

Corporate Delegations

Department of Health Guideline

QH-GDL-071-1-2:2023

1. Statement

The Department of Health (the Department) Corporate Delegations Framework for delegating authority ensures the most appropriate individuals can act autonomously to make decisions on behalf of the Director-General, Queensland Health or the Minister for Health, Mental Health and Ambulance Services and Minister for Women (the Minister) within the scope of their roles and responsibilities.

This Guideline supports the Corporate Delegations Policy and Standard and provides general guidance on nominating and managing the specified corporate delegations. The appropriate assigning and exercising of corporate delegations are an integral component of the department's internal controls.

2. Scope

This guideline applies to all employees, contractors and consultants within the department's divisions, including the Queensland Ambulance Service (QAS).

This guideline applies to the Mental Health Review Tribunal (MHRT) for delegations relevant to the MHRT made under the *Financial Accountability Act 2009*.

Compliance with this guideline is not mandatory, however sound and documented reasoning must exist for departing from the recommended principles and practices within this guideline.

This guideline covers the following corporate delegations issued by the Department:

- Expenditure including restricted transactions¹
- Corporate card
- Human Resources²
- Right to Information (RTI) and Information Privacy (IP)²
- Real Property
- Public Records
- Other corporate delegations determined on an as needs basis.

¹ QAS maintains separate financial, procurement and contract signing delegations.

² The MHRT maintains its own delegations relating to Human Resources, RTI and IP.

This guideline excludes any clinical related delegations (e.g. Scope of Practice, *Public Health Act 2005* delegations etc.).

3. Requirements

3.1. Business needs assessment

3.1.1. The requirements of the business in conjunction with the established Departmental frameworks and guidance will determine if a delegation is required.

3.1.2. When assessing which positions may require a delegation, consider if:

- Appropriate accountability is established and maintained
- Staff are empowered to act while ensuring effective and efficient use of resources
- There is an appropriate mix and profile of positions with the required delegations within business areas
- The functions to be performed by each individual position require a delegation.

3.2. Rules for executives/senior management to consider when assigning delegations

3.2.1. Delegations are assigned to departmental positions (permanent or temporary), not individuals, committees, contractors or consultants.

3.2.2. The Instrument of Delegation will identify if a change in position title impacts on the currency of a delegation, or if a delegation may be sub-delegated. Generally, delegations cannot be sub-delegated.

3.2.3. Consideration shall be given to ensure the delegate has the appropriate qualifications, experience or standing to exercise the delegation or, where required, the delegate shall be given the opportunity to build those skills prior to accepting the delegation.

3.2.4. Delegations are generally assigned following a tiered/cascading approach considering business rules and the structure of the organisation (i.e. a supervisor has a higher delegation limit than the subordinate role).

3.2.5. In assigning delegations to a position, use principles of reasonableness and risk management to consider if the officer is at the appropriate level to hold the delegation.

3.2.6. A position title/classification does not automatically indicate a position will be assigned a delegation and all delegations should be supported by a business need.

3.2.7. Departures from the rules for assigning delegations are to be endorsed by a Deputy Director-General (DDG), or equivalent, after considering the

justification for departure - for example, a need for a position to have a higher delegation than the position they report to.

3.3. Review of delegations

- 3.3.1. Corporate delegations shall be reviewed annually or after significant organisational change. The exception is expenditure delegations which are reviewed bi-annually.
- 3.3.2. In consultation with business rule owners, reviews of corporate delegations are usually undertaken at the beginning of the financial year and should, where possible, be undertaken together (i.e. the joining of an expenditure, Schedule of Procurement Approvers and Human Resources update).
- 3.3.3. At the commencement of a review, Delegation Key Contacts will be requested to coordinate changes on behalf of their area.
- 3.3.4. Delegation reviews shall also consider if the delegation manual clearly identifies the scope of the authority, function or power delegated, to who, when, the legal origin, and any conditions on the delegation.
- 3.3.5. A flowchart of the review process is provided at Appendix 1.

3.4. Endorsement and approval

- 3.4.1. Corporate delegations, including any exceptions to a cascading approach or banding guidelines, must be endorsed by DDGs, or equivalents.
- 3.4.2. GAIM is responsible for reviewing any proposed amendments to delegations and their frameworks, including new and rescinded delegations, to ensure they are consistent with the Corporate Delegation Policy and Standard.
- 3.4.3. Once endorsed by DDGs, or equivalents, GAIM shall submit a briefing note for approval to the Director-General or the Minister (as stipulated by the authorising legislation).

3.5. Notification and publication

- 3.5.1. Approved delegations shall be published on the Queensland Health Electronic Publishing Site (QHEPS) by GAIM.
- 3.5.2. DDGs, or equivalents, shall be notified via memorandum once the publication is effective.
- 3.5.3. Executives/senior management shall ensure delegations are accessible (available and understandable) to those required to perform delegated functions or are impacted by these delegated functions.
- 3.5.4. Executives/senior management shall ensure information on delegations, including updates, is included in local orientation and induction processes and training, where necessary, is completed before using delegations.

