2)	Sign a contract of employment with a member of the principal class.		Level 1A, 1B, 2, 3
<b>SEC 2.6.2</b>	Education & Training Reform Act 2006 Section 2.4.19(3)(b)	Act in accordance with any provision in a former principal class officer's contract of employment concerning transfer to a position in the teaching service following the expiry or termination of a contract.		Level 1A, 1B
<b>SEC 2.7.1</b>	Education & Training Reform Act 2006 Section 2.4.23C(2)	Sign a contract of employment with a member of the executive class.		Level 1A, 1B
<b>SEC 3.1.1</b>	Ministerial Order No.199 Clause 8.1.1	Determine procedures for part-time employment.		Level 1A
<b>SEC 3.1.2</b>	Ministerial Order No.199 Clause 8.1.4	Determine days of attendance and times worked by a part-time employee after consultation with the employee.		Level 1A, 1B, 2, 3, 4

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 4.1.1</b>	Education & Training Reform Act 2006 Section 2.4.3(3)(d)	Assign work to an employee.	<ul style="list-style-type: none"> <li>Level 2 and 3 delegates may only assign work to an employee at another school with the agreement of the principal of that school.</li> </ul>	Level 1A, 1B, 2, 3, 4
<b>SEC 4.1.2</b>	Education & Training Reform Act 2006 Section 2.4.4(1)(b)	Assign for a specified period a qualified person to fill a vacant position.	<ul style="list-style-type: none"> <li>Level 3 and 4 delegates may only fill a vacant position of more than six months where the position has been advertised.</li> </ul>	Level 1A, 1B, 2, 3, 4
<b>SEC 4.2.1</b>	Education & Training Reform Act 2006 Section 2.4.19(3)(a)	Direct a former member of the principal class to carry out any of the duties of a position in the teaching service (including a position with terms and conditions less favourable to the employee) that the delegate considers appropriate.		Level 1A, 1B, 3

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 4.2.2</b>	Education & Training Reform Act 2006 Section 2.4.19(4)	Direct a former member of the principal class to carry out any of the duties of a position in the principal class for any period not exceeding 12 months without the member entering a further contract.		Level 1B, 3
<b>SEC 4.3.1</b>	Education & Training Reform Act 2006 Section 2.4.23F(3)	Direct a member of the executive class who is an ongoing employee to carry out any of the duties of a position in the executive class or transfer the employee to any other position in the teaching service (including a position with terms and conditions less favourable to the employee) that the delegate considers appropriate.	<ul style="list-style-type: none"> <li>Delegation is limited to a direction following the expiration or termination of an executive class contract of employment.</li> </ul>	Level 1A, 1B
<b>SEC 4.4.1</b>	Education & Training Reform Act 2006 Section 2.4.27(1)	Consent to an employee being assigned to act in a position of a higher class or grade for longer than three months.		Level 1A, 1B, 2, 3, 4

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
SEC 4.4.2	Ministerial Order No.199 Clause 2.6.4(5)	Assign higher duties on conditions other than those provided for in clause 2.6.4 of Ministerial Order 199.		Level 1A, 1B
SEC 4.5.1	Ministerial Order No.199 Clause 6.10.10(1)	If deemed practicable, temporarily transfer a pregnant employee to a safe job that minimises the risk or hazards identified by a registered medical practitioner.	<ul style="list-style-type: none"> <li>Level 2 and 3 delegates may only transfer an employee to another school with the agreement of the principal of that school.</li> </ul>	Level 1A, 1B, 2, 3, 4
SEC 5.1.1	Education & Training Reform Act 2006 Section 2.4.3(3)(f)	Determine the remuneration (including an increase or reduction in remuneration) and other terms and conditions of employment of any individual employee.	<ul style="list-style-type: none"> <li>The determination of remuneration and terms and conditions of employment must comply with Ministerial Order 199.</li> </ul>	Level 1A,1B
SEC 5.1.2	Ministerial Order No.199 Clauses 2.1.3(2)	Review the remuneration of an executive in the context of any changes in work value of the position and the performance of the executive.		Level 1A, 1B

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
SEC 5.2.1	Ministerial Order No.199 Clause 2.2.3(2)(a)	Determine the classification level and remuneration range for each principal position.		Level 1A, 1B
SEC 5.2.2	Ministerial Order No.199 Clause 2.2.3(2)(d)	Determine any dispute concerning matters to be taken into account in determining the school budget or in any way related to assessing the budget of the school.		Level 1A
SEC 5.2.3	Ministerial Order No.199 Clause 2.2.3(3)	Determine the classification level and remuneration range for each assistant principal position.	<ul style="list-style-type: none"> <li>Classification level and remuneration range must be within classification levels and ranges as specified for assistant principals in Ministerial Order 199.</li> </ul>	Level 1A, 2, 3, 4
SEC 5.2.4	Ministerial Order No.199 Clause 2.2.3(4)	Determine the classification level and remuneration range for each liaison principal position.	<ul style="list-style-type: none"> <li>Classification level and remuneration range must be within classification levels and ranges as specified for liaison principals in Ministerial Order 199.</li> </ul>	Level 1A, 1B

