

Fair Work Act 2009

DELEGATIONS OF POWERS AND FUNCTIONS

I, Kristen Hannah, the acting Fair Work Ombudsman, revoke the previous authorisation made by the Fair Work Ombudsman on 19 November 2015 and pursuant to section 683 of the *Fair Work Act 2009* (Cth) (**the Act**), delegate the powers and functions specified in column A of the table to the staff members of the Office of the Fair Work Ombudsman holding, occupying, or performing from time to time the duties of a position identified in column B of the following table:

COLUMN A Power/Function	COLUMN B Delegate(s)
UNCLAIMED MONEY	
Determine that a person is entitled to an amount payable in accordance with subsection 559(3) of the Act	<ul style="list-style-type: none"> • Deputy FWO - Operations • Deputy FWO - Corporate • Executive Director - Finance, Assurance and Business Services • Executive Director - Compliance and Enforcement • Executive Director - Proactive Compliance and Education
Pay an amount of unclaimed moneys to a person in accordance with subsection 559(3) of the Act	<ul style="list-style-type: none"> • Deputy FWO - Operations • Deputy FWO - Corporate • Executive Director - Finance, Assurance and Business Services • Executive Director - Compliance and Enforcement • Executive Director - Proactive Compliance and Education
REPRESENTATION	
Determine that representation of an employee or outworker who are, or may become, a party to proceedings in a court, or a party to a matter before the Fair Work Commission, under the Act or a fair work instrument will promote compliance with the Act or the fair work instrument in accordance with subsection 682(1)(f) of the Act	<ul style="list-style-type: none"> • Deputy FWO - Operations • Chief Counsel • Executive Director - Compliance and Enforcement • Executive Director - Proactive Compliance and Education
ACCOMPANY INSPECTORS	
Determine that a person may accompany an Inspector onto premises to assist the Inspector in accordance with subsection 710(1) of the Act	<ul style="list-style-type: none"> • Deputy FWO - Operations • Executive Director - Compliance and Enforcement • Executive Director - Proactive Compliance and Education • Executive Level 2 employees in Compliance and Enforcement or Campaigns



COLUMN A Power/Function	COLUMN B Delegate(s)
FWO NOTICES	
<p>Form a belief on reasonable grounds and apply in writing to a nominated AAT presidential member for the issue of a FWO notice under subsection 712AA(1) of the Act including:</p> <ul style="list-style-type: none"> • making an affidavit under subsection 712AA(5) of the Act to accompany a written application for a FWO notice; • receiving a request for further information from a nominated AAT presidential member under subsection 712AA(6) of the Act in relation to an application for a FWO notice; and • giving further information in writing to a nominated AAT presidential member under subsection 712AA(7) of the Act. 	<ul style="list-style-type: none"> • Deputy FWO - Operations • Executive Director - Compliance and Enforcement • Executive Director - Proactive Compliance and Education
<p>Give a FWO notice under subsection 712AD(1) of the Act to the person in relation to whom it is issued</p>	<ul style="list-style-type: none"> • Deputy FWO - Operations • Executive Director - Compliance and Enforcement • Executive Director - Proactive Compliance and Education
<p>Give notice to a person of a time later than the time specified in a FWO notice given to a person in accordance with subsection 712AD(3) or 712AD(4) of the Act</p>	<ul style="list-style-type: none"> • Deputy FWO - Operations • Executive Director - Compliance and Enforcement • Executive Director - Proactive Compliance and Education
<p>Notify the Commonwealth Ombudsman of the issue of an FWO notice under subsection 712E(1) of the Act, and give a copy of the FWO notice, affidavit that accompanied the application for the FWO notice, and any other information in relation to the FWO notice that was given to the nominated AAT presidential member who issued the notice pursuant to section 712AB of the Act</p>	<ul style="list-style-type: none"> • Deputy FWO - Operations • Deputy FWO - Corporate • Executive Director - Compliance and Enforcement • Executive Director - Proactive Compliance and Education • Chief Counsel
<p>Notify the Commonwealth Ombudsman under subsection 712E(2) of the Act of any notice given to a person of a time later than the time specified in a FWO notice in accordance with subsection 712AD(3) or subsection 712AD(4) of the Act</p>	<ul style="list-style-type: none"> • Deputy FWO - Operations • Deputy FWO - Corporate • Executive Director - Compliance and Enforcement • Executive Director - Proactive Compliance and Education • Chief Counsel
<p>Give the Commonwealth Ombudsman under subsection 712F(1) of the Act a report, video recording and transcript of an examination of a person conducted under subsection 712AA(2)(c) of the Act</p>	<ul style="list-style-type: none"> • Deputy FWO - Operations • Deputy FWO - Corporate • Executive Director - Compliance and Enforcement • Executive Director - Proactive Compliance and Education • Chief Counsel
ENFORCEABLE UNDERTAKINGS	
<p>Form a reasonable belief that a person has contravened a civil remedy provision in</p>	<ul style="list-style-type: none"> • Deputy FWO - Operations

