

# PGPA Act – section 110

## Accountable authority

### *When accountable authority may delegate*

(1) The accountable authority of a non-corporate Commonwealth entity may, by written instrument, delegate to an official of a non-corporate Commonwealth entity any powers, functions or duties under this Act or the rules, including:

(a) this power to delegate in relation to powers, functions and duties conferred directly by this Act or the rules on the accountable authority; and

(b) powers, functions or duties that have been delegated by the Finance Minister to the accountable authority under subsection 107(1).

(2) However, the accountable authority of a non-corporate Commonwealth entity may not delegate any of the accountable authority's powers, functions or duties under:

(a) Subdivision A of Division 2 of Part 2-2 (which is about the general duties of accountable authorities); or

(aa) section 20A (which is about accountable authority instructions); or

(b) section 21 (which is about the application of government policy to non-corporate Commonwealth entities); or

(c) section 35 (which is about corporate plans for Commonwealth entities); or

(d) section 37, 38 or 39 (which has requirements relating to performance of Commonwealth entities); or

(e) section 41, 42 or 43 (which has requirements relating to accounts and financial statements of Commonwealth entities).

### *Directions given by the accountable authority about delegation*

(3) If:

(a) the accountable authority of a non-corporate Commonwealth entity delegates a power, function or duty to a person (the *delegate*); and

(b) the power, function or duty is not one that has been delegated by the Finance Minister to the accountable authority under subsection 107(1);

then the accountable authority may give written directions to the delegate in relation to the exercise of that power, the performance of that function or the discharge of that duty.

- (4) The delegate must comply with any directions given under subsection (3).

*Subdelegation of Finance Minister's delegation*

(5) If the accountable authority of a non-corporate Commonwealth entity delegates to a person (the ***second delegate***) a power, function or duty that has been delegated by the Finance Minister to the accountable authority under subsection 107(1), then that power, function or duty, when exercised, performed or discharged by the second delegate, is taken for the purposes of this Act and the rules to have been exercised, performed or discharged by the Finance Minister.

(6) If the accountable authority of a non-corporate Commonwealth entity is subject to directions in relation to the exercise of a power, the performance of a function or the discharge of a duty, delegated by the Finance Minister to the accountable authority under subsection 107(1), then:

(a) the accountable authority must give corresponding written directions to the second delegate; and

(b) the accountable authority may give other written directions (not inconsistent with those corresponding directions) to the second delegate in relation to the exercise of that power, the performance of that function or the discharge of that duty.

- (7) The second delegate must comply with any directions of the accountable authority.