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 5.2.5</b>	Ministerial Order No.199 Clause 2.2.3(6)	Determine the remuneration for a principal class officer engaged in full time duties not connected with the school to which he or she is appointed.		Level 1B
<b>SEC 5.2.6</b>	Ministerial Order No.199 Clauses 2.2.5(1)	Review the remuneration range of a principal class officer in the context of any changes in work value of the position and the performance of the principal class officer.	<ul style="list-style-type: none"> <li>• Level 7 delegates can only conduct a remuneration range review of a principal and then only based on the school budget.</li> </ul>	Level 1A, 4, 7
<b>SEC 5.2.7</b>	Ministerial Order No.199 Clauses 2.2.5(2)	Determine the outcome of a remuneration range review conducted under clause 2.2.5(1).	<ul style="list-style-type: none"> <li>• Level 4 delegates can only determine a remuneration range movement within a classification level.</li> <li>• Level 7 delegates can only determine a remuneration range movement for a principal that is consistent with the school budget.</li> </ul>	Level 1A, 4, 7

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
SEC 5.2.8	Ministerial Order No.199 Clause 2.2.5(3)(b)	Following a remuneration review under clause 2.2.5(1), determine remuneration at a rate higher than the minimum remuneration of a higher range.		Level 1A
SEC 5.2.9	Ministerial Order No 199 Clauses 2.2.5(5)	Determine a remuneration range of a principal that is higher than that indicated by the school budget.	<ul style="list-style-type: none"> <li>The remuneration range must be within the ranges as specified for principals in Ministerial Order 199.</li> </ul>	Level 1A
SEC 5.2.10	Ministerial Order No.199 Clauses 2.2.7(3)(a)	Determine the remuneration of a principal class officer transferred to a remuneration range lower than the principal class officer's remuneration range immediately prior to the transfer.		Level 1A
SEC 5.3.1	Education & Training Reform Act 2006 Section 2.4.18(1)	Review the performance of a member of the principal class.		Level 1B, 2, 3, 4

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 5.3.2</b>	Education & Training Reform Act 2006 Section 2.4.18(3) and (4)	Determine the principles governing the conduct of any review of the performance of a member of the principal class and publish such principles.		Level 1A
<b>SEC 5.4.1</b>	Education & Training Reform Act 2006 Section 2.4.11	Grant or refuse progression of salary.	<ul style="list-style-type: none"> <li>In accordance with procedures determined under Ministerial Order 199.</li> </ul>	Level 1A, 2, 3, 4
<b>SEC 5.4.2</b>	Ministerial Order No.199 Clause 2.2.4(1) and (4), Clause 2.3.2(1) and (7) Clause 2.4.2(1) and (7) Clause 2.5.2(1) and (7)	Determine procedures for remuneration/salary progression including accelerated remuneration/salary progression.		Level 1A
<b>SEC 5.4.3</b>	Ministerial Order No.199 Clauses 2.3.2(2), 2.4.2(2) and 2.5.2(2)	Determine salary progression criteria appropriate to each classification level.		Level 1A
<b>SEC 5.5.1</b>	Ministerial Order No.199 Clause 2.3.4(1)	Approve teaching experience for the purpose of determining salary on commencement.		Level 1A

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 5.5.2</b>	Ministerial Order No.199 Clause 2.5.3(1) and (2)	Review the salary range of an education support class employee.		Level 1A, 1B, 2, 3, 4
<b>SEC 5.5.3</b>	Ministerial Order No.199 Clause 2.7.3(2)	Determine that an employee commence at a subdivision other than the minimum.		Level 1A, 1B
<b>SEC 5.6.1</b>	Ministerial Order No.199 Clause 2.7.3(1)	Determine the salary of any employee for whose circumstances no provision is made in of Part 2 of Ministerial Order 199.	<ul style="list-style-type: none"> <li>Salary must be determined within one of the relevant classifications specified in Ministerial Order 199.</li> </ul>	Level 1A, 1B
<b>SEC 5.7.1</b>	Ministerial Order No.199 Clause 2.6.2(1)	Determine special payment procedures.		Level 1A
<b>SEC 5.7.2</b>	Ministerial Order No.199 Clause 2.6.2(2)(d)	Determine a purpose for special payments other than those specified in subclauses 2.6.2(2)(a) to (c)		Level 1A
<b>SEC 5.8.1</b>	Ministerial Order No.199 Clause 2.6.6(1)	Determine whether a school is remote.		Level 1A