3.6. Ad hoc delegation requests

- 3.6.1. Corporate delegations can only be updated outside of a standard review cycle through GAIM with the written request of a DDG, or equivalent, accompanied by the case supporting need for an ad hoc request.
- 3.6.2. Such requests shall be briefed, as relevant, to the Director-General or the Minister by GAIM.

3.7. Delegations monitoring

- 3.7.1. Review of appropriate use of delegations should be undertaken regularly to identify potential breaches in exercising corporate delegations.
- 3.7.2. Executives/Senior Management shall put in place processes to maintain oversight of delegations being exercised within their area of responsibility, such as regular review of the appropriate exercise of delegations in line with relevant business rules.
- 3.7.3. It is the responsibility of each delegation business rules owner to establish and monitor reporting processes to capture variations to expected business activity and/or potential breaches (potential breach reports) and circulate these to the Delegation Key Contacts for actioning.
- 3.7.4. Reporting processes may consider whether a delegate has not exercised their delegation appropriately, if an officer who does not have a delegation has exercised a delegation or instances where a separation of duties has not been exercised.
- 3.7.5. It is the responsibility of each business unit to review the contents of potential breach reports for their area of responsibility and take the necessary action to ensure all activities identified have been appropriately authorised in accordance with the delegation business rules owner processes. Any action or review should be documented locally.
- 3.7.6. Inappropriate activity once identified should be managed in accordance with organisational policy (e.g., *Public Sector Act 2022*), referred to the Ethical Standards Unit, and where required reported to the DDG or nominated officer for consideration in determining appropriate remedial action. The *Guide to fraud and corruption control* and the Financial Management Practice Manual also provide further advice on actioning suspected misconduct.
- 3.7.7. Actions not considered suspected misconduct are to be actioned in accordance with local business rules and processes for managing employee performance, and any relevant human resources policies.

3.8. Responsibilities

Position	Responsibility
Minister for Health, Mental Health and Ambulance Services and Minister for Women; Director-General or other delegator	Delegate specific responsibilities via an Instrument of Delegation. Set the risk appetite for delegation thresholds and accountability.
Deputy Directors-General/ equivalents	Endorse positions assigned delegations. Nominate a Delegation Key Contact for the division. Endorse any exceptions to a cascading approach or banding guidelines. Approve the request for an ad-hoc update.
Executives/senior management	Consider the rules for assigning delegations when requesting new/changes to delegations. Ensure staff holding delegations: <ul style="list-style-type: none"> Understand the powers, limitations and responsibilities of their delegation Receive training at a level sufficient to enable them to carry out their responsibilities, including completing relevant training prior to using delegations Possess the skills and knowledge to effectively exercise delegations. Ensure acting arrangements are actioned within human resources practices to provide evidence of the period for which an officer occupies a position. Maintain oversight of delegations being exercised within their area of responsibility.
Executive Director, Governance, Assurance and Information Management Branch, Corporate Services Division	Ensure Expenditure Delegation Framework and related policy, standards and guidelines are maintained to ensure officers have appropriate authority to conduct their activities.
Delegation Key Contact	Coordinate delegation reviews for assessment and assignment. Coordinate and respond to review of potential breach reporting. Ensure local documentation exists for monitoring and reporting on use of delegations. Maintain register of Delegation Acknowledgment Forms from new/current delegates.
Governance, Assurance and Information Management	Coordinate updates and briefings for approvals of all corporate delegations on behalf of the department.

Position	Responsibility
Branch, Corporate Services Division	<p>Provide a central point of coordination for corporate delegations.</p> <p>Coordinate expenditure delegation exceptions reporting.</p> <p>Maintain the Expenditure Delegations Framework.</p> <p>Ensure regular review of the Corporate Delegations Framework.</p>
Legal Branch	<p>Provide advice regarding drafting appropriate instruments of delegation and interpretation of authorising legislation.</p>
Delegates	<p>Understand their responsibilities before exercising delegations.</p> <p>Acknowledge receipt/amendment/removal of delegation (for permanent and temporary arrangements).</p> <p>Attend delegations training as required and complete and submit Delegation Acknowledgment Form where required.</p> <p>Must complete relevant training, where required, prior to exercising of delegations as necessary.</p> <p>Exercise delegations in accordance with defined business rules of that delegation.</p>

