



Procedure

Managing delegations, authorisations and administrative approvals procedure

Version: 4.0 | **Version effective:** 25/01/2018

Audience

Department-wide

Purpose

This procedure outlines the process for maintaining and reviewing delegations, authorisations and administrative approvals for the department.

Overview

The Minister and Director-General have powers and functions to enable the administration of their portfolio and departmental responsibilities. It is not always practical for the Minister or Director-General to personally exercise all the administrative and decision making functions.

Some of these powers and functions are 'delegable', that is, may be assigned to appropriately experienced and qualified officers to undertake this work on their behalf, through:

- delegations
- authorisations; or
- administrative approvals (for Director-General powers).

It is important that all powers and functions are managed effectively and that decisions are validly made by a lawfully appointed delegate or authorised officer.

The assignment of a power or function by statutory delegation or authorisation enables officers to exercise responsibilities and make decisions on behalf of the Minister or Director-General (usually referred to in legislation as the 'Chief Executive').

The assignment of powers by administrative approval enables officers to undertake work, but this remains work performed by the Director-General and is subject to the Director-General's full control and direction.

All delegations and authorisations must be in writing, signed by the Minister, Director-General, or delegator (Instruments of Delegation or Instruments of Authorisation). It is good practice for all administrative approvals to be in writing and signed by the Director-General.

Officers with delegated powers (delegate) or authorised powers (authorised officer) act in their own legal capacity, as if they were the holder of the power under the Act or Regulation. Holders of administrative approvals do not act in their own legal capacity. All delegations, authorisations and administrative approvals remain valid when the person who gives the delegation or authorisation ceases to hold office.

Responsibilities

Minister

- May delegate and authorise the exercise of certain powers and functions conferred under legislation relevant to the department through Instruments of Delegation and Instruments of Authorisation.

Director-General

- May delegate and authorise the exercise of certain powers and functions conferred under legislation relevant to the department through Instruments of Delegation and Instruments of Authorisation.
- May approve administrative approvals for the efficient and proper management and functioning of the department.

Delegation coordinators (may also be delegation owners e.g. HR)

- Manage the delegations and authorisations for the department and maintain central registers.
- Maintain version control and publication of the appropriate version of delegations and authorisations.
- Draft new or revised Instruments of Delegation and Instruments of Authorisation and/or approval schedules if amendments are required following a review.
- Liaise with delegation owners to identify any additional stakeholders, and consult such stakeholders on proposed changes.
- Seek advice and endorsement from the Legal and Administrative Law Branch (LALB) for all changes to Instruments of Delegations and Instruments of Authorisations. To remove doubt, LALB review and endorsement is not required for changes to administrative approvals, as these are internal controls only.
- Seek approval from the Minister or Director-General on proposed amendments.
- Monitor review triggers (for example, machinery-of-government changes), and consult delegation owners about initiating relevant reviews.

Delegation owners

- Ensure that delegations and authorisations balance operational efficiency with sound risk management.
- Identify when new or revised delegations and authorisations are required for efficient management of operations.
- Ensure delegates have the necessary qualifications, experience or standing to perform the function or exercise the power.

- Ensure delegates and authorised officers are aware of their responsibilities to exercise powers and functions in accordance with:
 - relevant legislative provisions that specify the power or function being exercised
 - any relevant whole-of-government and departmental policies and procedures
 - any limitations that apply to the exercise of the power and functions under the delegation or authorisation
- Ensure any necessary training for delegates is undertaken.
- Ensure changes to delegations and authorisations are communicated appropriately.
- Enable delegations and authorisations in systems.
- Initiate and conduct reviews of delegations and authorisations in consultation with relevant delegation coordinator.

Operational area (coordinators and owners of administrative approvals)

- Manage and maintain administrative approvals in the same manner delegation coordinators and owners manage delegations and authorisations, but not required to seek LALB advice and endorsement.
- Must comply with the appropriate operational procedure/s as determined by the relevant operational area.

Legal and Administrative Law Branch

- Provide legal advice and endorsement on the suitability of proposed new and revised delegations and authorisations (for example, advice about whether a legislative power is able to be delegated and the nature and extent of any limitations that might be imposed).

Legislative Services Unit

- Provide advice to relevant delegation coordinator on proposed and new portfolio legislation for the purpose of considering whether delegations or authorisations need to be consequentially made or revised.

Process

Step 1: Review

A review can be conducted at any time by delegation owners (for delegations and authorisations) or the relevant operational area (for administrative approvals) in response to:

- changes to legislation or Government/departmental policy
- changes to departmental structure including machinery-of-government changes
- when the person who made the delegation, authorisation, or administrative approval ceases to hold office and a new person is appointed to that office
- changes to business requirements; or
- an annual review.