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 5.8.2</b>	Ministerial Order No.199 Clause 2.6.6(2)	Determine and/or vary whether a school is classified as Remote Category A or Remote Category B.		Level 1A
<b>SEC 5.9.1</b>	Ministerial Order No.199 Clause 2.6.3	Determine positions for which a special schools allowance shall be paid.		Level 1A
<b>SEC 5.10.1</b>	Education & Training Reform Act 2006 Section 2.4.27(2)	Grant an appropriate allowance to an employee assigned to act in a position of a higher class or grade for longer than five working days.		Level 1A, 1B, 2, 3, 4
<b>SEC 5.11.1</b>	Ministerial Order No.199 Clause 2.7.2	Approve payment to employees on an hourly, two-hourly or sessional basis for duties specified in clause 2.7.2.		Level 1A, 2, 3, 4
<b>SEC 5.12.1</b>	Education & Training Reform Act 2006 Section 2.4.28 Ministerial Order No.199 Clause 2.7.1	Pay a gratuity to an employee in respect of definite special work that is outside the normal range of duties of the employee's position and which is demonstrably of a higher work value.		Level 1A, 1B

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 5.13.1</b>	Ministerial Order No.199 Clause 2.6.5(1)	Determine the date on which salary loading allowance is to be paid.		Level 1A, 2
<b>SEC 5.13.2</b>	Ministerial Order No.199 Clause 2.6.5(5)(b)	For the purpose of a salary loading allowance accept evidence that employment has ceased due to ill health which is likely to be permanent.		Level 1B, 2, 5
<b>SEC 5.14.1</b>	Ministerial Order No.199 Clauses 4.1.5(2), 4.1.5(3) and 4.2.6(2)	Direct the forfeiture of the salary of an employee who is absent without leave and the absence was not authorised.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.1.1</b>	Ministerial Order No.199 Clause 6.1.1(3)	Determine when annual leave is to be used.		Level 1A
<b>SEC 6.1.2</b>	Ministerial Order No.199 Clause 6.1.1(4)	Approve any period of leave without pay which exceeds one month as service for annual leave purposes.		Level 1A, 2
<b>SEC 6.2.1</b>	Ministerial Order No.199 Clause 6.2.1(3)	Approve prior service to count as service for personal leave purposes.		Level 1A, 2, 5

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 6.2.2</b>	Ministerial Order No.199 Clause 6.2.4	Approve any period of leave without pay which exceeds one month in any year as service for personal leave purposes.		Level 1A
<b>SEC 6.2.3</b>	Ministerial Order No.199 Clause 6.2.9(2)(a)	Approve more than an aggregate of 38 hours personal leave in any one year or a continuous absence of more than three days without production of a “required document”.		Level 1A
<b>SEC 6.2.4</b>	Ministerial Order No.199 Clause 6.2.9(2)(b)	Accept a certificate in lieu for more than an aggregate of 38 hours in any one year to support an application for personal leave for personal illness or injury.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.2.5</b>	Ministerial Order No.199 Clause 6.2.9(2)(c)(i)	Approve personal leave for personal illness or injury which occurs immediately before and/or after a school vacation period or a public holiday where a “required document” has not been provided.		Level 1A, 1B, 2, 3, 4

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 6.2.6</b>	Ministerial Order No.199 Clause 6.2.9(2)(c)(ii)	Require a “required document” where there is occasion to doubt the authenticity of an illness or injury or the reason for absence.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.2.7</b>	Ministerial Order No.199 Clauses 3.1.1(1), 6.2.10(1), 6.2.10(2), 6.2.10(3), 6.2.11, 6.4.1, 6.4.2, 6.4.3, 6.10.10(1)	Approve a medical practitioner.		Level 1A
<b>SEC 6.2.8</b>	Ministerial Order No.199 Clause 6.2.10(3)	Direct an employee to absent him or herself from duty on personal leave.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.2.9</b>	Ministerial Order No.199 Clause 6.2.10(4)	Direct an employee to absent him or herself from duty on personal leave where an employee unreasonably refuses to attend a medical examination.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.2.10</b>	Ministerial Order No.199 Clause 6.2.11	Refer a “required document” to a medical practitioner for report.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.2.11</b>	Ministerial Order No.199 Clauses 6.2.9(3) and 6.3.2(2)	Approve personal leave with pay where a “required document” has not been provided.		Level 1A

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
SEC 6.2.12	Ministerial Order No.199 Clause 6.3.2(1)(b)	Require a “required document” to be furnished for any personal leave absence for carer’s purposes.		Level 1A, 1B, 2, 3, 4
SEC 6.2.13	Ministerial Order No.199 Clause 6.3.3(2)	Agree on the period for which a casual employee is entitled to not be available to attend work.		Level 1A, 2, 3, 4
SEC 6.3.1	Ministerial Order No.199 Clause 6.4.1	Grant leave with pay for infectious diseases.		Level 1A, 1B, 2, 3, 4
SEC 6.3.2	Ministerial Order No.199 Clause 6.4.3	Grant special leave where an employee through contact with a person suffering from an infectious disease and because of restrictions imposed by law in respect of such disease is unable to attend for duty.		Level 1A, 1B, 2, 3, 4
SEC 6.4.1	Ministerial Order No.199 Clause 6.5.2	Approve accident compensation leave in excess of 52 weeks, either continuous or in aggregate, for a particular injury or incapacity.	<ul style="list-style-type: none"> <li>Delegation is limited to circumstances where the Insurance Provider has admitted liability for a period in excess of 52 weeks.</li> </ul>	Level 1A, 1B, 2

