



Payment Times Reporting (Treasury) Amendment Delegations 2024

I, Robyn Beutel, Payment Times Reporting Regulator, make the following delegations.

Dated 20 September 2024

Robyn Beutel
Payment Times Reporting Regulator

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1 Name

This instrument is the *Payment Times Reporting (Treasury) Amendment 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Note: This table relates only to the provisions of this instrument as originally made.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 *Payment Times Reporting Act 2020*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Main amendments

Payment Times Reporting (Treasury) Delegation 2021

1 Section 4

Insert:

EL1 employee means an APS employee who has been allocated an Executive Level 1 classification.

2 Section 4 (definition of *the Rules*)

Omit “2020”, substitute “2024”.

3 Section 4

Insert:

the Treasury means the Department of the Treasury.

4 Subsection 5(1)

Omit “section 27(1)”, substitute “subsections 27(1) and (1A)”.

5 Paragraph 5(1)(a)

Omit “Department of the”.

6 After section 5

Add:

6 Appointment of authorised officers

- (1) Under subsection 35(1) of the Act, each of the person or persons specified in subsection (3) (being the persons for the time being holding, acting or performing the duties of the respective offices or positions in the Treasury that are so specified) are appointed as authorised officers for the purposes of this Act.
- (2) Under subsection 35(3) of the Act, a delegate under subsection (1) is directed to exercise powers, as an authorised officer, having regard to all of the following:
 - (a) that the Commonwealth and the Regulator seek to apply best practice in performing regulatory functions under the Act and the Rules;
 - (b) any regulatory actions are taken in a manner consistent with:
 - (i) the APS Code of Conduct (within the meaning of the *Public Service Act 1999*);
 - (ii) the *Public Governance, Performance and Accountability Act 2013*;
 - (iii) any instruments made under the *Public Governance, Performance and Accountability Act 2013* as they apply to an official the Treasury.
- (3) Each of the following persons, made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act, are specified where the duties of the person include regulatory compliance and enforcement:
 - (a) an SES employee;

-
- (b) an EL2 employee;
 - (c) an EL1 employee.

7 Appointment of infringement officers

- (1) Under subsection 36(1) of the Act, each of the person or persons specified in subsection (3) (being the persons for the time being holding, acting or performing the duties of the respective offices or positions in the Treasury that are so specified) are appointed as authorised officers for the purposes of this Act.
- (2) Under subsection 36(3) of the Act, a delegate under subsection (1) is directed to exercise powers, as an authorised officer, having regard to all of the following:
 - (a) that the Commonwealth and the Regulator seek to apply best practice in performing regulatory functions under the Act and the Rules;
 - (b) that the Commonwealth and the Regulator behave as model litigants in the conduct of litigation and in performing regulatory functions under the Act and the Rules;
 - (c) any regulatory actions are taken in a manner consistent with:
 - (i) the APS Code of Conduct (within the meaning of the *Public Service Act 1999*);
 - (ii) the *Public Governance, Performance and Accountability Act 2013*;
 - (iii) any instruments made under the *Public Governance, Performance and Accountability Act 2013* as they apply to an official of the Treasury.

Note: For further information on the Commonwealth's obligation to act as a model litigant, see the *Legal Services Directions 2017*.

- (3) Each of the following persons, made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act, are specified where the duties of the person include regulatory compliance and enforcement:
 - (a) an SES employee;
 - (b) an EL2 employee.

Schedule 2—Other amendments

Payment Times Reporting (Treasury) Delegation 2021

1 Schedule 1

Repeal the Schedule, substitute:

Schedule 1—Delegations

Note: See section 5.

Item	Function or power	Description of the function or power	Delegates	Limitations	Directions
1	subsection 10B(1) of the Act	determining that an entity is a volunteering entity	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none
2	subsection 10D(3) of the Act	revoking a determination that an entity is a volunteering entity	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none
3	subsection 10E(1) of the Act	determining that an entity is a subsidiary reporting entity	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none
4	subsection 10G(1) of the Act	revoking a determination that an	(a) SES employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist	none

Item	Function or power	Description of the function or power	Delegates	Limitations	Directions
		entity is a subsidiary reporting entity	(b) EL2 employees	the Regulator in the performance of their functions or powers under the Act	
5	subsection 10K(1) of the Act	determining that an entity ceases to be a reporting entity	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none
6	subsection 10L(1) of the Act	determining that an entity is a reporting nominee for one or more other entities	(a) SES employee (b) EL2 employee	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none
7	subsection 10N(1) of the Act	revoking a determination that an entity is a reporting nominee for one or more other entities	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none
8	subsection 10P(1) of the Act	determining that an entity is an exempt entity	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none
9	subsection 10R(1) of the Act	revoking a determination that an entity is an exempt entity	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none
10	subsection 13A(4) of the Act	extension of time to give report—single	(a) SES employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist	none

Schedule 2 Other amendments

Item	Function or power	Description of the function or power	Delegates	Limitations	Directions
		extension of 28 days or less	(b) EL2 employees (c) EL1 employees	the Regulator in the performance of their functions or powers under the Act	
11	subsection 13B(4) of the Act	extension of time to give report—other extensions	(a) SES employees (b) EL2 employees (c) EL1 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none
12	subsection 17(1) of the Act	Payment Times Reports Register	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none
13	section 20 of the Act	decision to remove information contained in a payment times report from the register	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none
14	section 21 of the Act	decision to remove, or make unavailable, a payment times report for a volunteering entity that fails to comply with the Act	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none

Item	Function or power	Description of the function or power	Delegates	Limitations	Directions
15	subsection 22(1) of the Act	publication of information about failure to comply with Act	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none
16	subsections 27A(5) and (6)	require further information in relation to an application	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none
17	subsection 30(2) of the Act	compliance audits	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none
18	section 30A of the Act	compulsory information gathering	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none
19	section 40A of the Act	disclosing information to compliance auditors	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none
20	section 53 of the Act	reconsideration of reviewable decision	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if: (a) the delegate has been made available to the Regulator to assist the Regulator in the performance of their	none

Schedule 2 Other amendments

Item	Function or power	Description of the function or power	Delegates	Limitations	Directions
				functions or powers under the Act; and (b) the delegate was not involved in, or consulted in, the making of the reviewable decision; and (c) the delegate has the same, or a higher, classification as the original decision-maker	
21	section 21 of the Rules	information that may or must be published on the Register	(a) SES employees (b) EL2 employees	the delegate may only exercise the function or power if delegate has been made available to the Regulator to assist the Regulator in the performance of their functions or powers under the Act	none

Note: The description of the function or power in the table are to assist readers only. They are not intended to affect the interpretation nor limit the function or power referred to in the table.