



## Federal Safety Commissioner (Federal Safety Commissioner) Delegation 2024

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I, David Denney, Federal Safety Commissioner, make this instrument under s 40(1) of the *Federal Safety Commissioner Act 2022*.

Dated 30 August 2024

David Denney  
Federal Safety Commissioner

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## 1 Name

This instrument is the *Federal Safety Commissioner (Federal Safety Commissioner) Delegation 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. Sections 1 to 7	The date on which this instrument is signed.	
2. Schedule 1	4 September 2024	4 September 2024
3. Schedule 2	The date on which this instrument is signed.	

Note: This table relates only to the provisions of this instrument as originally made.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 subsection 40(1) of the *Federal Safety Commissioner Act 2022*.

## 4 Revocation

All prior delegations made under subsection 40(1) of the *Building and Construction Industry (Improving Productivity) Act 2016* are revoked.

## 5 Delegation of powers and functions under the *Federal Safety Commissioner Act 2022* and the *Federal Safety Commissioner (Accreditation Scheme) Rules 2023*

Subject to item 6, each power or function set out in column 1 of the tables in each of Schedule 1 and Schedule 2 is delegated to each person holding, occupying or performing the duties of a position set out in column 3 of the corresponding row, subject to any limitations on the exercise of that power or the performance of that function set out in column 4 of that row.

## 6 Delegations of powers and functions under the *Federal Safety Commissioner Act 2022* and the *Federal Safety Commissioner (Accreditation Scheme) Rules 2023* in relation to **MPG Constructions Canberra Pty Limited (ABN 89 614 877 726)**

In relation to any matter regarding the accreditation of MPG Constructions Canberra Pty Limited (ABN 89 614 877 726), all powers and functions under the *Federal Safety Commissioner Act 2022* and *Federal Safety Commissioner (Accreditation Scheme) Rules*

2023 are delegated to the person from time to time, holding, occupying or performing the duties of the office or position of Assistant Secretary, WHS Policy, Department of Employment and Workplace Relations.

#### **7 Changes to position name and severability**

- (1) If the name of an office or position in the Office of the Federal Safety Commissioner changes and that office or position continues performing the same functions and duties under the new name, then the delegations to that office or position under this instrument continue unaffected.
  - (2) If my purported delegation of a particular function or power under this instrument is invalid, for whatever reason, it is my intention that this does not affect the validity of any other delegation of function or power under this instrument.
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**Schedule 1 – Accreditation delegations under the *Federal Safety Commissioner Act 2022 (the Act)* and the *Federal Safety Commissioner (Accreditation Scheme) Rules 2023 (the Rules)***

Column 1 Provision	Column 2 Summary of Power or Function	Column 3 Person	Column 4 Limit or Conditions
Section 8(1) of the Rules – Accreditation by the Federal Safety Commissioner	To accredit a person under the accreditation scheme	To each person from time to time, holding, occupying or performing the duties of the office or position of: <ul style="list-style-type: none"> <li>• Director, Accreditation Operations, Office of the Federal Safety Commissioner;</li> <li>or</li> <li>• Director, Operational Policy and Compliance, Office of the Federal Safety Commissioner</li> </ul>	This is limited to the re-accreditation of an accredited person that the Federal Safety Commissioner has given a low-risk rating at the time the re-accreditation process commences
Section 8(1) of the Rules – Accreditation by the Federal Safety Commissioner	To accredit a person under the accreditation scheme without a pre-accreditation audit if the requirements in subsection 13(2) are met	To each person from time to time, holding, occupying or performing the duties of the office or position of: <ul style="list-style-type: none"> <li>• Director, Accreditation Operations, Office of the Federal Safety Commissioner;</li> <li>or</li> </ul>	This is limited to the accreditation of an unaccredited company on the basis of a pre-accreditation audit of an accredited person that the Federal Safety Commissioner has given a low-risk rating

Column 1 Provision	Column 2 Summary of Power or Function	Column 3 Person	Column 4 Limit or Conditions
		Director, Operational Policy and Compliance, Office of the Federal Safety Commissioner	

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**Schedule 2 – Other delegations under the *Federal Safety Commissioner Act 2022 (the Act)* and the *Federal Safety Commissioner (Accreditation Scheme) Rules 2023 (the Rules)***

Column 1 Provision	Column 2 Summary of Power or Function	Column 3 Person	Column 4 Limit or Conditions
Section 20 of the Rules – Variation of accreditation for change of name	To alter a person's accreditation to reflect a change in the legal name of the person	To each person from time to time, holding, occupying or performing the duties of the office or position of: <ul style="list-style-type: none"> <li>• Director, Accreditation Operations, Office of the Federal Safety Commissioner;</li> <li>or</li> <li>• Director, Operational Policy and Compliance, Office of the Federal Safety Commissioner</li> </ul>	Not applicable
Section 21 of the Rules – Cancellation of accreditation on request	To cancel a person's accreditation upon written request by the person	To each person from time to time, holding, occupying or performing the duties of the office or position of: <ul style="list-style-type: none"> <li>• Director, Accreditation Operations, Office of the Federal Safety Commissioner;</li> <li>or</li> </ul>	Not applicable

Column 1 Provision	Column 2 Summary of Power or Function	Column 3 Person	Column 4 Limit or Conditions
		<ul style="list-style-type: none"> <li>• Director, Operational Policy and Compliance, Office of the Federal Safety Commissioner</li> </ul>	
Section 23 of the Rules – Internal review of decisions	To review a reviewable decision (defined under section 22 of the Rules) when a person whose interests are affected by the reviewable decision makes a request for review under subsection 23(1) of the Rules.	<p>To each person from time to time, holding, occupying or performing the duties of the office or position of:</p> <ul style="list-style-type: none"> <li>• Assistant Secretary, Recovery and Litigation Branch in the Department of Employment and Workplace Relations.</li> </ul>	Not applicable