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 6.5.1</b>	Ministerial Order No.199 Clause 6.6.3	Be satisfied that the illness of an employee with at least six months' service is directly related to or aggravated by an accepted war-caused disability.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.6.1</b>	Ministerial Order No.199 Clause 6.7.1	Grant bereavement leave of up to three days.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.6.2</b>	Ministerial Order No.199 Clause 6.7.2	Grant bereavement leave with or without pay in excess of three days where satisfied that three days is inadequate.		Level 1A, 1B
<b>SEC 6.7.1</b>	Ministerial Order No.199 Clause 6.9.1	Grant leave to attend defence reserve service.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.7.2</b>	Ministerial Order No.199 Clause 6.9.2	Consult with an applicant for defence reserve leave regarding the timing of the defence reserve leave and accept notice from the applicant regarding when the service will take place.		Level 1A, 1B, 2, 3, 4

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 6.8.1</b>	Ministerial Order No.199 Clause 6.10.4	Permit an employee to attend for duty during the period when the employee is required under clause 6.10.4 of Ministerial Order 199 to absent herself.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.8.2</b>	Ministerial Order No.199 Clause 6.10.6(2)	Grant or refuse a period of parental absence without pay beyond seven years in the event of any birth or adoption.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.8.3</b>	Ministerial Order No.199 Clause 6.10.8(1)(c) and (2)(b)	Approve a return to duty after a parental absence at any time.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.8.4</b>	Ministerial Order No.199 Clause 6.10.9(2)	Consider and determine a request to return to duty following a parental absence on a part-time basis until the child reaches school age.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.8.5</b>	Ministerial Order No.199 Clause 6.10.10(3)	If not deemed practicable require the employee to absent herself on leave for such period as is certified necessary by a registered medical practitioner.		Level 1A, 1B, 2, 3, 4

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 6.9.1</b>	Ministerial Order No.199 Clause 6.11.3(2), (3)and (4)	Determine that a period of other service or leave with or without pay counts as qualifying service for the purpose of eligibility for paid maternity leave.		Level 1A
<b>SEC 6.10.1</b>	Ministerial Order No.199 Clause 6.12.5	Agree to the timing of leave with an employee where an employee who is the primary care giver is granted custody of a child by the Children's Court or the Family Court.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.10.2</b>	Ministerial Order No.199 Clause 6.12.7	Grant adoption leave, where an employee has the daily care and control of a child following the adoption of a child who is a relative or when an employee becomes the guardian of a child pursuant to a will.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.11.1</b>	Ministerial Order No.199 Clause 6.13.2	Approve partner leave outside the time specified.		Level 1A, 2
<b>SEC 6.12.1</b>	Education & Training Reform Act 2006 Section 2.4.25(3)	Grant long service leave to an employee on half pay.		Level 1A, 1B, 2, 3, 4

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 6.12.2</b>	Education & Training Reform Act 2006 Section 2.4.25(5)	Determine the timing of a long service leave absence.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.12.3</b>	Ministerial Order No.199 Clause 6.14.2(3)	Approve the commutation of long service leave to salary not in conjunction with an absence of 228 hours or more.		Level 1A, 2, 5
<b>SEC 6.12.4</b>	Ministerial Order No.199 Clause 6.14.3(2)	Accept an application for long service leave lodged less than two terms before the intended commencement of leave.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.12.5</b>	Ministerial Order No.199 Clause 6.14.4	Approve resumption of duty before the expiration of a period of long service leave.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.12.6</b>	Ministerial Order No.199 Clause 6.14.5	Extend a period of long service leave where an employee falls sick during a period of long service leave by the amount of personal leave approved.		Level 1A, 1B, 2, 3, 4

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 6.12.7</b>	Ministerial Order No.199 Clause 6.14.8(5)	Approve a period of leave to count as service for long service leave purposes.		Level 1A
<b>SEC 6.12.8</b>	Ministerial Order No.199 Clause 6.14.9(1)	In special circumstances approve periods of service prior to an employee's dismissal, for the purposes of determining long service leave entitlement.		Level 1A, 2,
<b>SEC 6.12.9</b>	Ministerial Order No.199 Clause 6.14.9(4)	Include periods of prior service for long service leave purposes.		Level 1A
<b>SEC 6.12.10</b>	Ministerial Order No.199 Clause 6.14.10(1)	Approve the extent to which credit for employment with an approved organisation is included for long service leave purposes.		Level 1A
<b>SEC 6.12.11</b>	Ministerial Order No.199 Clause 6.14.12(2)	Determine allowances payable during long service leave that do not meet the specified criteria.		Level 1A

