



Title:

# Policy on Delegations and Authorisations

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| <b>Council Resolution No.</b>       |  |
| <b>Short description</b>            | Delegations and authorisations to officers and bodies of the University  |
| <b>Relevant to</b>                  | All staff  |
| <b>Approved by</b>                  | Council  |
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| <b>Responsible office</b>           | Office of the Vice-Chancellor  |
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| <b>Related University documents</b> | Code of Conduct for Staff<br>CSU Enterprise Agreement  |
| <b>Related legislation</b>          | Charles Sturt University Act 1989<br>Charles Sturt University By-law 2005<br>Public Finance and Audit Act 1983<br>Public Authorities (Financial Arrangements) Act 1987<br>Interpretations Act 1985 |
| <b>Key words</b>                    | delegations, authorities, powers   |

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## A. INTRODUCTION

### 1. Purpose

1.1 These delegations constitute a legal authority conferring on the delegate specified in the Schedules to this Policy the authority of the Council to perform particular functions that have been delegated to them.

### 2. Definitions

2.1 In this Rule:

|  |  |
|--|--|
| <b>Primary Budget Centre</b>           | means a Faculty, Division, Centre, Office or other entity to which a budget is allocated in the Annual Budget by the Council.  |
| <b>Secondary Budget Centre</b>         | means an organisational unit within a Primary Budget Centre including a School, Office, Unit, Institute or Centre to which a budgetary allocation is determined by a Primary Budget Centre Manager |
| <b>Primary Budget Centre Manager</b>   | means a member of staff appointed as head of a Primary Budget Centre, such as a Dean, Executive Director or Director   |
| <b>Secondary Budget Centre Manager</b> | means a member of staff appointed as the head of a Secondary Budget Centre including a Head of School, Director and Manager.   |
| <b>Capital projects</b>                | means individual projects itemised in the Infrastructure Plan – Capital Development and Infrastructure Plan – Information Architecture approved by the Council or Vice-Chancellor.                 |
| <b>Supervisor</b>                      | means a person who oversees the attendance, work and performance of staff.   |
| <b>Executive Staff</b>                 | Staff employed at Levels 1-2 of the senior executive remuneration scale.   |
| <b>Senior Staff</b>                    | Staff employed at Levels 3-5 on the senior executive remuneration scale.   |

2.2 In this Rule, the following bands apply:

| <b>Approval Level</b> | <b>Classification</b> | <b>Description</b>                                 |
|-----------------------|-----------------------|--|
| Band 1                | HEW 3 – 4             | General Staff members at position grade HEW 3 – 4  |
| Band 2                | HEW 5 – 6             | General Staff members at position grade HEW 5 – 6  |
| Band 3                | HEW 7 – 8             | General Staff members at position grade HEW 7 – 8  |
| Band 4                | HEW 9 – 10            | General Staff members at position grade HEW 9 – 10 |

|         |                                   |  |
|---------|-----------------------------------|--|
| Band 5  | Manager                           | means a person who oversees/organises the work of a unit, section or department and is employed under the HEW scale. Such a person would normally have the word Manager in their title.  |
| Band 6  | Secondary Budget Centre Manager   | includes Directors and Heads of School.  |
| Band 7  | Primary Budget Centre Manager     | includes Deans, Executive Directors and Heads of Campus, Research Centre Directors, Director, Corporate Affairs, Director, Office of International Relations, Director, Marketing, and Director, Office of Planning and Audit. |
| Band 8  | Senior Executive Committee Member | means Deputy Vice Chancellor, Executive Director, Finance and Executive Director, Human Resources  |
| Band 9  | Vice-Chancellor                   |  |
| Band 10 | Chancellor                        |  |
| Band 11 | Council                           | includes a Council committee, or an officer of the Council, where Council has granted an authority or delegation to act for and on its behalf.   |

### 3. Authority

3.1 Council has made these delegations under section 20 of the *Charles Sturt University Act 1989* (“the CSU Act”) which says that Council may delegate all or any of its functions (except its power of delegation) to any member or committee of Council or to any authority or officer of the University or to any other person or body prescribed by the *Charles Sturt University By-laws 2005* (“the CSU By-law”).

3.2 These delegations are also made with regard to:

- (a) sections 12 and 13 of the *Public Finance and Audit Act 1983* (“the PFA Act”);
- (b) Schedule 2 of the CSU Act and Part 4, Schedule 4 of the *Public Authorities (Financial Arrangements) Act 1987* (“the PAFA Act”);
- (c) Parts 7 and 8 of the *Interpretations Act 1985* (“the Int Act”).