Changes to position titles will be progressed as necessary and will not need to go through the review process. The [Review Process - Flowchart](#) provides an overview of the review process.

Step 2: Assessment and analysis

Where amendments are proposed, the delegation owner (for delegations and authorisations) or the relevant operational area (for administrative approvals) will conduct an evidence based assessment to determine the extent to which the amendments are appropriate taking into consideration:

- what delegation, authorisation and/or administrative approval is needed to manage risk associated with business processes
- what thresholds will balance business needs with risk management
- the business impacts of any proposed changes and links to any applicable legislation or other delegation, authorisation and/or administrative approval
- an assessment of the perceived risk of providing or not providing the delegation, authorisation and/or administrative approval
- a volumetric assessment of current delegation, authorisation and/or administrative approval use to determine if the limit or assignment of the delegation, authorisation and/or administrative approval is appropriate
- consideration of how the delegation, authorisation and/or administrative approval is deployed in systems or forms and how these can be managed through internal controls.

Step 3: Approval and publishing

For delegations and authorisations

The delegation coordinators will:

- draft revised delegation or authorisation
- prepare submission for approval
- coordinate the approval process through the relevant Deputy Director-General to the Director-General or Minister
- publish the new or revised delegation or authorisation on the departmental website and OnePortal
- update central registers
- communicate the approved changes to the affected business units
- maintain associated record keeping practices.

The delegation owners will:

- deploy the delegation and authorisation in systems and forms where appropriate.

For administrative approvals

The relevant operational area will (in accordance with the appropriate operational procedure):

- coordinate the approval process through the Deputy Director-General to the Director-General
- publish the new or revised administrative approvals on the departmental website and OnePortal
- update central registers

- communicate the approved changes to the affected business units
- maintain associated record keeping practices
- deploy administrative approvals in systems and forms where appropriate.

Definitions

Term	Definition
Administrative approvals	<p>Administrative approvals means written mandates and obligations that organisations establish to support good governance and maintain operational efficiency.</p> <p>These are often referred to by work units as ‘delegations’ because they set requirements and grant authority to undertake day-to-day activities.</p> <p>For the purpose of this procedure, they are referred to as administrative approvals to distinguish them from statutory delegations and authorisations, as they have different requirements for approvals and review.</p>
Authorisation	<p>Authorisation means a statutory authorisation. A statutory authorisation operates in a similar way to statutory delegations. Legislation may expressly provide for the appointment of an ‘authorised officer’, or the authorisation of persons, to exercise specific statutory powers.</p>
Delegation	<p>Delegation means a statutory delegation. A statutory delegation is the assignment of a legislative power or function by the person occupying the position with the statutory authority, power or function, usually the Chief Executive or Minister, to a nominated position.</p>
Delegation coordinators	<p>Delegation coordinators means the unit responsible for drafting new or revised delegations and authorisations, and approval briefs, as well as the coordination of the approval processes. These units include:</p> <ul style="list-style-type: none"> • External Relations and Services – for delegations and authorisations (other than HR) • Workforce Relations – for Human Resource delegations and authorisations.
Delegation owners	<p>Delegation owners means the branch, unit or team within the department that has the primary responsibility for ensuring compliance with legislation to which the delegation or authorisation relates, in accordance with the <i>Legislative compliance procedure</i>.</p> <ul style="list-style-type: none"> • Human Resource delegations and authorisations - Workforce Relations.
Operational area	<p>Operational area means the area that is responsible for managing and maintaining administrative approvals in accordance with operational procedures. Financial Business Policy for financial and administrative approvals, or Procurement Services Branch for purchasing and procurement approvals.</p>

Term	Definition
Power	Power means doing an act or making a decision for the purpose of performing a function.

Legislation

- [Acts Interpretation Act 1954 \(Qld\)](#) s.27A
- [Public Service Act 2008 \(Qld\)](#) s.103
- [Financial Accountability Act 2009 \(Qld\)](#) s.76

Delegations/Authorisations

- Nil

Policies and procedures in this group

- Nil

Supporting information for this procedure

- [Review Process – Flowchart](#)

Other resources

- [Legislative compliance procedure](#)
- [Delegation and Authorisations Register](#) (other than HR delegations)
- [Delegations and authorisations relating to human resource matters](#) (DoE employees only)
- [Finance and procurement administrative approvals](#) (DoE employees only)

Contact

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Superseded versions

Previous seven years shown. Minor version updates not included.

2.0 Developing and Managing Legislative Delegations and Authorisations

3.0 Developing and Managing Legislative Delegations and Authorisations

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