Delegation business rules owners

Health Capital Division	<p>Maintain business rules for use of real property delegations.</p> <p>Primary contact for advice on the exercise of real property delegations.</p> <p>Ensure regular review of the real property delegation framework in consultation with GAIM.</p>
Corporate Information Management Unit, Governance, Assurance and Information Management Branch, Corporate Services Division	<p>Maintain a list of approved positions and conditions for public records delegations.</p> <p>Maintain business rules resources that support delegates in undertaking delegated responsibilities.</p> <p>Primary contact for advice on the exercise of public records delegations.</p> <p>Ensure regular review of the public records delegation framework in consultation with GAIM.</p>
Finance Branch, Corporate Services Division	<p>Maintain business rules for the use of financial and corporate card delegations.</p> <p>Primary contact for advice on the exercise of financial and corporate card delegations.</p> <p>Report and monitor corporate card transactions and exceptions.</p>

Delegation business rules owners

Human Resources Branch, Corporate Services Division	Maintain a list of human resource delegations and exceptions as approved by Director-General Maintain business rules for use of human resources delegations. Primary contact for advice on the exercise of human resources delegations. Undertake routine human resources delegations reporting and monitoring. Ensure regular review of the human resources delegation framework in consultation with GAIM.
Privacy and Right to Information Unit, Governance, Assurance and Information Management Branch, Corporate Services Division	Maintain a list of approved positions and exceptions for RTI and IP delegations. Maintain business rules for use of RTI and IP delegations. Primary contact for advice on the exercise of RTI and IP delegations. Ensure regular review of the RTI and IP delegation framework in consultation with GAIM.

4. Legislation

- *Acts Interpretation Act 1954 (Qld)*
- *Ambulance Service Act 1991 (Qld)*
- *Constitution of Queensland 2001*
- *Crime and Corruption Act 2001 (Qld)*
- *Financial Accountability Act 2009 (Qld)*
- Financial Accountability Regulation 2009 (Qld)
- Financial and Performance Management Standard 2019 (Qld)
- *Hospital and Health Boards Act 2011 (Qld)*
- *Industrial Relations Act 2016 (Qld)*
- *Information Privacy Act 2009 (Qld)*
- *Property Law Act 1974 (Qld)*
- *Public Sector Ethics Act 1994 (Qld)*
- *Public Records Act 2002 (Qld)*
- *Public Sector Act 2022 (Qld)*
- *Right to Information Act 2009 (Qld)*

5. Supporting documents

- Chief Finance Officer Delegations
- Control Framework for Expenditure
- Corporate Card Delegations
- Corporate Card Policy and Standard
- Corporate Delegations Policy and Standard
- Expenditure Delegations Framework and Restricted Transactions Schedule
- Expenditure Delegations Guideline
- Financial Management Practice Manual (FMPM)
- Hospital and Health Boards Act 2011 Delegations
- Human Resources Delegations Manual
- Internal Control Framework
- Major Capital Works Approval Delegations
- Procurement Delegations Procedures
- Public Records Delegations
- Queensland Ambulance Services Delegations
- Real Property Delegations
- Right to Information and Information Privacy Delegations

6. Definitions

Term	Definition
Contractor	An organisation or individual contracted by an entity to perform specific tasks. This organisation or individual is usually under the direction of the employing organisation (and not an employee appointed to the department) (as per FMPM).
Corporate Delegations	Corporate delegations issued by the department include: <ul style="list-style-type: none">• Corporate Card• Expenditure² including contract signing and restricted transactions• Human Resources• Public Records

² QAS maintains separate financial, procurement and contract signing delegations.

Term	Definition
	<ul style="list-style-type: none"> • Right to Information and Information Privacy • Real Property • Other corporate delegations determined on an as needs basis. <p>This guideline excludes any clinical related delegations (e.g. Scope of Practice, <i>Public Health Act 2005</i> delegations etc.).</p>
Delegate	A person occupying a position to which a delegation, authority, function or power has been formally delegated.
Delegation	A process where a person holding an authority, function or power authorises another to exercise the authority, function or power.
Delegator	The delegator is the person who has the authority, function or power assigned under legislation and who has the legislative authority to delegate this authority, function or power.
Delegations Manual/Schedule	A manual/schedule that outlines the functions, positions, responsibilities and limits on delegations.
Delegation Business Rule Owner	For the purposes of this guideline, a delegation business rule owner is the branch of the department responsible for managing, distributing and updating the rules relating to the use of a corporate delegation type.
Instrument of Delegation	A document through which a person holding an authority, function or power authorises another to execute the authority, function or power.
Breach	For the purposes of this guideline, breach means an exercise of delegation by a delegate beyond the levels approved to their position, or by an individual with no approved delegation.
Sub-delegation	A sub-delegation occurs when a delegated authority, function or power is further delegated by the person in the position that received the primary delegation.

Version Control

Version	Date	Comments
1.0	12 Jul 2017	Approved first version.
2.0	11 Jul 2019	Minor review and update to incorporate new delegations (public records) and changes to expenditure and contract signing delegations.
3.0	15 Nov 2023	Minor editorial changes for currency.

Attachment 1 – Corporate Delegations Review Process Map