3.3 Delegations are listed as Schedules to this Policy.

### 4. Act and By-laws

4.1 The CSU Act, and other relevant laws, authorise the University to engage in a range of “functions”. The functions are listed in the CSU Act and in some other Acts (such as the *Public Finance and Audit Act 1983*). Functions broadly describe the types of activities in

which the University can participate (for example, the conferring of degrees, the construction of residences, the employment of staff etc).

- 4.2 Under the CSU Act the authority to engage in functions is vested solely in the Council.
- 4.3 Because the Council is unable, on a day to day basis, to make the decisions necessary to run a large and complex organisation like a University, the CSU Act allows the Council to delegate its authority to officers or bodies of the University.
- 4.4 A delegation is a conferral by the Council of its power and authority to perform functions on an officer or body of the University.
- 4.5 Under section 49 of the Int Act, a delegated function that is duly exercised by a delegate is taken to have been exercised by the Council.

## **5. Scope of delegated functions**

- 5.1 The scope of the power and authority delegated under this Policy is limited to the functions the Council itself is allowed to perform (that is, a delegate cannot exercise a power or authority that the Council itself is not legally permitted to exercise).
- 5.2 For example, the Council is not allowed under the CSU Act to sell land without the permission of the NSW Minister for Education and Training. Accordingly, a delegated officer is also not allowed to approve the sale of land without the permission of the NSW Minister for Education and Training.

## **6. Council may exercise any delegated function**

- 6.1 Even though the Council has delegated its functions to officers or bodies of the University, the Council retains and can exercise all those same powers and authorities.
- 6.2 Where a function is not specifically delegated to an officer or body, the Council is the sole body that may exercise that function.

## **7. Vice-Chancellor's general delegation**

- 7.1 The Vice-Chancellor has the power and authority to exercise any delegation conferred by the Council on an officer or body, except delegations:
  - (a) made to a member of the Council;
  - (b) made to a Committee of the Council;
  - (c) made to the University Secretary (in respect of that officer's duties in relation to the Council or its members);
  - (d) that would exceed the general expenditure delegation granted to the Vice-Chancellor;
  - (e) pertaining to the position of Vice-Chancellor (for example, the appointment, terms and conditions and/or resignation of the Vice-Chancellor).

## **8. Chancellor's general delegation**

- 8.1 In addition to any delegation conferred on the Chancellor, the Chancellor has the authority to exercise any delegation conferred by the Council on the Vice-Chancellor, however this may only be exercised where the Vice-Chancellor is unable to exercise the delegation in his or her own right (eg. conflict of interest) and does not include delegations:
  - (a) made to a specific member of the Council;

- (b) made to a Committee of the Council;
  - (c) made to the University Secretary (in respect of that officer's duties in relation to the Council or its members);
  - (d) that would exceed the general expenditure delegation of the Vice-Chancellor;
  - (e) that constitute a benefit to the Chancellor or pertaining to the position of Chancellor (for example, the appointment, term and/or resignation of the Chancellor).
- 8.2 The Deputy Chancellor may exercise the powers and authorities conferred on the Chancellor under clause 8.1 during an official absence of the Chancellor, while the Chancellor is outside Australia or during a vacancy in the office of the Chancellor.

**9. Delegations in rules and resolution of the Council**

9.1 In addition to this Policy, the Council may also confer a delegation under section 20 of the CSU Act:

- (a) by approving a Rule under section 32 of the CSU Act specifying the authorities of an officer or body under that Rule;
  - (b) by specific resolution.
- 9.2 Rules made by the Vice-Chancellor or Academic Senate do not confer a valid delegation. However, the Vice-Chancellor and Academic Senate may 'authorise' an officer or other body to exercise certain functions with their delegations (see Part C of this Policy on 'Authorisations').

**B. RULES GOVERNING DELEGATIONS**

**10. Delegations to position and officer acting in the position**

- 10.1 A delegation to a position relates to the delegate's position, not the individual occupying the position.
- 10.2 A power or authority delegated to a position extends to the substantive occupant of that position and any person acting in the officer's position on a temporary basis, during the term in which the person is authorised to act, unless otherwise specified in the appointment to act.

**11. Delegations to bodies (such as committees)**

11.1 Where a delegation is to a body (such as a Committee or Academic Senate) by reference to the body's title, it relates to the body acting as a body in accordance with its terms of reference, not to individual members of the body. Despite this, a body may *authorise* a person to act on its behalf in accordance with Part C if the body resolved to do so in accordance with the ordinary rules governing voting of that body.

**12. Restructured positions or committees**

12.1 A reference to a delegation to a position or to a body is, if the position or the body is abolished or re-named, to be taken to be a reference to the principal successor to the functions of that position or body.

