

Business Grants Hub—Small Business Cyber Resilience Service Program (Treasury) Delegations 2024

I, Steven Kennedy, Secretary to the Department of the Treasury, make the following delegations.

Dated 3 June 2024

Dr Steven Kennedy

Secretary  
Department of the Treasury

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Part 1—Preliminary

1 Name

This instrument is the *Business Grants Hub*⎯*Small Business Cyber Resilience Service Program (Treasury) Delegations 2024*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The day after this instrument is registered. |  |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

(a) the *Industry Research and Development Act 1986*; and

(b) the *Public Governance, Performance and Accountability Act 2013*.

4 Definitions

(1) In this instrument, unless otherwise stated, expressions have the same meaning as in the IR&D Act, the PGPA Act and the PGPA Rule, as relevant.

(2) In this instrument:

***DISR*** means the Department of Industry, Science and Resources.

***Finance Minister’s Delegation*** means the *Public Governance, Performance and Accountability (Finance Minister to Accountable Authorities of Non-Corporate Commonwealth Entities) Delegation 2022*.

***Grant Opportunity Guidelines*** means the Grant Opportunity Guidelines for Small Business Cyber Resilience Service.

***IR&D Act*** means the *Industry Research and Development Act 1986*.

***PGPA Act*** means the *Public Governance, Performance and Accountability Act 2013*.

***PGPA Rule*** means the *Public Governance, Performance and Accountability Rule 2014*.

***Program*** means the program prescribed by the *Industry Research and Development (Small Business Cyber Resilience Service Program) Instrument 2024*.

***Treasury*** means the Department of the Treasury.

Part 2—Delegations

5 Delegation under the IR&D Act

(1) Under subsection 36(3) of the IR&D Act, the powers of the Secretary to the Treasury set out in subsection (2) are delegated to the officials from time to time holding, occupying or performing the duties of positions in DISR specified in column 1 of an item in the table in Schedule 1, subject to:

(a) if the exercise of these powers involves the commitment or expenditure of money by the Commonwealth⎯the relevant amount not exceeding the amount specified in column 2 of that item; and

(b) the directions specified in Schedule 2.

Note: Subsection 36(4) of the IR&D Act requires a delegate to comply with any directions of the accountable authority.

(2) For the purposes of subsection (1), the powers are:

(a) the power under section 34 of the IR&D Act to make, vary or administer an arrangement on behalf of the Commonwealth; and

(b) the power under section 35 of the IR&D Act to enter into an agreement with a State or Territory or a corporation to which paragraph 51(xx) of the Constitution applies, on behalf of the Commonwealth, which sets out the terms and conditions of financial assistance;

for the purposes of the Program.

6 Delegation under the PGPA Act and PGPA Rule

(1) Under subsection 110(1) of the PGPA Act, the powers and functions of the Secretary to the Treasury set out in subsection (2) are delegated to the officials from time to time holding, occupying or performing the duties of the positions specified in column 1 of an item in the table in Schedule 1, subject to:

(a) the relevant amount owing to the Commonwealth not exceeding the amount specified in column 2 of that item; and

(b) the directions specified in Schedule 2.

Note: Subsection 110(3) of the PGPA Act authorises the imposition of written directions about the exercise of a delegated power by the delegate.

(2) For the purpose of subsection (1), the powers and functions are:

(a) the power under paragraph 63(1)(b) of the PGPA Act to modify the terms and conditions on which an amount owing to the Commonwealth is to be paid to the Commonwealth, which has been delegated to the Secretary to the Treasury under the Finance Minister’s Delegation; and

(b) the functions under section 11 of the PGPA Rule in relation to the recovery of a debt owing to the Commonwealth that relates to the Program;

for the purposes of the Program.

Part 3—Revocations

7 Revocation of previous delegations

Any previous delegations of the Secretary to the Treasury’s powers or functions under subsection 36(3) of the IR&D Act and subsection 110(1) of the PGPA Act, for the purposes of the Program, are revoked.

Schedule 1—Delegations

Note: see sections 5 and 6.

| Item | Column 1  **Delegates: DISR positions** | Column 2  **Financial limits (in relation to a single grant agreement)** |
| --- | --- | --- |
| 1 | SES Band 1 – with responsibility for administering the Program | Limit of the appropriation available for the purpose of the Program, plus goods and services tax (***GST***) where applicable |
| 2 | Executive Level 2 – with responsibility for administering the Program | $8,100,000, plus GST where applicable |
| 3 | Executive Level 1 – with responsibility for administering the Program | $8,100,000, plus GST where applicable |
| 4 | APS Level 6 – with responsibility for administering the Program | $8,100,000, plus GST where applicable |

Schedule 2—Directions

Note: see sections 5 and 6.

(1) The following directions are made for the purposes of subsection 36(4) of the IR&D Act (to the extent that they relate to the exercise of powers under that Act), and subsection 110(3) of the PGPA Act (to the extent that they relate to the exercise of powers under the PGPA Act and the PGPA Rule).

(2) Officials must make a written record of each exercise of a power delegated under this instrument and retain the records on a corporate file.

(3) Officials must not take an action or exercise a power where it would have the effect of committing funds exceeding the available funding for the Program.

(4) A grant amount can only be approved in accordance with the Grant Opportunity Guidelines.

(5) A grant agreement may only be executed where it has been approved in accordance with the Grant Opportunity Guidelines.

(6) An application for:

(a) an extension of time; or

(b) a change in project milestones;

likely to result in a need to vary the annual capped amounts for an arrangement must not be approved until agreed with a relevant official of the Treasury

(7) A request to:

(a) terminate an arrangement; or

(b) novate an arrangement;

must not be approved until agreed with a relevant official of the Treasury.

(8) Officials must only exercise the powers delegated by this instrument consistently with their duties.

(9) Officials must only exercise the power in paragraph 63(1)(b) of the PGPA Act in accordance with relevant directions in the Finance Minister’s Delegation, or any superseding delegation.