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
SEC 6.12.12	Education & Training Reform Act 2006 Sections 2.4.25(4), (6) and (12)	Grant payment in lieu of long service leave where an employee with four or more years service dies or, on account of age or ill-health resigns, retires or is terminated.		Level 1A, 2, 5
SEC 6.12.13	Education & Training Reform Act 2006 Section 2.4.26	Calculate and grant payment in lieu of long service leave.		Level 1A, 2, 5
SEC 6.12.14	Education & Training Reform Act 2006 Section 2.4.32	Direct that an ongoing employee who ceases to be an ongoing employee on account of ill-health shall be deemed to have retired on account of ill-health.		Level 1A, 2
SEC 6.12.15	Education & Training Reform Act 2006 Section 2.4.25(7)	Grant pay in lieu of accrued long service leave to the legal representative of a deceased employee.		Level 1A, 2, 5
SEC 6.13.1	Ministerial Order No.199 Clause 6.15.1	Grant sabbatical leave and enter an agreement with the employee covering the terms and conditions of that leave.	<ul style="list-style-type: none"> <li>Delegation is limited to entering an agreement in the form determined by the Secretary.</li> </ul>	Level 1A, 2, 3, 4

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 6.13.2</b>	Ministerial Order No.199 Clause 6.15.2	Agree that sabbatical leave will be taken at a time other than immediately following the completion of the work period during which salary was reduced.	<ul style="list-style-type: none"> <li>Delegation to Levels 2, 3 and 4 delegates is limited to deferral for a maximum of 12 months.</li> </ul>	Level 1A, 2, 3, 4
<b>SEC 6.13.3</b>	Ministerial Order No.199 Clause 6.15.3	Determine that sabbatical leave shall not count as service.		Level 1A
<b>SEC 6.13.4</b>	Ministerial Order No.199 Clause 6.15.4(2)	Determine that an employee may resume duty earlier than the expiration of an approved period of sabbatical leave.		Level 1A, 2, 3, 4
<b>SEC 6.14.1</b>	Ministerial Order No.199 Clauses 6.16.1, 6.16.2 and 6.16.4	Grant spouse leave to an employee.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.14.2</b>	Ministerial Order No.199 Clauses 6.16.3	Determine that an employee may resume duty at a time other than the start of a school term following the expiration of spouse leave.		Level 1A, 2, 3, 4

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 6.15.1</b>	Ministerial Order No.199 Clauses 6.17.1(1)(a-g)	Grant a period of leave without pay to an employee of up to 12 months.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.15.2</b>	Ministerial Order No.199 Clause 6.17.1(1)(h)	Grant a period of leave without pay for any reason.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.15.3</b>	Ministerial Order No.199 Clause 6.17.3(1)	Grant or extend leave without pay for a continuous period in excess of 12 months.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.15.4</b>	Ministerial Order No.199 Clause 6.17.4(1)	Grant a period of leave to count as service.		Level 1A
<b>SEC 6.16.1</b>	Ministerial Order No.199 Clause 6.17.1(2)(a) and 6.17.3(2)	Grant leave with or without pay to pursue a course of study or training or to undertake research.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.16.2</b>	Ministerial Order No.199 Clauses 6.17.1(2)(b-e) and 6.17.3(2)	Grant leave with or without pay to engage in employment or an occupation.		Level 1A
<b>SEC 6.16.3</b>	Ministerial Order No.199 Clause 6.17.4(2)	Determine that a period of leave granted will not count as service.		Level 1A

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 6.17.1</b>	Ministerial Order No.199 Clauses 6.17.1(3) and 6.17.3(2)	Grant leave with pay for any purpose not covered in Ministerial Order 199 and determine any terms and conditions considered appropriate.		Level 1A
<b>SEC 6.17.2</b>	Ministerial Order No.199 Clause 6.18.1(2)	Approve resumption of duty before the expiration of a period of approved leave.		Level 1A, 1B, 2, 3, 4
<b>SEC 6.17.3</b>	Ministerial Order No.199 Clause 6.18.1(3)	Cancel approved leave and direct that an employee resume duty.		Level 1A, 1B
<b>SEC 7.1.1</b>	Ministerial Order No.199 Clause 7.2.2	Approve travel apart from travel by rail.		Level 1A, 1B, 2, 3, 4
<b>SEC 7.2.1</b>	Ministerial Order No.199 Clause 7.2.3(2)	Approve an amount for reimbursement to an employee for the cost of the conveyance by rail or other means of public conveyance.		Level 1A, 1B, 2, 3, 4
<b>SEC 7.2.2</b>	Ministerial Order No.199 Clause 7.2.3(3)	Approve reimbursement for travel in a private vehicle where travel by rail or other public conveyance is not practicable or it is considered more expeditious or more economical for		Level 1A, 1B, 2, 3, 4

