

Department of Education

Legislative Delegations

**Delegation of
Director-General's Powers as
Accountable Officer**

under

Financial Accountability Act 2009

(Version 6 – June 2023)

NOTE: In accordance with the Managing delegations, authorisations and administrative approvals procedure, legislative delegations are centrally managed by Policy and Statutory Engagement. Policy and Statutory Engagement must be contacted for all proposed amendments to these delegations.

INSTRUMENT OF DELEGATION

Financial Accountability Act 2009

I, Michael De'Ath, Director-General of the Department of Education, under section 76 of the *Financial Accountability Act 2009*, DELEGATE those powers and functions conferred or imposed on me as accountable officer under the provisions of the *Financial Accountability Act 2009*, which are specified in **Column 1** of Schedule 1, subject to the limitations (if any) specified in **Column 3** of Schedule 1, to the persons who are from time to time the holders of each position specified in **Column 4** of Schedule 1.

All delegated officers are required by me, in the performance of their delegated powers and functions, to comply with any and all relevant provisions of the *Financial and Performance Management Standard 2019*.

This Instrument of Delegation is comprised of this page, and Schedule 1 comprising 16 pages. No other material forms part of the Instrument.

This Instrument of Delegation revokes and replaces any Instrument of Delegation previously issued with respect to the powers and functions of the Director-General under the *Financial Accountability Act 2009*.



MICHAEL DE'ATH
DIRECTOR-GENERAL
DEPARTMENT OF EDUCATION

DATED AT BRISBANE THIS 30 day of July, 2023.

**SCHEDULE 1 – Table of Delegated Powers of Director-General as
Accountable Officer
*Financial Accountability Act 2009***

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Financial Accountability Act 2009</i>			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
		All delegated officers are required, in the performance of their delegated powers, functions, authorities and duties to comply with any and all relevant provisions of the <i>Financial and Performance Management Standard 2019</i> .	
Part 3 – Consolidated fund and Treasurer’s responsibilities			
Division 2 – Consolidated fund reporting			
s.26(4)	<p>Information for preparing consolidated whole-of-government financial statements</p> <p>(1) The Treasurer may exercise a power under this section only if the Treasurer considers it is necessary to do—</p> <p style="padding-left: 20px;">(a) for preparing the consolidated whole-of-government financial statements for a financial year; or</p> <p style="padding-left: 20px;">(b) for whole-of-government budgeting or monitoring purposes.</p> <p>(2) The Treasurer may, by notice given to the accountable officer of a department or to a statutory body, ask the officer or body to give information to the Treasurer.</p> <p>(3) The notice must state the following—</p> <p style="padding-left: 20px;">(a) particulars of the information that must be given;</p> <p style="padding-left: 20px;">(b) the date by which the information must be given.</p> <p>(4) The accountable officer or statutory body must comply with the notice.</p>		<ul style="list-style-type: none"> • Assistant Director-General, Finance, Procurement and Facilities and Chief Finance Officer
Division 3 – Appropriations			
s.37(2)	<p>Entries by Treasurer on repayment of incorrectly paid amounts</p> <p>(1) This section applies to an amount, or part of an amount (the <i>incorrectly paid amount</i>)—</p>		<ul style="list-style-type: none"> • Assistant Director-General, Finance, Procurement and Facilities and Chief Finance Officer

