

**INSTRUMENT OF DELEGATION**

**Ombudsman Act 1976**

**Australian Federal Police Act 1979**

I, Michael Manthorpe, Commonwealth Ombudsman,

1. Under subsections 34(1), 34(2), 34(2A), 34(2B), 34(2C), and 34(3) of the *Ombudsman Act 1976* (the Act), **revoke** all previous delegations issued under the Act and **delegate** to any persons 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 the Schedule to this Instrument. In relation to subsection 34(2C), I am satisfied that those people have expertise appropriate to the function or power delegated; 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 persons 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 the Schedule to this Instrument.

Issued at Canberra,

17 May 2019



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Michael Manthorpe  
Commonwealth Ombudsman

**SCHEDULE**

<b>Column 1 Position</b>	<b>Column 2 Powers or Functions</b>
<b>1. APS Level 2, 3, 4, 5 and 6 staff</b>	<p><b>Subsection 4(4)</b>  <b>Subsection 4(5)</b>  <b>Section 6, other than</b> sub-paragraph 6(1)(b)(i) and subsections 6(2), 6(16), 6(17), 6(18), 6(20) and 6(21)  <b>Subsection 7(2)</b>  <b>Subsection 7A(1)</b>  <b>Subsection 8(1)</b>  <b>Subsection 8(1A)</b>  <b>Subsection 8(2)</b>  <b>Subsection 8(3)</b>  <b>Subsection 12(1)</b>  <b>Subsection 12(3)</b>  <b>Section 19C</b>  <b>Section 19D</b>  <b>Sub-paragraph 19E(1)(b)(ii)</b>  <b>Section 19M</b>  <b>Section 19N</b>  <b>Section 19P</b>  <b>Section 19Q, other than</b> sub-paragraph 19Q(1)(b)(i)  <b>Section 19ZK</b>  <b>Section 19ZL, other than</b> sub-paragraph 19ZL(1)(b)(i)  <b>Subsection 20H(a)</b>  <b>Section 20L</b>  <b>Section 20M, other than</b> paragraphs 20M(5)(e), 20M(5)(f), 20M(5)(h), 20M(5)(i), and 20M(5)(j)  <b>Section 20N</b>  <b>Section 20P</b>  <b>Section 20S</b>  <b>Section 20ZD</b>  <b>Section 20ZQ</b>  <b>Section 20ZR, other than</b> paragraph 20ZR(a)</p>
<b>2. Executive Level 1 staff</b>	<p><b>Subsection 4(4)</b>  <b>Subsection 4(5)</b>  <b>Section 6, other than</b> sub-paragraph 6(1)(b)(i) and subsections 6(16), 6(17) and 6(18)  <b>Section 6A</b>  <b>Section 6C</b>  <b>Subsection 6D(3)</b>  <b>Subsection 6D(4)</b>  <b>Subsection 6D(5)</b>  <b>Subsection 7(2)</b>  <b>Subsection 7A(1)</b></p>

	<p> <b>Subsection 8(1)</b>  <b>Subsection 8(1A)</b>  <b>Subsection 8(2)</b>  <b>Subsection 8(3)</b>  <b>Subsection 8(7)</b>  <b>Subsection 12(1)</b>  <b>Subsection 12(3)</b>  <b>Section 13</b>  <b>Section 19C</b>  <b>Section 19D</b>  <b>Sub-paragraph 19E(1)(b)(ii)</b>  <b>Section 19M</b>  <b>Section 19N</b>  <b>Section 19P</b>  <b>Section 19Q, other than sub-paragraph 19Q(1)(b)(i)</b>  <b>Section 19ZK</b>  <b>Section 19ZL, other than sub-paragraph 19ZL(1)(b)(i)</b>  <b>Subsection 20H(a)</b>  <b>Section 20K</b>  <b>Section 20L</b>  <b>Section 20M</b>  <b>Section 20N</b>  <b>Section 20P</b>  <b>Section 20S</b>  <b>Section 20X</b>  <b>Section 20ZD</b>  <b>Section 20ZM(1)(ca)</b>  <b>Section 20ZQ</b>  <b>Section 20ZR, other than paragraph 20ZR(a)</b>  <b>Section 35A, in relation to the disclosure to a complainant or representative of a complainant of:</b> <ul style="list-style-type: none"> <li>• correspondence between the office and the complainant;</li> <li>• records of telephone and personal discussions involving the complainant; and</li> <li>• complaint management system records and other documents that the complainant would previously and lawfully have seen.</li> </ul> </p>
<p><b>3. Executive Level 2 staff</b></p>	<p> <b>Subsection 4(4)</b>  <b>Subsection 4(5)</b>  <b>Section 6, other than subsections 6(16), 6(17) and 6(18)</b>  <b>Section 6A</b>  <b>Section 6B</b>  <b>Section 6C</b>  <b>Subsection 6D(3)</b> </p>

