

Delegation of authority

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As a senior executive, you will make many decisions that affect and influence individuals and organisations. Those decisions may affect the public and how services are provided.

It is important that you understand the legal and administrative framework in which decisions are made, including the source of power for any decisions you make. In most cases, the power will come from an Act of Parliament, a subordinate law, such as a Regulation, or a legal instrument under an Act or subordinate law, such as an instrument of delegation.

There are significant consequences for yourself and your agency if you act outside of these sources of power.

As a senior executive, you will likely have delegated authority to make decisions. The proper delegation of authority plays an important role in ensuring that an agency and its employees act in accordance with the law.

Delegates responsibilities

You need to know:

- what your delegations are
- the limits of your delegations
- where to locate your agency's delegation policy and procedures
- how to access your agency's delegation matrix.

As a senior executive, you are responsible for:

- communicating the existence and effect of any instrument of delegation or authorisation, in particular to those in roles with delegated authority, including in relation to employees' financial delegations

- monitoring the exercise of delegated authority to ensure it is appropriate, and taking remedial action where it is not
- regularly reviewing instruments of delegation or authorisation to ensure their currency, and advising relevant employees of any changes to them
- satisfying yourself that employees with delegated authority have the appropriate information, skills and training to exercise it
- taking remedial action where an employee is not exercising their delegated authority appropriately. This may include action under **Section 69 of the Government Sector Employment Act**, which relates to misconduct.

Delegated functions

There are functions common to many agencies that may rely on the exercise of delegated authority.

Commonly delegated functions include those related to:

- human resources, such as approving recruitment, assignment and secondments, leave, increments, allowances, initial and ongoing employment
- financial, such as agreeing to consultancies and contracts, approving travel and credit card use
- general administration, such as records management and communications
- information technology, such as approving access to technology, and finance and human resources systems
- Government Employee Numbers, such as approving roles requiring access to limited information
- the Government Information (Public Access) Act, such as approving access to information.

Your agency may administer specific pieces of legislation that may rely on the exercise of delegated authority. These include regulatory functions and those involving the provision of services to the community.

Laws underpinning delegations of authority

Instruments of delegation or authorisation commonly deal with functions under these Acts and Awards.

Government Sector Employment Act 2013

Government Sector Finance Act 2018

Public Works and Procurement Act 1912

Government Information (Public Access) Act 2009

Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009