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Financial Accountability Act 2009</i>			
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	<p>(a) that was paid to a department by the Treasurer from the consolidated fund in error or by overpayment; or</p> <p>(b) that was—</p> <p>(i) paid to a department by the Treasurer from the consolidated fund in error or by overpayment for a non-departmental service to be delivered by a statutory body; and</p> <p>(ii) repaid by the statutory body to the department for payment to the Treasurer.</p> <p>(2) The accountable officer of the department must pay the Treasurer the incorrectly paid amount.</p> <p>(3) On payment of the incorrectly paid amount to the Treasurer in the same financial year in which it was paid to the department, or within the further 2 weeks, the Treasurer must—</p> <p>(a) credit the amount to the vote of the department for the financial year; and</p> <p>(b) allocate the amount to the appropriate heading or headings of the department in the Treasurer’s consolidated fund operating account for the year.</p> <p>(4) On payment of the incorrectly paid amount to the Treasurer after the further 2 weeks of the financial year in which it was paid to the department, the Treasurer must enter the amount as a receipt in the Treasurer’s consolidated fund operating account for the next financial year.</p> <p>(5) On receipt of the incorrectly paid amount, the Treasurer must pay it into the consolidated fund bank account.</p>		
Division 4 – Approvals by Treasurer			
s.41(1)	<p>Application for Treasurer’s specific approval</p> <p>(1) A department or statutory body may apply to the Treasurer for approval of the exercise of a power under this Act (a <i>Treasurer’s specific approval</i>).</p>	<p>s.38 In this division— <i>department</i> includes the accountable officer of the department.</p> <p>s.39(1) This division applies if a power under this Act may</p>	<ul style="list-style-type: none"> Assistant Director-General, Finance, Procurement and Facilities and Chief Finance Officer

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Financial Accountability Act 2009</i>			
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	<p>(2) The application—</p> <p>(a) must be in writing; and</p> <p>(b) may relate to the exercise of the power generally or in relation to a particular matter.</p> <p>(3) If the Treasurer considers the approval should be given as a Treasurer’s general approval, the Treasurer may deal with the application by giving an approval under section 40 that applies to the applicant.</p>	<p>be exercised by a department under a Treasurer’s approval.</p> <p>s.39(2) The department may exercise the power only if—</p> <p>(a) an approval under section 40 applies to the department; or</p> <p>(b) the exercise of the power is the subject of an approval under section 43.</p>	
s.44(1)	<p>Amendment or repeal of Treasurer’s specific approval</p> <p>(1) A department or statutory body may apply to the Treasurer for amendment or repeal of a Treasurer’s specific approval.</p> <p>(2) The application—</p> <p>(a) must be in writing; and</p> <p>(b) state the reasons for the amendment or repeal.</p> <p>(3) Sections 41(3), 42 and 43 apply to the application as if it were an application for a Treasurer’s specific approval.</p> <p>(4) The Treasurer may amend or repeal a Treasurer’s specific approval even if the department or statutory body does not apply for the amendment or repeal.</p> <p>(5) The amendment or repeal of a Treasurer’s specific approval does not affect its previous operation.</p>		
s.45(2)	<p>Register of specific approvals</p> <p>(1) The treasury department must keep a register of all Treasurer’s specific approvals granted.</p> <p>(2) Each department and statutory body granted a Treasurer’s specific approval must keep a register of the approvals.</p>		
Division 7 – Borrowings			
s.56(4)	Liability of department for borrowing fee		<ul style="list-style-type: none"> Assistant Director-General, Finance, Procurement and

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Financial Accountability Act 2009</i>			
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	<p>(1) This section applies if the Treasurer borrows amounts for the State and considers all or part of the amounts borrowed have been used by a department.</p> <p>(2) The Treasurer may, by notice given to the accountable officer of the department, declare the department liable for an amount (the <i>borrowing fee</i>).</p> <p>(3) The notice must state—</p> <p>(a) the amount of the borrowings the Treasurer considers have been used by the department; and</p> <p>(b) the borrowing fee for which the department is liable; and</p> <p>(c) the date by which the borrowing fee is to be paid to the Treasurer.</p> <p>(4) An accountable officer given a notice under subsection (2) must comply with the notice.</p>		Facilities and Chief Finance Officer
Part 4 – Provisions applying to departments and statutory bodies			
s.62(1)	<p>Annual financial statements</p> <p>(1) Accountable officers and statutory bodies must, in the way and within the time stated in a financial and performance management standard—</p> <p>(a) prepare annual financial statements for the department or statutory body in accordance with the prescribed requirements; and</p> <p>(b) certify on the statements whether the statements comply in all material respects with the prescribed requirements in relation to the establishment and keeping of accounts; and</p> <p>(c) have the statements audited as required under the <i>Auditor-General Act 2009</i>; and</p> <p>(d) include the statements in the annual report of the department or statutory body.</p> <p>(2) In this section— <i>annual financial statements</i> includes final financial statements.</p>		<ul style="list-style-type: none"> Assistant Director-General, Finance, Procurement and Facilities and Chief Finance Officer