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
		an employee to use his or her own vehicle.		
<b>SEC 7.2.3</b>	Ministerial Order No.199 Clause 7.2.4	Approve the use of a hire car.	<ul style="list-style-type: none"> <li>Approval is to occur prior to the hire of a car.</li> </ul>	Level 1A, 1B, 2, 3, 4
<b>SEC 7.2.4</b>	Ministerial Order No.199 Clause 7.3.2	Approve reimbursement of such amounts as are considered reasonable where an employee's duties require the employee to reside in the one locality for a period in excess of 28 days.		Level 1A, 1B, 2, 3, 4
<b>SEC 7.2.5</b>	Ministerial Order No.199 Clause 7.3.3	Approve reimbursement of such amounts considered reasonable where an employee is travelling overseas.	<ul style="list-style-type: none"> <li>Delegation only to be exercised where the employee has permission to travel.</li> <li>Reimbursement must be in accordance with the applicable Department or Government policy.</li> </ul>	Level 1A, 1B, 2, 3, 4
<b>SEC 7.2.6</b>	Ministerial Order No.199 Clause 7.3.5(1)	Determine the amount of personal expenses payable where the cost of conveyance includes the cost of		Level 1A, 1B, 2, 3, 4

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
		meals and/or sleeping accommodation.		
<b>SEC 7.2.7</b>	Ministerial Order No.199 Clause 7.3.5(3)	Approve reimbursement of personal expenses in excess of \$5,000 during any financial year where that expenditure is necessary in the interests of efficiency.		Level 1A, 2, 3
<b>SEC 7.2.8</b>	Ministerial Order No.199 Clause 7.1.4(2)	Approve the use of a private mobile or home phone by an employee.		Level 1A, 1B, 2, 3, 4
<b>SEC 7.3.1</b>	Ministerial Order No.199 Clauses 1.1.4(15)(b) and 7.4.2	Determine the headquarters for an employee whose place of work is not fixed.		Level 1A, 1B, 2, 3
<b>SEC 7.3.2</b>	Ministerial Order No.199 Clause 7.4.1	Determine the personal and travelling expenses that apply to an employee whose place of work is not fixed.		Level 1A, 1B, 2, 3
<b>SEC 7.4.1</b>	Ministerial Order No.199 Clause 7.5.3(1)	Determine that expenses were necessarily incurred and approve the reimbursement of expenses incurred for travel, meals, accommodation		Level 1A, 2, 5

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
		and removal costs.		
<b>SEC 7.4.2</b>	Ministerial Order No.199 Clause 7.5.5(2)	Approve the reimbursement of the reasonable cost of stamp duty paid on purchase of a residence or land where the criteria set out in clause 7.5.5(2) are not met.		Level 1A
<b>SEC 7.5.1</b>	Ministerial Order No.199 Clause 7.7.1	Approve payment of an allowance for the distance travelled in excess of 40 kilometres per day.		Level 1A, 1B, 2, 3, 4
<b>SEC 7.6.1</b>	Ministerial Order No.199 Clauses 7.8.1 and 7.8.2	Approve reimbursement of living away from home allowances to eligible employees.		Level 1A, 1B, 2, 3
<b>SEC 7.7.1</b>	Ministerial Order No.199 Clause 7.10.1	Approve the reduction or increase in any allowance or authorise reimbursement of an expense for which no provision is made.		Level 1A
<b>SEC 8.1.1</b>	Ministerial Order No 199 Clause 11.1.6	Give permission to use or disclose for any purpose other than for the discharge of the employee's official duties, any information or		Level 1A, 1B, 2, 3, 4

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
		documents gained by or conveyed to the employee in the course of his or her employment.		
<b>SEC 8.2.1</b>	Ministerial Order No 199 Clause 11.1.10(1)	Authorise non-school activities for which the resources of the Department, school or students of the school may be used.		Level 1A, 2, 3, 4
<b>SEC 8.3.1</b>	Education & Training Reform Act 2006 Section 2.4.3(3)(e)	Issue lawful instructions that must be observed by employees		Level 1A, 1B, 2, 3, 4
<b>SEC 9.1.1</b>	Education & Training Reform Act 2006 Section 2.4.56(4)	Nominate a person or constitute a Board of Review to investigate and report in connection with an inquiry under section 2.4.56.		Level 1A, 2, 3
<b>SEC 9.1.2</b>	Education & Training Reform Act 2006 Section 2.4.56(5)	Provide to an employee, in respect of whom it is alleged that he or she is incapable of performing his or her duties by reason of physical or mental incapacity, notice in writing of the matters to be considered and an opportunity to respond in writing to those matters.		Level 1A, 2, 3, 4

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 9.1.3</b>	Education & Training Reform Act 2006 Section 2.4.56(6)	Give notice in writing to an employee who is the subject of an inquiry, that the employee may make a submission in writing on the matters set out in section 2.4.56 (6)(a) and (b).		Level 1A, 2, 3
<b>SEC 9.1.4</b>	Education & Training Reform Act 2006 Section 2.4.56(7)	Permit a submission under section 2.4.56(6) to be received after 14 days.		Level 1A, 2, 3
<b>SEC 9.1.5</b>	Education & Training Reform Act 2006 Section 2.4.56(8)	Consider any submission received under section 2.4.56(6).		Level 1A, 2, 3
<b>SEC 9.2.1</b>	Education & Training Reform Act 2006 Section 2.4.56(10)	Determine that an oral hearing is appropriate or that evidence may be taken orally or that any witnesses may be cross examined having regard to the matters set out in section 2.4.56(10)(a)-(d).		Level 1A, 2, 3
<b>SEC 9.3.1</b>	Education & Training Reform Act 2006 Section 2.4.56(9)	Make a determination under section 2.4.56 without holding an oral hearing.		Level 1A, 2, 3

