



DELEGATION POLICY

CONTEXT

Pursuant to section 20 of the *South Australian Skills Act 2008* (the Act), and Instrument MIN02/2021 and MIN05/2021 (which grants approval from the Minister for Innovation and Skills), hereby delegates the functions and powers of the Commission as set out in the South Australian Skills Commission – Instrument of Delegation SASC01/2021

Pursuant to section 20(3) of the Act, the Commission authorises that the person holding or acting in the position of Chief Executive, Department for Innovation and Skills (DIS), may sub-delegate his or her functions to persons holding or acting in, or otherwise undertaking the duties of, positions within DIS.

Pursuant to section 20(3) of the Act, the Commission authorises that the person holding or acting or holding office as the South Australian Skills Commissioner, or holding or acting in the position of Manager, Quality and Risk, Office of the South Australian Skills Commission (OSASC) may sub-delegate his or her functions to persons holding or acting in, or otherwise undertaking the duties of, positions within the OSASC.

PURPOSE

This Delegation Policy applies to any functions exercised by the persons set out in the South Australian Skills Commission – Instrument of Delegation SASC01/2021 (or as may be further delegated).

This Delegation Policy mandates the adoption and application of the South Australian Skills Commission Delegations Compliance Framework (Attachment 1) by the Chief Executive, Department for Innovation and Skills (DIS) and shall be applied in accordance with the Act and any other procedures, guidelines, directions etc., issued thereunder from time to time, and are also subject to an annual (or as required) compliance audit as directed by the Commission.

The Delegation Policy mandates that the person holding or acting or holding office as the South Australian Skills Commissioner, or holding or acting in the position of Manager, Quality and Risk, Office of the South Australian Skills Commission (OSASC) reports regularly to the Commission on the exercise of their Delegation as specified in the South Australian Skills Commission – Instrument of Delegation SASC01/2021.

REPORTING AND CONFIRMATION OF DELEGATIONS

South Australian Skills Commission Delegations Compliance Framework prescribes the governance, compliance monitoring and enforcement approach that the Delegated Authority must adopt and apply to all functions and/or powers delegated through the the South

Australian Skills Commission – Instrument of Delegation SASC01/2021.

Therefore, as prescribed by the Commission Delegations Compliance Framework this Policy requires the Delegated Authority to:

- Adhere to the Commission’s Delegations Policy and Compliance Framework (and any other conditions as may be set out in any instrument of Authorisation from time to time);
- Propose the “**Annual Regulatory Priorities**” for each financial year for consideration and endorsement by the Commission;
- Develop and submit to the Commission an Annual Compliance Plan in line with the Annual Regulatory Priorities, by 1 July for each year for the next financial year;
- Develop, implement and maintain internal policies and procedures in relation to relevant delegated functions and powers to ensure a continuous improvement approach to the discharge of delegated functions and/or powers;
- Effectively utilise data and information, including complaints to identify, mitigate and respond to emerging risk;
- Report to the South Australian Skills Commissioner (Commissioner), situations arising which may present the risk of non-compliance with the conditions of the delegations, or where there may be conflicting advice that renders the Delegated Authority unable to reconcile matters, before any decision is made to discharge a related function;
- Submit Quarterly Dashboard Reports to the Commission within one (1) month of the end of the respective quarter, including an attestation certifying the accuracy of the information provided to the best of the Delegated Authority’s knowledge;
- Submit an Annual Report to the Commission by end of August each year for the preceding financial year; and,
- Meet with the Commissioner on monthly basis to review and proactively consider current and emerging issues across the sector.¹ Either the Commissioner or the Delegated Authority may initiate agenda items and the Commissioner will provide executive support to facilitate meeting processes.

AUDIT

The Commission will take steps to ensure that its regulatory powers are being exercised appropriately and an independent audit of the exercise of its delegated functions and/or powers will be undertaken at the instigation of the Commission annually, or as may otherwise be required. These annual Audits, whenever possible will review the exercise of the Delegation for the preceding financial year.

REVIEW

The Commission will review its Delegations as deemed appropriate.

¹ the relevant Executive level delegate of the Delegated Authority, with delegated authority and responsibility for the discharge of functions and/or powers in relation the regulation the State’s apprenticeship and traineeship system (section 19(1)(b) of the SAS Act, will attend meetings with the Commissioner.

SOUTH AUSTRALIAN SKILLS COMMISSION DELEGATION POLICY

The Commission may review its Delegations and/or this policy at any time, including after a change of Minister or Government or in relation to the establishment of any State or National body which impacts upon the Commission's legislative responsibilities.

Delegations may be revoked after such a review or in response to the findings of an audit and pursuant to section 20 ((2)(d)) of the *South Australian Skills Act 2008* (the Act) a Delegation under s (20) (d) does not derogate from the power of the delegator to act in any matter.