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Financial Accountability Act 2009</i>			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<p><i>department</i> includes an abolished department.</p> <p><i>final financial statements</i>, for an abolished department or an abolished statutory body, means the financial statements for the final period for the department or statutory body.</p> <p><i>final period</i>, for an abolished department or an abolished statutory body, means the period stated for the department or statutory body in a financial and performance management standard.</p> <p><i>statutory body</i> includes an abolished statutory body.</p>		
s.63(1)	<p>Annual reports</p> <p>(1) Accountable officers and statutory bodies must, in the way and within the time stated in a financial and performance management standard—</p> <p>(a) prepare an annual report; and</p> <p>(b) give the report to the appropriate Minister.</p> <p>Note – See the <i>Human Rights Act 2019</i>, section 97, for particular information relating to human rights that must be included in an annual report.</p> <p>(2) The Minister must table the annual report in the Legislative Assembly within the time stated in the financial and performance management standard.</p> <p>(3) In this section—</p> <p><i>annual report</i> includes a final report.</p> <p><i>department</i> includes an abolished department.</p> <p><i>final period</i>, for an abolished department or an abolished statutory body, means the period stated for the department or statutory body in a financial and performance management standard.</p> <p><i>final report</i>, for an abolished department or an abolished statutory body, means a report about the operations of the department or statutory body for the final period for the department or statutory body</p>		

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Financial Accountability Act 2009</i>			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
	<i>statutory body</i> includes an abolished statutory body.		
Part 5 – Provisions applying only to departments			
Division 2 – Accountable officer responsibilities			
s.68(1)	<p>Departmental budgets</p> <p>(1) The accountable officer of a department must—</p> <p>(a) prepare a budget for the department for each financial year (an <i>annual departmental budget</i>); and</p> <p>(b) give the annual departmental budget to the appropriate Minister.</p> <p>(2) The appropriate Minister must table the annual departmental budget in the Legislative Assembly at the same time as the budget for the State for that financial year is tabled.</p>		<ul style="list-style-type: none"> Assistant Director-General, Finance, Procurement and Facilities and Chief Finance Officer
s.69(1)	<p>Departmental accounts</p> <p>(1) The accountable officer of a department must establish, in accordance with the prescribed requirements, the accounts (the <i>departmental accounts</i>) necessary—</p> <p>(a) to account, under a financial and performance management standard, for public moneys, public property, non-public moneys, other property and other resources administered or controlled by the department; and</p> <p>(b) to produce—</p> <p>(i) the financial statements required to be produced by this Act; and</p> <p>(ii) other financial statements or information required to be produced by the prescribed requirements or the Treasurer.</p> <p>(2) The accounts, other than the consolidated fund account, established by the under-Treasurer for preparing the consolidated whole-of-government financial statement for a financial year are departmental accounts of the treasury department.</p>		

