



Australian Government
Department of Home Affairs

Submission

For decision
PDMS Ref. Number MS20-002441
Date of Clearance: 23 October 2020

To Minister for Agriculture, Drought and Emergency Management
Subject Instrument of delegation for Emergency Management Australia following the establishment of the Emergency Management and Coordination Group
Timing Before 1 November 2020, to enable officers in the new Emergency Management and Coordination Group to continue to use their delegations.

Recommendations

That you:

- sign and date the instrument, *Emergency Response Fund (Minister) Delegation 2020/253* (LIN 20/253) at **Attachment A**, to delegate your powers and functions under sections 28, 28A, 31, 32 and 32A of the *Emergency Response Fund Act 2019*.

signed / not signed

Minister for Agriculture, Drought and Emergency Management

Signature.....

Date: 27/10/2020

Released by Department of Home Affairs under the Freedom of Information Act 1982

OFFICIAL

Minister's Comments				
Rejected Yes/No	Timely Yes/No	Relevance <input type="checkbox"/> Highly relevant <input type="checkbox"/> Significantly relevant <input type="checkbox"/> Not relevant	Length <input type="checkbox"/> Too long <input type="checkbox"/> Right length <input type="checkbox"/> Too brief	Quality Poor 1.....2.....3.....4.....5 Excellent Comments:

Key Issues

1. The purpose of this submission is to request your approval of and signature on the instrument *Emergency Response Fund (Minister) Delegation 2020/253 (LIN 20/253)* (**Attachment A**), to reflect changes to departmental structures affecting Emergency Management Australia (EMA).

Background

2. Subsection 61(3) of the *Emergency Response Fund Act 2019* (the Act) allows for you, by writing, to delegate your functions and powers under Division 2 of Part 3 of the Act specifically sections 28, 28A, 31, 32 or 32A of the Act to the Secretary or an SES employee (or acting SES employee) of the Department of Home Affairs.
3. EMA currently holds these powers through the delegation instrument *Emergency Response Fund Delegation 2020 (LIN 20/027)*.

Issues

4. A departmental restructure will take place on 1 November 2020. As part of this restructure, the EMA division will move to a new Group named Emergency Management and Coordination Group.
5. LIN 20/253 delegates your powers and functions under the following sections of the Act:
 - section 28 - Transfers from the Emergency Response Fund Special Account to the Home Affairs Emergency Response Fund Special Account—general
 - section 28A - Transfers from the Emergency Response Fund Special Account to the Home Affairs Emergency Response Fund Special Account—resilience, etc.
 - section 31 - Excess balance of the Home Affairs Emergency Response Fund Special Account must be transferred to the Emergency Response Fund Special Account

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL

- section 32 - Channelling State/Territory grants through the COAG Reform Fund—general
 - section 32A - Channelling State/Territory grants through the COAG Reform Fund—resilience, etc.
6. LIN 20/253 revokes the current delegation instrument LIN 20/027 and substitutes references to:
- Senior Executive Service Band 2—Director General of Emergency Management Australia
 - Senior Executive Service Band 1—Assistant Secretary, Disaster Preparedness Branch with
 - Senior Executive Service Band 3—Deputy Secretary, Emergency Management and Coordination
 - Senior Executive Service Band 2—First Assistant Secretary, EMC Plans and Capability
 - Senior Executive Service Band 1—Assistant Secretary, Disaster Preparedness.

Consultation – EMA and Legal Group

7. EMA was consulted on the drafting of the instrument at Attachment A.
8. Legal Group drafted the instrument and was consulted on this minute.

Consultation – Secretary

9. The Secretary was not consulted on the approach in the submission.

Client service implications

10. Nil.

Sensitivities

11. In accordance with our long standing practices, should you wish for unclassified media lines to be prepared in relation to this issue please contact the Home Affairs Media Coordination team – media@homeaffairs.gov.au.

Financial/systems/legislation/deregulation/media implications

12. Nil.

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL

Attachments

Attachment A Emergency Response Fund (Minister) Delegation 2020/253 (LIN 20/253)

Authorising Officer

Cleared by:

s. 22(1)(a)(ii)

Sophie Sharpe
First Assistant Secretary
Executive Division

Date: 23 October 2020

Phone: s. 22(1)(a)(ii)

Contact Officer Rheannon Nicholson, Assistant Secretary, Performance, Governance & Inquiries Branch, Phone: s. 22(1)(a)
s. 22(1)(a)(ii)

CC: Chief Operating Officer
Deputy Secretary, Social Cohesion and Citizenship
Deputy Secretary, National Resilience and Cyber Security

Released by Department of Home Affairs
under the Freedom of Information Act 1982

OFFICIAL



Emergency Response Fund (Minister) Delegation 2020/253

I, David Littleproud, Minister for Agriculture, Drought and Emergency Management, acting under subsection 61(3) of the *Emergency Response Fund Act 2019* (the Act):

- (a) revoke the instrument *Emergency Response Fund Delegation 2020* (LIN 20/027), in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*; and
- (b) delegate each of my powers in the sections of the Act mentioned in column 1 of the following table to a person holding, occupying or performing the duties of a position at the approved classification in the work area mentioned in column 2:

Column 1	Column 2
Sections	Persons
s28; s28A;	Senior Executive Service Band 3 –Deputy Secretary, Emergency Management and Coordination Group
s31; s32;	Senior Executive Service Band 2 – First Assistant Secretary, Plans and Capability Division
s32A;	Senior Executive Service Band 1 – Assistant Secretary, Disaster Preparedness Branch

Note: In this instrument, an approved classification mentioned in column 2 of the above table refers to the approved classification of an APS employee under the *Public Service Classification 2000*.

This instrument, which may be cited as LIN 20/253, commences on the later of 1 November 2020, or immediately after signature.

Dated: 27 October 2020

The Hon David Littleproud MP
Minister
Agriculture, Drought and Emergency Management