

INSTRUMENT OF DELEGATION

Ombudsman Act 1976

Australian Federal Police Act 1979

I, Colin Neave, Commonwealth Ombudsman,

1. Under subsections 34(1), 34(2), 34(2A), 34(2B) and 34(2C) of the *Ombudsman Act 1976* (the Act), **revoke** all previous delegations issued under the Act and **delegate** to any person from time to time holding, occupying or performing the duties of a position in the Office of the Commonwealth Ombudsman specified in Column 1 of the Schedule to this Instrument, the powers conferred on me by the provisions of the Act specified in the corresponding part of Column 2 of Schedule 1 to this Instrument; and
2. Under the *Australian Federal Police Act 1979* (the AFP Act), **revoke** all previous delegations issued under the AFP Act and **delegate** to any person from time to time holding, occupying or performing the duties of a position in the Office of the Commonwealth Ombudsman specified in Column 1 of the Schedule to this Instrument, the powers conferred on me by the provisions of the AFP Act specified in the corresponding part of Column 2 of Schedule 1 to this Instrument.

Issued at Canberra,

17th

October 2016



Colin Neave
Commonwealth Ombudsman

SCHEDULE

Column 1 Position	Column 2 Powers or Functions
1. APS Level 2, 3, 4, 5 and 6 staff	<p>Subsection 4(4) Subsection 4(5) Section 6, <i>other than</i> sub-paragraph 6(1)(b)(i), subsection 6(2), subsection 6(16), subsection 6(17), subsection 6(18), subsection 6(20) and subsection 6(21) Subsection 7(2) Subsection 7A(1) Subsection 8(1), in relation to a complaint made to the Overseas Students Ombudsman with respect to action taken by a private registered provider Subsection 8(1A), in relation to a complaint made to the Overseas Students Ombudsman with respect to action taken by a private registered provider Subsection 8(2) Subsection 8(3) Subsection 12(1) Subsection 12(3) Section 19C Section 19D Sub-paragraph 19E(1)(b)(ii) Section 19M Section 19N Section 19P Section 19Q, <i>other than</i> sub-paragraph 19Q(1)(b)(i) Section 19ZK Section 19ZL, <i>other than</i> sub-paragraph 19ZL(1)(b)(i) Section 20H(a) Section 20L Section 20M <i>other than</i> subparagraph 20M(5)(e), 20M(5)(f), 20M(5)(h), 20M(5)(i), 20M(5)(j) Section 20N Section 20P Section 20S Section 20ZD</p>
A member of staff performing the duties of Manager or having a management and supervisory role in the Public Contact Team	<p>Section 35A, in relation to the disclosure of information to respond to a serious threat to the life, health or safety of any person.</p>
2. Executive Level 1 staff	<p>Subsection 4(4)</p>

Subsection 4(5)

Section 6, *other than* sub-paragraph 6(1)(b)(i), subsection 6(16), subsection 6(17) and subsection 6(18)

Section 6A

Section 6C

Subsection 6D(3)

Subsection 6D(4)

Subsection 6D(5)

Subsection 7(2)

Subsection 7A(1)

Subsection 8(1), in relation to a complaint made to the Overseas Students Ombudsman with respect to action taken by a private registered provider

Subsection 8(1A), in relation to a complaint made to the Overseas Students Ombudsman with respect to action taken by a private registered provider

Subsection 8(2)

Subsection 8(3)

Subsection 8(7)

Subsection 12(1)

Subsection 12(3)

Section 13

Section 19C

Section 19D

Sub-paragraph 19E(1)(b)(ii)

Section 19M

Section 19N

Section 19P

Section 19Q, *other than* sub-paragraph 19Q(1)(b)(i)

Section 19ZK

Section 19ZL, *other than* sub-paragraph 19ZL(1)(b)(i)

Section 20H(a)

Section 20K

Section 20L

Section 20M

Section 20N

Section 20P

Section 20S

Section 20X

Section 20ZD

Section 35A, in relation to the disclosure to a complainant or representative of a complainant of:

- correspondence between the office and the complainant

	<ul style="list-style-type: none"> • records of telephone and personal discussions involving the complainant • complaint management system records and other documents that the complainant would previously and lawfully have seen.
<p>A member of staff performing the duties of Manager or having a management and supervisory role in the Public Contact Team; <i>and</i></p> <p>A member of staff performing the duties of Assistant Director, Immigration Detention Review - Inspections</p>	<p>Section 35A, in relation to the disclosure of information to respond to a serious threat to the life, health or safety of any person.</p>
<p>A member of staff performing the duties of Manager, Immigration Detention Review – Statutory Reporting</p>	<p>Section 35A, in relation to the provision of assessments made under section 486O of the <i>Migration Act 1958</i> to the Australian Human Rights Commission.</p>
<p>3. Executive Level 2 staff</p>	<p>Subsection 4(4) Subsection 4(5) Section 6, <i>other than</i> subsection 6(16), subsection 6(17) and subsection 6(18) Section 6A Section 6B Section 6C Subsection 6D(3) Subsection 6D(4) Subsection 6D(5) Subsection 7(2) Subsection 7A(1) Subsection 8(1), in relation to a complaint made to the Overseas Students Ombudsman with respect to action taken by a private registered provider Subsection 8(1A), in relation to a complaint made to the Overseas Students Ombudsman with respect to action taken by a private registered provider Subsection 8(2) Subsection 8(3) Subsection 8(7) Section 9 Subsection 12(1) Subsection 12(3) Subsection 12(4) Section 13 Section 14 Section 19C Section 19D Section 19E</p>

	<p> Section 19M Section 19N Section 19P Section 19Q Section 19ZK Section 19ZL Section 19ZN Section 20H(a) Section 20L Section 20K Section 20M Section 20N Section 20P Section 20S Section 20W Section 20X Section 20ZC Section 20ZD Section 35A, in relation to the disclosure to a complainant or representative of a complainant of: <ul style="list-style-type: none"> • correspondence between the office and the complainant • records of telephone and personal discussions involving the complainant • complaint management system records and other documents that the complainant would previously and lawfully have seen. Section 35A, in relation to the disclosure of information to respond to a serious threat to the life, health or safety of any person. Section 35AA </p>
<p>4. First Assistant Ombudsman <i>and</i> Senior Assistant Ombudsman <i>and</i> the member of staff performing the duties of position number 4713</p>	<p> Subsection 3(1) Subsection 4(4) Subsection 4(5) Section 6 Section 6A Section 6B Section 6C Subsection 6D(3) Subsection 6D(4) Subsection 6D(5) Subsection 7(2) Subsection 7A Subsection 8(1) Subsection 8(1A) Subsection 8(2) Subsection 8(3) Subsection 8(7) Sub-paragraphs 8(10)(b) and (d) </p>

	<p> Subsection 8(11) Section 9 Subsection 12(1) Subsection 12(2) Subsection 12(3) Subsection 12(4) Section 13 Section 14 Section 19C Section 19D Section 19E Section 19M Section 19N Section 19P Section 19Q Section 19Y Section 19ZK Section 19ZL Section 19ZN Section 19ZT Section 20H(a) Section 20L Section 20K Section 20M Section 20N Section 20P Section 20Q Section 20S Section 20W Section 20X Section 20Y Section 20ZC Section 20ZD Section 20ZE Section 20ZI Section 35AA Section 35A </p>
5. Deputy Ombudsman	All powers capable of being delegated, that is, all powers <i>other than</i> sections 15, 16, 17, 19, 20R, 20T, 20U, 20V, 20ZG, 20ZJ, and subsections 34(1), 34(2), 34(2A) and 34(2B)
Powers under Division 7, Part 5 of the <i>Australian Federal Police Act 1979</i>	
6. Senior Assistant Ombudsman	<p> Subsection 40XA(2) Section 40XB Section 40XC </p>
7. Executive level 1 and 2, and APS5 and 6 staff, responsible for Law Enforcement Ombudsman functions	<p> Subsection 40XA(2) Section 40XB </p>