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Financial Accountability Act 2009</i>			
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s.70(4)	<p>Payment of tax equivalents and dividends</p> <p>(1) This section applies if the accountable officer of a department has entered into an arrangement with the Treasurer about a business unit within the department and, under the arrangement, the accountable officer must pay—</p> <p>(a) an amount decided by applying the tax equivalents manual to the business unit (the <i>tax equivalent</i>); or</p> <p>(b) an amount decided under the arrangement as a dividend (the <i>dividend</i>).</p> <p>(2) If the accountable officer has not paid the tax equivalent or dividend under the arrangement, and within the time stated in the arrangement, the Treasurer may, by notice given to the accountable officer, require the officer to pay the Treasurer the tax equivalent or dividend.</p> <p>(3) The notice must state—</p> <p>(a) the amount of the tax equivalent or dividend; and</p> <p>(b) when the tax equivalent or dividend must be paid to the Treasurer.</p> <p>(4) The accountable officer must comply with the notice.</p> <p>(5) This section does not apply to the official secretary, the Clerk of the Parliament or an accountable officer prescribed, in a regulation made under section 65(4), for an entity mentioned in the regulation.</p> <p>(6) In this section—</p> <p><i>tax equivalents manual</i> means the tax equivalents manual issued by the Treasurer under the <i>Government Owned Corporations Act 1993</i>, section 129.</p>		
s.71	<p>Borrowings by accountable officers</p> <p>The accountable officer of a department may, under a Treasurer’s approval, borrow amounts for the State.</p>		

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Financial Accountability Act 2009</i>			
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s.72(1)(a)	<p>Losses and special payments</p> <p>(1) The accountable officer of a department may—</p> <p>(a) write off losses relating to the departmental accounts of the department; and</p> <p>(b) authorise special payments to be made from the departmental accounts.</p> <p>(2) A special payment may be made to an accountable officer only with the approval of the Governor in Council.</p>	<p>Power to write off public monies, inventory and assets</p> <p>Only the accountable officer may write off administered debts, and only individual debts up to \$25,000.</p> <p>Delegates may only exercise the power in relation to controlled debts, inventory and assets, and only for an amount per transaction that does not exceed the amount in this column.</p>	
		\$200,000	<ul style="list-style-type: none"> • Associate Director-General, Early Childhood and State Schools • Deputy Director-General • Assistant Director-General, Finance, Procurement and Facilities and Chief Finance Officer • Work Health and Safety Prosecutor
		\$100,000	<ul style="list-style-type: none"> • Assistant Director-General (other than ADG Finance, Procurement and Facilities and Chief Finance Officer) • Regional Director (Education)
		\$50,000	<ul style="list-style-type: none"> • Executive Director • Senior Principal, Reviews • Senior Principal, Capability

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Financial Accountability Act 2009</i>			
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Reference	Nature of Power	Observations / Limitations	Delegate
		\$15,000 (also limited by balance of school/centre bank account)	<ul style="list-style-type: none"> Principal Director, Sports Super Centre: Runaway Bay Sport and Leadership Excellence Centre / GCPC
		\$15,000 (for debts referred to the Overpayment Review Committee only)	<ul style="list-style-type: none"> Senior Director Director Assistant Director Regional Director (Office of Industrial Relations) School Supervisor Industrial Registrar Senior Officers (SOs) Director of Operations, Sports Super Centre: Runaway Bay Sport and Leadership Excellence Centre / GCPC
		\$5,000 (for debts referred to the Overpayment Review Committee only)	<ul style="list-style-type: none"> AO8 officers NU8 officers PO6 officers HP6 officers Manager, Queensland School Sport School Sport Officers (Regional/Queensland) Manager – Finance, Sports Super Centre: Runaway Bay Sport and Leadership Excellence Centre / GCPC
		<p>Power to write off salary and wage overpayments</p> <p>The delegate may only exercise the power in relation to an amount per transaction that does not exceed the amount in this column.</p>	

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Financial Accountability Act 2009</i>			
Column 1	Column 2	Column 3	Column 4
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		\$200,000	<ul style="list-style-type: none"> • Associate Director-General, Early Childhood and State Schools • Deputy Director-General • Assistant Director-General, Finance, Procurement and Facilities and Chief Finance Officer • Work Health and Safety Prosecutor
		\$100,000	<ul style="list-style-type: none"> • Assistant Director-General (other than ADG Finance, Procurement and Facilities and Chief Finance Officer) • Regional Director (Education)
		\$50,000	<ul style="list-style-type: none"> • Executive Director • Senior Principal, Reviews • Senior Principal, Capability
		\$15,000 (also limited by balance of school/centre bank account)	<ul style="list-style-type: none"> • Principal • Director, Sports Super Centre: Runaway Bay Sport and Leadership Excellence Centre / GCPC
		\$15,000 (for debts referred to the Overpayment Review Committee only)	<ul style="list-style-type: none"> • Senior Director • Director • Assistant Director • Regional Director (Office of Industrial Relations) • School Supervisor • Industrial Registrar • Senior Officers (SOs) • Director of Operations, Sports Super Centre: Runaway Bay Sport and Leadership Excellence Centre /

