

TREASURER'S DIRECTIONS
FRAMEWORK – LEGISLATIVE STRUCTURE
Section F3.3 : Delegations

STATEMENT OF INTENT

The Financial Management Act confers powers and imposes certain functions exclusively on specific persons. This Section provides information regarding the delegation of powers and functions under the Financial Management Act.

MAIN FEATURES

Section 38 of the *Financial Management Act* requires every Accountable Officer and every employee of an Agency to comply with the Treasurer's Directions.

Delegations

- A person on whom a power is conferred or function imposed by the *Financial Management Act* may delegate those powers and functions to specific persons.
- Delegations under the *Financial Management Act* are not to be further delegated.
- A delegated officer is to exercise delegated powers or functions in good faith and in the interests of the Territory.

Treasurer's Delegations

- The Treasurer has delegated certain powers and functions, conferred exclusively on the Treasurer by the *Financial Management Act*, to specific persons.

Changes to Delegations

- An Agency is to notify Treasury of any changes to the titles or designations of delegated officers to whom the Treasurer has delegated powers and functions under the *Financial Management Act*.

For authoritative instruction and guidance, reference should be made to related Treasurer's Directions and associated commentary.

CONTENTS

| | |
|-------------------------|---|
| Delegations | F3.3.1 |
| Treasurer's Delegations | F3.3.4 |
| Changes to Delegations | F3.3.5 |
| <u>Appendix A</u> | Treasurer's Delegations under the <i>Financial Management Act</i> |
| <u>Appendix B</u> | Treasurer's Delegations for Write-offs, Losses, Waivers and Postponements under section 35(1) and section 35(2)(a) of the <i>Financial Management Act</i> |
| <u>Appendix C</u> | Treasurer's Delegations to the Commissioner of Taxes under section 35(2) and section 37 of the <i>Financial Management Act</i> |

AUTHORITIES

Section 39 *Financial Management Act*

REFERENCES

Related Treasurer's Directions:

- A2.2 Accounting – Assets : Property, Plant and Equipment
- A2.7 Accounting – Assets : Receivables
- A2.8 Accounting – Assets : Inventory
- G2.6 Governance – Accountability : *Financial Management Act* Approvals – Write-offs, Postponements and Waivers

DELEGATIONS

F3.3.1

A person on whom a power is conferred or function imposed by the *Financial Management Act* may delegate those powers and functions to specific persons.

- (i) The *Financial Management Act* confers a number of powers and imposes certain functions exclusively on specific persons (for example, the Treasurer and Accountable Officers). These persons may, by instrument in writing, delegate to a person or a person holding, acting or performing the duties of a named office, designation or position, those functions and powers conferred under the Act.
- (ii) Section 39 of the Act provides for the delegation of those powers and functions and imposes restrictions on the delegation of powers. For example, the power to make regulations and a power related to the investigation or detection of offences or unlawful acts may not be delegated.
- (iii) The delegation of powers and functions allows for the efficient financial administration of the Northern Territory Government, while maintaining a strong accountability and control environment. In particular, delegations reduce the need for persons, such as the Treasurer and Accountable Officers, to personally attend to all powers and functions conferred on them by the Act.
- (iv) The provision of powers or functions to a delegated officer does not prevent the exercise of those powers or the performance of those functions by the person who delegated the power or function. For example, the Treasurer may still exercise a power provided under the Act, even though the power has been delegated.

F3.3.2

Delegations under the *Financial Management Act* are not to be further delegated.

- (i) Delegations provided under the Act are specific to the delegated officer and cannot be further delegated (section 39(4)(c) applies). For example, where the Treasurer has delegated powers to an Accountable Officer, the Accountable Officer cannot delegate those same powers to another person.

F3.3.3

A delegated officer is to exercise delegated powers or functions in good faith and in the interests of the Territory.

- (i) For the purposes of the Act, a delegated power or function is deemed to have been exercised or performed by the person who delegated the power or function. In this regard, a delegated officer is accountable to the person who delegated the power or function. As such, the application of the delegated power or function should be in writing and needs to be undertaken in good faith, having regard to the interests of the Territory.

TREASURER'S DELEGATIONS

F3.3.4

The Treasurer has delegated certain powers and functions conferred exclusively on the Treasurer by the *Financial Management Act*. These delegated powers and functions are only to be exercised or performed by the delegated officers listed in Appendices A to C.

- (i) The Act confers a number of powers and functions exclusively on the Treasurer. In order to expedite financial administration, some of those powers and functions are delegated to specific persons.
- (ii) Appendix A lists delegations by the Treasurer under the Act for:
- establishment of Accountable Officer's Trust Accounts;
 - opening of official bank accounts;
 - investment or lending of moneys;
 - approval of indemnities and guarantees;
 - alteration of Agency or Government Business Division capital structures; and
 - the preparation and issue of Treasurer's Directions.
- (iii) Appendix B lists delegations by the Treasurer to officers in Agencies for approving write-offs, losses, waivers and postponements under section 35(1) and section 35(2)(a) of the Act. Treasurer's Directions Section G2.6 provides further instruction and guidance in relation to write-offs, waivers and postponements.
- (iv) Appendix C lists delegations by the Treasurer under section 35(2) and section 37 of the Act to the Commissioner of Taxes only.

CHANGES TO DELEGATIONS

F3.3.5

An Agency is to notify Treasury of any changes to the titles or designations of delegated officers to whom the Treasurer has delegated powers and functions under the *Financial Management Act*.

- (i) Agency restructures or reviews may result in the titles or designations of the delegated officers noted in the Delegations listed in this Section being changed.
- (ii) Where changes to the titles or designations in these Delegations occur, an Agency is to notify Treasury of the new titles or designations. Timely advice to Treasury will enable the Treasurer to approve changes to the titles or designations of the delegated officers.