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
SEC 9.3.2	Education & Training Reform Act 2006 Section 2.4.56(1)	Be satisfied, following an inquiry under section 2.4.56, that an employee is incapable of performing his or her duties on account of physical or mental incapacity.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3
SEC 9.3.3	Education & Training Reform Act 2006 Section 2.4.56(1)	Terminate the employment of an employee if satisfied in accordance with section 2.4.56(1).	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3
SEC 9.3.4	Education & Training Reform Act 2006 Section 2.4.56(11)	Advise the employee of the determination of an inquiry under section 2.4.56(1) and the right to appeal to a Merit Protection Board in respect of any action taken under section 2.4.56(1).		Level 1A, 2, 3

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 10.1.1</b>	Education & Training Reform Act 2006 Section 2.4.59D(1)	Consider a report, or further report, received under the procedures established under section 2.4.59B and make a decision in accordance with section 2.4.59D(1)(a) to (d).	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3,
<b>SEC 10.1.2</b>	Education & Training Reform Act 2006 Section 2.4.59E(1)	Give notice in writing to an employee against whom it is alleged there is unsatisfactory performance.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3
<b>SEC 10.1.3</b>	Education & Training Reform Act 2006 Section 2.4.59E(2)	Permit a submission under section 2.4.59E(1) to be received after 14 days.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 10.2.1</b>	Education & Training Reform Act 2006 Section 2.4.59F(1)	Make a determination as to whether or not there has been unsatisfactory performance.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3
<b>SEC 10.2.2</b>	Education & Training Reform Act 2006 Section 2.4.59F(3)	Take one or more of the actions as set out in section 2.4.59F(3)(a–(c) against an employee.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3
<b>SEC 10.2.3</b>	Education & Training Reform Act 2006 Section 2.4.59G	Give an employee notice in writing of a determination made under section 2.4.59F(1)	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 11.1.1</b>	Education & Training Reform Act 2006 Section 2.4.65(1)	Nominate a person to investigate and report to the delegate in connection with an inquiry under Division 10.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3
<b>SEC 11.1.2</b>	Education & Training Reform Act 2006 Section 2.4.65(2)	Give an employee against whom it is alleged there are grounds under section 2.4.60 for action notice in writing of the alleged grounds, written particulars of the alleged grounds, and an opportunity to provide a response in writing to the alleged grounds.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3
<b>SEC 11.1.3</b>	Education & Training Reform Act 2006 Section 2.4.65(3)	Request that the nominated investigator under Division 10 conduct a further investigation and provide a further report to the delegate.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 11.1.4</b>	Education & Training Reform Act 2006 Section 2.4.66(1)	Give an employee against whom it is alleged there are grounds for action under section 2.4.60 notice in writing that the employee may make a submission addressing one or more of the matters set out in section 2.4.65(1)(a) and (b).	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3
<b>SEC 11.1.5</b>	Education & Training Reform Act 2006 Section 2.4.66(2)	Permit a submission under section 2.4.66(1) to be received after 14 days.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3
<b>SEC 11.1.6</b>	Education & Training Reform Act 2006 Section 2.4.66(3)	Consider any submission received under section 2.4.66(1).	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 11.1.7</b>	Education & Training Reform Act 2006 Section 2.4.81(1)	Direct an employee to submit to an examination by a qualified medical practitioner for the purpose of section 2.4.81(1)(a) and (b).		Level 1A, 2, 3, 4
<b>SEC 11.1.8</b>	Education & Training Reform Act 2006 Section 2.4.81(1)	Nominate a qualified medical practitioner for the purposes of section 2.4.81(1).		Level 1A, 2, 3, 4
<b>SEC 11.2.1</b>	Education & Training Reform Act 2006 Section 2.4.64(1)	Suspend an employee from duty with or without pay for the reasons set out in section 2.4.64(1)(a) and (b) by giving notice in writing to the employee.		Level 1A
<b>SEC 11.2.2</b>	Education & Training Reform Act 2006 Section 2.4.64(2)	Determine the duration of suspension under section 2.4.64(1).		Level 1A
<b>SEC 11.2.3</b>	Education & Training Reform Act 2006 Section 2.4.64(3)	Suspend an employee from duty with or without pay pending the determination of any appeal to a Disciplinary Appeals Board.		Level 1A

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 11.2.4</b>	Education & Training Reform Act 2006 Section 2.4.64(4)	Give an employee an opportunity to make a submission in writing addressing whether suspension without pay should occur before making the decision whether to suspend the employee without pay.		Level 1A
<b>SEC 11.2.5</b>	Education & Training Reform Act 2006 Section 2.4.64(5)	Grant permission for an employee who is suspended from duty without pay to engage in other employment.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3
<b>SEC 11.2.6</b>	Education & Training Reform Act 2006 Section 2.4.64(6)	Determine that some or all salary or wages paid during a period of suspension not be forfeited when an employee is subsequently terminated.		Level 1A
<b>SEC 11.2.7</b>	Education & Training Reform Act 2006 Section 2.4.64(7)(a)	Remove any suspension of an employee under section 2.4.64(1) if grounds for action are not established.		Level 1A