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			GCPC
		\$5,000 (for debts referred to the Overpayment Review Committee only)	<ul style="list-style-type: none"> • A08 officers • NU8 officers • PO6 officers • HP6 officers • Manager, Queensland School Sport • School Sport Officers (Regional/Queensland) • Manager – Finance, Sports Super Centre: Runaway Bay Sport and Leadership Excellence Centre / GCPC
s.72(1)(b)	<p>Losses and special payments</p> <p>(1) The accountable officer of a department may—</p> <p>(a) write off losses relating to the departmental accounts of the department; and</p> <p>(b) authorise special payments to be made from the departmental accounts.</p> <p>(2) A special payment may be made to an accountable officer only with the approval of the Governor in Council.</p>	<p>Power to authorise special payments</p> <p>The delegate may only exercise the power in relation to an amount per transaction that does not exceed the amount in this column.</p>	
		\$150,000	<ul style="list-style-type: none"> • Associate Director-General, Early Childhood and State Schools • Deputy Director-General • Assistant Director-General, Finance, Procurement and Facilities and Chief Finance Officer • Work Health and Safety Prosecutor
		\$50,000	<ul style="list-style-type: none"> • Assistant Director-General (other than ADG Finance, Procurement and Facilities and Chief Finance Officer) • Regional Director (Education) • Executive Director • Senior Principal, Reviews

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Financial Accountability Act 2009</i>			
Column 1	Column 2	Column 3	Column 4
Reference	Nature of Power	Observations / Limitations	Delegate
			<ul style="list-style-type: none"> Senior Principal, Capability
		\$1,000 (also limited by balance of school/centre bank account)	<ul style="list-style-type: none"> Principal Director, Sports Super Centre: Runaway Bay Sport and Leadership Excellence Centre / GCPC
Division 3 - Delegations			
s.77(1)(b)(i) - (vi)	<p>Chief finance officer</p> <p>(1) Each accountable officer must—</p> <p>(a) nominate either of the following to be the person responsible for the financial administration of the department (the <i>chief finance officer</i>)—</p> <p>(i) an appropriately qualified employee of the accountable officer’s department;</p> <p>(ii) with the approval of the Treasurer—an appropriately qualified public service employee or other employee of the State; and</p> <p>(b) delegate to the chief finance officer the following responsibilities for the department (the <i>minimum responsibilities</i>)—</p> <p>(i) financial resource management including the establishment, maintenance and review of financial internal controls;</p> <p>(ii) budget management;</p> <p>(iii) preparation of financial information including annual financial statements to facilitate the discharge of the department’s statutory reporting obligations;</p> <p>(iv) provision of advice on the effectiveness of accounting and financial management information systems and financial controls in meeting the department’s requirements;</p> <p>(v) provision of advice concerning the financial implications of, and financial risks to, the department’s current and projected services;</p> <p>(vi) development of strategic</p>		<ul style="list-style-type: none"> Assistant Director-General, Finance, Procurement and Facilities and Chief Finance Officer