<p>Column A Power/Energy</p>	<p>Column B Delegates</p>
<p>accordance with subsection 715(1) of the Act for the purposes of accepting an enforceable undertaking under subsection 715(2) of the Act</p>	<ul style="list-style-type: none"> • Executive Director - Compliance and Enforcement • Executive Director - Proactive Compliance and Education • Chief Counsel
<p>Accept a written undertaking in accordance with subsection 715(2) of the Act</p>	<ul style="list-style-type: none"> • Deputy FWO – Operations • Chief Counsel • Executive Director - Compliance and Enforcement (for matters concerning underpayments of less than \$200,000) • Executive Director - Proactive Compliance and Education (for matters concerning underpayments of less than \$200,000)
<p>Provide consent to withdraw or vary an undertaking in accordance with subsection 715(3) of the Act</p>	<ul style="list-style-type: none"> • Deputy FWO - Operations • Chief Counsel • Executive Director - Compliance and Enforcement (for matters concerning underpayments of less than \$200,000) • Executive Director - Proactive Compliance and Education (for matters concerning underpayments of less than \$200,000)
<p>Consider that a person who has given an undertaking has contravened any of its terms in accordance with subsection 715(6) of the Act</p>	<ul style="list-style-type: none"> • Deputy FWO - Operations • Chief Counsel • Executive Director- Compliance and Enforcement (for matters concerning underpayments of less than \$200,000) • Executive Director - Proactive Compliance and Education (for matters concerning underpayments of less than \$200,000)
<p>DISCLOSING INFORMATION</p>	
<p>Form a reasonable belief that it is necessary or appropriate for information, other than information obtained under a FWO notice issued pursuant to section 712AB of the Act, to be disclosed in accordance with subsection 718(2) of the Act, and disclose, or authorise the disclosure of the information</p>	<ul style="list-style-type: none"> • Subject to the First Direction below, members of staff engaged at Executive Level 1 or above
<p>Form a reasonable belief that it is necessary or appropriate for information, other than information obtained under a FWO notice issued pursuant to section 712AB of the Act, to be disclosed to the Minister in accordance with subsection 718(3) of the Act, and disclose, or authorise the disclosure of the information</p>	<ul style="list-style-type: none"> • Members of staff engaged at the Senior Executive Service level
<p>Form a reasonable belief that it is necessary or appropriate for information, other than information obtained under a FWO notice issued pursuant to section 712AB of the Act, to be disclosed to the Department in accordance with subsection 718(4) of the Act and disclose, or authorise the disclosure of the information</p>	<ul style="list-style-type: none"> • Members of staff engaged at the Senior Executive Service level
<p>Form a reasonable belief that it is necessary or appropriate for information obtained under a</p>	<ul style="list-style-type: none"> • Subject to the Second Direction below, Deputy FWO - Operations



COLUMN A Power/Function	COLUMN B Delegate(s)
FWO notice issued pursuant to section 712AB of the Act to be disclosed in accordance with subsection 718(2) of the Act, and disclose, or authorise the disclosure of the information	<ul style="list-style-type: none"> • Deputy FWO – Corporate • Executive Director - Compliance and Enforcement • Executive Director - Proactive Compliance and Education • Chief Counsel
Form a reasonable belief that it is necessary or appropriate for information obtained under a FWO notice issued pursuant to section 712AB of the Act to be disclosed in accordance with subsections 718(3) of the Act to the Minister or 718(4) of the Act to the Department, and disclose, or authorise the disclosure of the information	<ul style="list-style-type: none"> • Deputy FWO - Operations • Deputy FWO - Corporate • Deputy FWO - Strategic Engagement and Communications • Executive Director - Compliance and Enforcement • Executive Director - Proactive Compliance and Education • Executive Director - Policy, Analysis and Reporting • Chief Counsel

Directions – Disclosing information

In accordance with subsection 683(2) of the Act, in performing functions or exercising powers under a delegation, the delegate must comply with directions I make from time to time.

I direct that a delegate performing functions or exercising powers under subsection 718(2) of the Act in relation to:

1. a document or record produced under paragraph 709(d) or subsection 712(1) of the Act must consider the effect of the use/derivative use indemnity in subsection 713(2) of the Act in forming a reasonable belief that it is necessary or appropriate to disclose, or authorise the disclosure, of the information for a purpose in subsection 718(2) of the Act;
2. information given, a document or record produced, or answers given pursuant to a FWO notice issued under section 712AB of the Act, must consider the effect of the protection from liability in section 712D and the use indemnity in subsection 713(3) of the Act in forming a reasonable belief that it is necessary or appropriate to disclose, or authorise the disclosure, of the information for a purpose in subsection 718(2) of the Act.

This instrument takes effect on and from the date of signing.

Dated this 7 day of November 2017



KRISTEN HANNAH
Acting Fair Work Ombudsman