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
<b>SEC 11.2.8</b>	Education & Training Reform Act 2006 Section 2.4.64(7)(b)	Ensure that an employee is paid any salary or wages due in respect of a period of suspension if grounds for action are not established.		Level 1A
<b>SEC 11.2.9</b>	Education & Training Reform Act 2006 Section 2.4.64(7)(b) and Section 2.4.64(8)	On application of an employee pay any allowance(s) considered appropriate in respect of a period of suspension, if grounds for action are not established.		Level 1A
<b>SEC 11.3.1</b>	Education & Training Reform Act 2006 Section 2.4.67(2)	Determine that an oral hearing is appropriate or that evidence may be taken orally or that any witnesses may be cross examined having regard to the matters set out in section 2.4.67(2)(a)-(d).	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3
<b>SEC 11.4.1</b>	Education & Training Reform Act 2006 Section 2.4.67(1)	Determine, without holding an oral hearing, whether there are grounds under section 2.4.60 for taking action and if so, the action under section 2.4.60 that may be taken.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or</li> </ul>	Level 1A, 2, 3

Delegation Reference	Education & Training Reform Act Power/Function	Description	Limitations/Conditions	Delegate Level
			education support class.	
<b>SEC 11.4.2</b>	Education & Training Reform Act 2006 Section 2.4.60(1)	Be satisfied that there are one or more grounds under section 2.4.60(1) for taking action against an employee.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3
<b>SEC 11.4.3</b>	Education & Training Reform Act 2006 Section 2.4.61(1)	Take one or more of the actions as set out in section 2.4.61(1)(a) – (d) against an employee.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3
<b>SEC 11.4.4</b>	Education & Training Reform Act 2006 Section 2.4.61(2)	Advise the employee of the determination of the inquiry and of the right to appeal to a Disciplinary Appeals Board in respect of any action taken under Division 10.	<ul style="list-style-type: none"> <li>Delegation to Levels 2 and 3 is limited to employees who are assistant principals, teacher class, paraprofessional class or education support class.</li> </ul>	Level 1A, 2, 3

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 11.4.5</b>	Education & Training Reform Act 2006 Section 2.4.35	Deduct the amount from the salary of an employee on receiving notice of any pecuniary penalty imposed on that employee under the authority of the Act.		Level 1A, 2, 5
<b>SEC 11.5.1</b>	Education & Training Reform Act 2006 Section 2.4.70	Ensure that all notices, orders or communications relating to procedures under Division 10 are sent to the last known address of the employee if the current address is unknown.		Level 1A, 2, 3, 4
<b>SEC 12.1.1</b>	Education & Training Reform Act 2006 Section 2.4.30(1)	Give permission to a full time employee to engage in any other paid employment; or carry on any business, profession or trade.		Level 1A, 2, 3, 4
<b>SEC 12.1.2</b>	Education & Training Reform Act 2006 Section 2.4.30(3)	Withdraw permission granted under section 2.4.30.		Level 1A, 2, 3, 4

<b>Delegation Reference</b>	<b>Education &amp; Training Reform Act Power/Function</b>	<b>Description</b>	<b>Limitations/Conditions</b>	<b>Delegate Level</b>
<b>SEC 12.2.1</b>	Education & Training Reform Act 2006 Section 2.4.30(2)	Form the opinion that a part time employee engaged in other paid employment or carrying on a business, profession or trade is in conflict with the proper performance of the employee's duties.		Level 1A, 2, 3, 4
<b>SEC 13.1.1</b>	Education & Training Reform Act 2006 Section 2.4.20(1)(c) and Section 2.4.23G(1)(c)	Receive written notification of the retirement or resignation of a member of the executive or principal class.		Level 1A, 1B, 2, 3, 4
<b>SEC 13.2.1</b>	Education & Training Reform Act 2006 Section 2.4.3(3)(j)	Terminate the employment of an employee		Level 1A

**OFFICES TO WHICH THE POWERS AND FUNCTIONS ARE DELEGATED**

**OFFICE**

**Level 1A**

Deputy Secretary, School Education Group

**Level 1B**

Deputy Secretary, Regional Support Group

**Level 2**

Executive Director, Human Resources

**Level 3**

Regional Director–

- Barwon South Western Region
- Eastern Metropolitan Region
- Gippsland Region
- Grampians Region
- Hume Region
- Loddon Mallee Region
- Northern Metropolitan Region
- Southern Metropolitan Region
- Western Metropolitan Region

**Level 4**

Principal

**Level 5**

Director, Human Resources Services Branch  
Manager, Schools Human Resources Services Unit

**Level 6**

Manager, Conduct and Ethics Branch

**Level 7**

Manager, Schools Recruitment Unit