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Column 1	Column 2	Column 3	Column 4
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	<p>options for the department’s future financial management and capability.</p> <p>(2) For each financial year, the chief finance officer must give the accountable officer—</p> <p>(a) the annual financial statements mentioned in subsection (1)(b)(iii); and</p> <p>(b) a statement about whether the financial internal controls of the department are operating efficiently, effectively and economically.</p> <p>(3) The statement must be given to the accountable officer in the way, and at the time, stated in a financial and performance management standard.</p> <p>(4) A regulation may prescribe the qualifications, experience or standing appropriate for a chief finance officer.</p> <p>(5) In this section—</p> <p><i>appropriately qualified</i>, for an employee nominated under subsection (1), means having the qualifications, experience or standing prescribed under a regulation, if any, and otherwise having the qualifications, experience or standing appropriate for carrying out the responsibilities of the chief finance officer.</p> <p><i>Example of standing for an employee—</i> the employee’s classification or level in a department or agency</p>		
s.78(1)(b)(i) and (ii)	<p>Head of internal audit</p> <p>(1) Each accountable officer must—</p> <p>(a) nominate either of the following to be the person responsible for the internal audit activities of the department (the <i>head of internal audit</i>)—</p> <p>(i) an appropriately qualified employee of the accountable officer’s department;</p> <p>(ii) with the approval of the Treasurer—an appropriately qualified person; and</p>		<ul style="list-style-type: none"> Head of Internal Audit

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	<p>(b) delegate to the head of internal audit the following responsibilities for the department (the <i>minimum responsibilities</i>)—</p> <p>(i) provision of assessment and evaluation of the effectiveness and efficiency of departmental financial and operation systems, reporting processes and activities;</p> <p>(ii) provision of assistance in risk management and identifying deficiencies in risk management.</p> <p>(2) A regulation may prescribe the qualifications, experience or standing appropriate for a head of internal audit.</p> <p>(3) In this section—</p> <p><i>appropriately qualified</i>, for a person nominated under subsection (1), means having the qualifications, experience or standing prescribed under a regulation, if any, and otherwise having the qualifications, experience or standing appropriate for carrying out the responsibilities of head of internal audit.</p> <p><i>Examples of standing for a person—</i></p> <ul style="list-style-type: none"> • a departmental employee’s classification or level in a department or agency • a person’s level of seniority within an organisation. 		
Division 5 – Accounts with financial institutions			

Schedule 1 – Table of Director-General’s Delegated Powers – <i>Financial Accountability Act 2009</i>			
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s.83(1), (2) and (3)	<p>Departmental banking arrangements</p> <p>This includes:</p> <p>(1) Each accountable officer must establish the accounts necessary for the operations of the officer’s department (the <i>departmental financial institution accounts</i>) and conduct the department’s banking arrangements—</p> <p>(a) for overseas operations—with the banking institution approved by the Treasurer; and</p> <p>(b) otherwise—with the financial institutions approved by the Treasurer.</p> <p>(2) Each accountable officer must pay all public moneys and non-public moneys received by the accountable officer to the credit of a departmental financial institution account of the officer’s department.</p> <p>(3) Each accountable officer must, for the period and at the time decided by the Treasurer, pay to the Treasurer the amount of the administered receipts received by the department during the period.</p> <p>(4) Subsection (1) does not apply to the extent the accounts are necessary under section 83A(2).</p> <p>(5) Subsections (2) and (3) do not apply in relation to contributions made under an Act to a special purpose account.</p> <p>(6) Also, subsection (3) does not apply to an amount received from the Treasurer or an administered receipt received for another department.</p> <p>(7) An amount of public moneys may be paid from a departmental financial institution account only under subsection (3) or the prescribed requirements.</p> <p>(8) An amount of non-public moneys may be paid from a departmental financial institution account only—</p> <p>(a) under the prescribed requirements; or</p>	Accounts for departmental banking arrangements, including school bank accounts	<ul style="list-style-type: none"> • Assistant Director-General, Finance, Procurement and Facilities and Chief Finance Officer • Executive Director – within Finance, Procurement and Facilities • Director – within Finance, Procurement and Facilities • Manager – within Finance, Procurement and Facilities

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	(b) under an agreement, arrangement, contract, court order, law or transaction under which the non-public moneys are received or become payable.		