	<p> <b>Subsection 6D(4)</b>  <b>Subsection 6D(5)</b>  <b>Subsection 7(2)</b>  <b>Subsection 7A(1)</b>  <b>Subsection 8(1)</b>  <b>Subsection 8(1A)</b>  <b>Subsection 8(2)</b>  <b>Subsection 8(3)</b>  <b>Subsection 8(7)</b>  <b>Section 9</b>  <b>Subsection 12(1)</b>  <b>Subsection 12(3)</b>  <b>Subsection 12(4)</b>  <b>Section 13</b>  <b>Section 14</b>  <b>Section 19C</b>  <b>Section 19D</b>  <b>Section 19E</b>  <b>Section 19M</b>  <b>Section 19N</b>  <b>Section 19P</b>  <b>Section 19Q</b>  <b>Section 19ZK</b>  <b>Section 19ZL</b>  <b>Section 19ZN</b>  <b>Subsection 20H(a)</b>  <b>Section 20L</b>  <b>Section 20K</b>  <b>Section 20M</b>  <b>Section 20N</b>  <b>Section 20P</b>  <b>Section 20S</b>  <b>Section 20W</b>  <b>Section 20X</b>  <b>Section 20ZC</b>  <b>Section 20ZD</b>  <b>Section 20ZM(1)(ca)</b>  <b>Section 20ZQ</b>  <b>Section 20ZR</b>  <b>Section 35A</b>, in relation to the disclosure: <ul style="list-style-type: none"> <li>• of information to respond to a serious threat to the life, health or safety of any person; and</li> <li>• to a complainant or representative of a complainant of: <ul style="list-style-type: none"> <li>○ correspondence between the office and the complainant;</li> <li>○ records of telephone and personal discussion involving the complainant; and</li> </ul> </li> </ul> </p>
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	<ul style="list-style-type: none"> <li>○ complaint management system records and other documents that the complainant would previously and lawfully have seen.</li> </ul>
4. APS Level 5 and 6 staff in the <b>Intake, Assessment and Early Resolution Team</b>	<b>Section 6C</b> <b>Subsection 6D(3)</b> <b>Subsection 6D(4)</b> <b>Subsection 6D(5)</b>
5. APS Level 5 and 6 staff and Executive Level 1 and 2 staff in the <b>National Assurance and Audit Team</b> and the <b>Private Health Insurance Team</b>	<b>Section 20SA</b> <b>Section 20TA</b> <b>Section 20ZHA</b> <b>Section 20ZIA</b>
6. Members of staff performing the duties of Manager or having a management and supervisory role in the <b>Postal Industry Team</b> ; <i>and</i> Members of staff performing the duties of Manager or having a management and supervisory role in the <b>Intake, Assessment and Early Resolution Team</b> ; <i>and</i> Members of staff performing the duties Manager or having a management and supervisory role in the <b>International, Business Intelligence and Coordination Team</b> ; <i>and</i> Members of staff performing the duties of Assistant Director in the <b>Detention Assurance Team</b> ; <i>and</i> Members of staff performing the role of Supervisor in the Statutory Reporting section of the <b>Detention Assurance Team</b> ; <i>and</i> Members of staff performing the duties of Assistant Director	<b>Section 35A</b> , in relation to the disclosure of information to respond to a serious threat to the life, health or safety of any person.

