

Delegations of Authority for Crown Lands

POLICY NUMBER: IND-O-179	VERSION: 5
AUTHORISED BY: Executive Director Crown Lands	AUTHORISED DATE: 20/09/2018
ISSUED BY: Department of Industry—Lands & Water	EFFECTIVE DATE: 20/09/2018
CATEGORY: Operations and Industry	REVIEW DATE: 20/09/2021

Policy Statement

This policy provides for how the NSW Department of Industry—Lands & Water (the department) will ensure the proper exercise of delegated functions performed under the instruments of delegation in force from 1 July 2018.

The proper exercise of delegations is essential to all decision-making by the department and is a key part of the department's governance framework.

This policy ensures that decisions are made by staff with the requisite experience and seniority and that staff have the appropriate delegation to act.

Scope

The following instruments of delegation apply:

- *Crown Land Management (Minister) Instrument of Delegation 2018 No. 1*
- *Crown Land Management (Secretary) Instrument of Delegation 2018 No. 1*
- *Crown Lands Other (Minister) Instrument of Delegation 2018*
- *Public Finance and Audit (Special Delegations) Instrument of Delegation 2017 under the Public Finance and Audit Act 1983.*

If an instrument is silent on a matter that is in an Act or Regulation, the minister administering the Act (or Secretary as relevant) has not delegated that function and it is reserved for the minister.

Requirements

In exercising a delegation under an instrument of delegation, a delegate must:

1. ensure they are aware of and apply the current delegations that apply to their role by referencing the Instrument. This fundamental consideration applies:
 - a. whether this role is permanent or temporary
 - b. to all decisions within the scope of this policy, including decisions made through the department's official information systems.
2. comply with the requirements of relevant legislation as well as guidance issued by the department such as policies and procedures
3. ensure they have adequate information in order to properly exercise their delegation, and that the delegated decision they are making is consistent with the duties of their role and the requirements in 2 above
4. ensure that the recommendation for a decision and the final decision made under delegation are done by different people
5. examine the circumstances of the matter when considering the exercise of a delegation to ensure no conflict of interest exists or appears to exist. The department's Conflicts of Interest Policy (IND-P-183) must be observed

6. ensure the decision complies with the department's financial and human resources delegations. In the event of any inconsistency in respect to a specific decision between delegation instruments, seek departmental legal advice
7. record the specific section of the Act under which the function was exercised and retain it with any other documentation relating to the decision
8. keep adequate written records of the exercise of their delegated authority as detailed in the relevant policies of the department.

Roles and responsibilities

- *Delegates*: a delegation of authority may only be exercised by an officer of the department. While a delegate may seek advice from another officer about the exercise of delegated authority, the delegate remains responsible and accountable for any decision they make.
- Reference the Schedule of Delegate Levels at Annexure A of this policy as a guide to assist application of the Crown Land Management (Minister) Instrument of Delegation 2018 and Crown Land Management (Secretary) Instrument of Delegation 2018. Inform the Manager Governance & Policy if aware that the Schedule requires updating.
- *Contractors, consultants, advisers or casual staff employed through an employment agency*: are prohibited from exercising a delegation of authority.
- *Managers*:
 - a. Arrange for the completion and filing of the *Crown lands delegation of authority acknowledgement* form in the event of any team changes involving staff with active delegations
 - b. Promptly take steps to correct any inconsistencies that may arise between actual staff delegation level, and the assigned delegation level in Crown land information systems
 - c. Alert the Crown lands executive if they consider any amendment is required to any of the instruments of delegation or legal advice regarding delegations is required.
- *Crown lands executive*: monitor and ensure conformance with the instruments, including through the conduct of an annual audit of delegated decisions.

Safety considerations

This policy does not negate any work Health and safety requirements.

Definitions

- *Function*: function includes a power, authority or duty—'exercise a function' includes performance of a duty.
- *Officer of the department*: a person employed by the department in accordance with the *Government Sector Employment Act 2013*.

Legislation

Relevant legislation includes, but is not limited to:

- *Commons Management Act 1989*
- *Conveyancing Act 1919*
- *Crown Land Management Act 2016*
- *Crown Land Management Regulation 2018*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Impounding Act 1993*
- *Local Government Act 1993*
- *Protection of the Environment Operations Act 1997*
- *Real Property Act 1900*
- *Road Act 1993*

- *Surveillance Devices Act 2007*
- *Surveying and Spatial Information Regulation 2017*

Instruments of delegation and authorisation

- *Crown Land Management (Minister) Instrument of Delegation 2018*
- *Crown Land Management (Secretary) Instrument of Delegation 2018*
- *Crown Lands Other (Minister) Instrument of Delegation 2018*
- *Crown Lands Other (Secretary) Instrument of Delegation 2018*
- *Department of Primary Industries Instrument of Appointment (under the Impounding Act 1993) 2016*
- *Public Finance and Audit (Special Delegations) Instrument of Delegation 2017 under the Public Finance and Audit Act 1983*

Related policies

- Department of Industry Conflicts of Interest Policy (IND-P-183)
- Department of Industry Records Management Policy (IND-I-177)

Other related documents

- Crown lands delegation of functions acknowledgement form
- Department of Industry Human Resources Manual of Authority (INT17/214877)
- Delegations for other departmental functions are in place for procurement, briefing and correspondence, Local Land Services and Operations. Refer to the department intranet and seek guidance from your manager if there is an inconsistency between an instrument and one of these delegations.
- Guidance on delegations, refer to the department intranet.