<p>in the <b>Defence Abuse Liaison Team</b>;  <i>and</i>  Members of staff performing the duties of Manager or having a management and supervisory role in the <b>Private Health Insurance Team</b></p>	
<p>7. Members of staff performing the duties of Director or Supervisor in the Statutory Reporting section of the <b>Detention Assurance Team</b></p>	<p><b>Section 35A</b>, 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>8. APS Level 6 and Executive Level 1 staff in the <b>Legal Team</b></p>	<p><b>Section 35A</b>, in relation to the disclosure of information under the Office's administrative access schemes.</p>
<p>9. Members of staff performing the role of Director in the <b>Postal Industry Team</b>;  <i>and</i>  Members of staff performing the role of Director in the <b>VET Student Loans Team</b></p>	<p><b>Section 35A</b></p>
<p>10. <b>Senior Assistant Ombudsman</b></p>	<p><b>Subsection 3(1)</b>  <b>Subsection 4(4)</b>  <b>Subsection 4(5)</b>  <b>Section 6</b>  <b>Section 6A</b>  <b>Section 6B</b>  <b>Section 6C</b>  <b>Subsection 61(3)</b>  <b>Subsection 6D(4)</b>  <b>Subsection 6D(5)</b>  <b>Subsection 7(2)</b>  <b>Section 7A</b>  <b>Subsection 8(1)</b>  <b>Subsection 8(1A)</b>  <b>Subsection 8(2)</b>  <b>Subsection 8(3)</b>  <b>Subsection 8(7)</b>  <b>Paragraph 8(10)(b)</b>  <b>Paragraph 8(10)(d)</b></p>

	<p> <b>Subsection 8(11)</b>  <b>Section 9</b>  <b>Subsection 12(1)</b>  <b>Subsection 12(2)</b>  <b>Subsection 12(3)</b>  <b>Subsection 12(4)</b>  <b>Section 13</b>  <b>Section 14</b>  <b>Section 19C</b>  <b>Section 19D</b>  <b>Section 19E</b>  <b>Section 19M</b>  <b>Section 19N</b>  <b>Section 19P</b>  <b>Section 19Q</b>  <b>Section 19Y</b>  <b>Section 19ZK</b>  <b>Section 19ZL</b>  <b>Section 19ZN</b>  <b>Section 19ZT</b>  <b>Subsection 20H(a)</b>  <b>Section 20L</b>  <b>Section 20K</b>  <b>Section 20M</b>  <b>Section 20N</b>  <b>Section 20P</b>  <b>Section 20Q</b>  <b>Section 20S</b>  <b>Section 20SA</b>  <b>Subsection 20SB(1)</b>  <b>Subsection 20SB(2)</b>  <b>Subsection 20SB(3)</b>  <b>Section 20TA</b>  <b>Section 20W</b>  <b>Section 20X</b>  <b>Section 20Y</b>  <b>Section 20ZC</b>  <b>Section 20ZD</b>  <b>Section 20ZE</b>  <b>Section 20ZHA</b>  <b>Section 20ZI</b>  <b>Section 20ZIA</b>  <b>Section 20ZM(1)(ca)</b>  <b>Section 20ZQ</b>  <b>Section 20ZR</b>  <b>Section 35AA</b>  <b>Section 35A</b> </p>
<b>11. Deputy Ombudsman</b>	All powers capable of being delegated.

<b>Powers under Division 7, Part 5 of the <i>Australian Federal Police Act 1979</i></b>	
12. APS Level 5 and 6 staff and Executive Level 1 and 2 staff, responsible for Law Enforcement Ombudsman Functions	<b>Subsection 40XA(2)</b> <b>Section 40XB</b>
13. Senior Assistant Ombudsman	<b>Subsection 40XA(2)</b> <b>Section 40XB</b> <b>Section 40XC</b>
14. Deputy Ombudsman	All powers capable of being delegated.