Superseded documents

This policy replaces *Delegations of Authority for Crown Lands (Interim) Policy*, IND-O-179, Version 4.0.

Revision history

Version	Date Issued	Notes	By
1.0	09/01/2012	Provide guidance for the Department of Primary Industries 2011 and the Western Lands Regulation 2004 Instrument of Delegation 2011	Graham Harding, General Manager Crown Lands
2.0	19/10/2015	Updated to reflect the <i>Crown Lands Act 1989</i> Instrument of Delegation 2015, and in respect to legislative and organisational change	Beth Taylor, Senior Project Officer
3.0	19/03/2018	Updated to ensure the proper exercise of delegated functions performed under the instruments of delegation in force from 19 March 2018	Ilana Waldman, Director Strategy & Policy
4.0	01/07/2018	Updated to ensure the proper exercise of delegated functions performed under the instruments of delegation in force from 01 July 2018	Ilana Waldman, Director Strategy & Policy
5.0	20/09/2018	Updated to remove Schedule of Delegate Levels, since it is more appropriately maintained as a Guidance document	Ilana Waldman, Director Strategy & Policy

Contact

Director Strategy & Policy, (02) 9934 0716

Schedule of delegate levels for the Crown Land Management (Minister) Instrument of Delegation 2018, Crown Land Management (Secretary) Instrument of Delegation 2018 and Crown Lands Other (Minister) Instrument of Delegation 2018

Level	Position	Administer <i>Crown Land Management Act 2016</i> monies*
Level 1	Secretary of the Department of Industry	Yes
	Deputy Secretary Lands & Water	Yes
	Executive Director Crown Lands	Yes
Level 2	Group Director Regional Services	No
	Group Director Governance & Strategy	No
	Director Tenure & Business Programs	Yes
	Director Infrastructure and Land Management	No
	Director Crown Property Services	No
Level 3	Director Regional Operations - East	No
	Director Regional Operations - West	No
	Chief Executive Officer Cemeteries & Crematoria NSW	No
	Senior Project Manager - State Parks	No
	Director Native Title Operations	No
	Manager Business Centre	Yes
	Manager Aboriginal Land Claims	No
	Senior Group Leader Status Branch	No
	Senior Project Manager - Eden Project	No
	Manager Coastal Management Project Manager TRESBP	No
	Manager Coastal Infrastructure	No
	Manager Natural Resource Services	No
	Manager Strategic Sales & Disposals	No
	Senior Project Manager Commercial Projects	No
	Valuation Services Manager	No
	Level 4	Area Manager Sydney/South Coast
Area Manager Hunter		No
Area Manager North Coast		No
Area Manager South West		No
Area Manager North West		No
Area Manager Far West		No
Senior Project Officer Customer Service		No
Senior Project Officer Crown Reserves		No
Coordinator Funding Programs		No
Senior Group Leader Roads		No
Senior Group Leader Roads and Telco's		No
Senior Group Leader Reserves and Licences		No
Group Leader Waterfront Tenures and Permits		No
Group Leader Revenue		Yes

Level	Position	Administer Crown Land Management Act 2016 monies*
	Coordinator Case Management	No
	Senior Coordinator Bushfire	No
	Group Leader Landscape Services	No
	Land Resourcing Specialist	No
	Natural Resources Compliance Specialist	No
	Project Manager Regional Projects	No
	Group Leader Customer & Property Service	No
	Recreational Trails Coordinator	No
	Senior Assets Coordinator	No
	Analyst Built & Natural Assets	No
	Senior Project Engineer	No
	Project Cost Controller	No
	Project Engineer	No
	Senior Engineer Coastal	No
	Principal Environmental Officer	No
	Project Manager Coastal Projects	No
	Senior Valuer	No
	Senior Group Leader Survey Team	No
Level 5	Group Leader Property Management	No
	Senior Group Leader Property and Projects	No
	Senior Registered Surveyor	No
	Project Officer Roads	No
	Supervisor Business Centre	No
	Senior Project Officer Telcos	No
	Telco Project Officer	No
	Project Officer Complex Dealings	No
	Senior Revenue Officer	Yes
	Revenue Project Officer	Yes
	Revenue Officer	Yes
	Senior Compliance Systems Officer	No
	Compliance Project Officer	No
	Senior Property Development Officer	No
	Property Management Project Officer (Position 50058353)	No
	Property Development Project Officer	No
	NRM Project Officer (Position 50028553)	No
	Senior Property Development Project Officer	No
	Engineer Coastal	No
	Maritime Assets Project Officer	No
	Environmental Officer Dredging Projects	No
	Engineer Coastal - Dredging Projects	No
	Senior Property Development Project Officer	No
	Senior Business Centre Officer Rent Redeterminations	Yes
Level 6	NRM Project Officer	No
	Senior Property Management Officer	No
	Senior NRM Officer	No

Level	Position	Administer Crown Land Management Act 2016 monies*
	Property Management Project Officer	No
	Senior Bushfire Officer	No
	Senior Business Centre Officer	No
	Senior Business Services Officer	No
	Business Centre Officer	No
	Business Services Officer	No
	Registered Surveyor	No

* Has responsibilities for the administration of monies payable under the Act