**13. Delegations Exercised Subject to Conditions**

- 13.1 A delegation must be exercised in accordance with any conditions to which the delegation is subject.
- 13.2 Conditions include:

- (a) any conditions specified in this Policy and/or the delegation;
  - (b) any requirements expressed in a Policy, Procedures, Regulations or Rule of the University, including the Code of Conduct;
  - (c) any other relevant legislation (including the CSU Act, CSU By-law, PFA Act, PAFA Act, Int Act) as well as any other relevant legislation (for example, the *Privacy and Personal Information Act 1988*; *Anti-Discrimination Act 1977* etc); and
  - (d) the CSU Enterprise Agreement.
- 13.3 The Schedules set out any conditions on the exercise of a delegation. A condition expressed in the Schedule overrides any contrary expression in a policy, procedure, academic regulation or guideline of the University.
- 14. Delegates Subject to Direction by Vice-Chancellor**
- 14.1 Except where a delegate is responsible to the Council directly, delegates remain subject at all times to the direction and authority of the Vice-Chancellor.
- 15. Delegation Hierarchy**
- 15.1 The powers and authorities held by any delegate are included in those held by that delegate's supervisor or line manager and each officer in line of organisational authority superior to that officer in turn.
- 15.2 Levels of authority are hierarchical following the relevant lines of organisational authority (not academic levels) up to and including the Council.
- 15.3 If an officer with a delegation is unable to carry out the duties associated with that delegation for any reason, including a potential or actual conflict of interest or an absence or incapacity, the delegation must be exercised by the delegate's supervisor in the first instance or other superior in the line of authority.
- 16. Delegates May Only Exercise Delegations For Their Own Area**
- 16.1 A delegate cannot exercise a delegation in regard to functions or staff for which the delegate does not hold line management responsibility.
- 17. Conflicts Of Interest**
- 17.1 A delegate may not exercise a delegation that would provide them, or an associate, with a direct personal benefit. Therefore delegates may not, among other things, approve their own appointment, any form of remuneration or payment, promotion, transfer or secondment, travel, absence or termination pertaining to themselves. The definition of an **associate** in the CSU Act applies for the purpose of this clause.
- 18. Rule against sub-delegation**
- 18.1 Under the CSU Act, delegations cannot be sub-delegated. Only Council is allowed to delegate a function. A delegate may, however, 'authorise' another officer or body to perform certain functions (see Part C of this Policy).
- 19. Incidental authorities**
- 19.1 A delegate may exercise any other function that is necessary or convenient for the exercise of that function, or is incidental to the delegated function.
- 20. Approval to Execute Documents (eg. Agreements)**
- 20.1 Where a power or authority is delegated to exercise functions of the University, then that power or authority extends to the execution of documents (eg. contracts, agreements) necessary to give effect to that function (in accordance with the relevant Rules, policies and

procedures of the University relating to the negotiation and execution of documents) unless a specific delegation for the execution of documents is set out in a Schedule.

**21. Approval includes Authority to Suspend, Amend and Revoke**

21.1 A delegation to approve includes a delegation to suspend, amend and revoke an approval.

**22. Opinions and beliefs**

22.1 If the exercise of a function by an officer or body is dependent on the opinion, belief or state of mind of the Council in relation to any matter, the function may be validly exercised by the delegate on the opinion, belief or state of mind of the delegate in relation to any such matter.

**23. Obtaining assistance in exercise of delegation**

23.1 In the performance of a delegated function a delegate can seek assistance from a third party provided that the delegate retains and exercises a *substantial degree of control* over the exercise of the function entrusted to the delegate. The delegate must, in doing so, direct the delegate's own mind to the exercise of a delegation. Some delegations may include a specific requirement to act on advice or recommendation of a third party. Delegates must consult and obtain advice as appropriate on the exercise of their delegation.

**24. Rule against splitting expenses**

24.1 A transaction may not be separated into parts, nor may the total cost of a transaction be set off by deductions or trade-ins.

24.2 A variation in the cost of a transaction must be approved by the delegate who approved the original transaction or the delegate's supervisor in the first instance or other superior in the line of authority, if the total amount is within their delegation. Should the sum of the variation and the original cost exceed the delegate's authority, the variation must be submitted for approval to another delegate who has the necessary level of authority in the line of authority.

**25. Continuous exercise of delegations**

25.1 A delegation may be exercised from time to time as occasion requires and more than once during the life of a function, activity or project.

**26. Delegations limited by budget**

26.1 Any delegation to incur expenditure must be exercised within the limits of the relevant approved available funds of the budget centre to which the delegate belongs or an approved source of funds.

**27. Administrative delegations limited by expenditure delegation**

27.1 All delegations are subject to the delegate's expenditure delegation. While a delegate may be conferred an administrative authority, where this involves an expenditure this may only be exercised within that expenditure limit.

**28. Exercise of delegations to be evidenced in writing**

28.1 The exercise of a delegation must be evidenced in writing in each case, including the reasons supporting the exercise of the delegation, and a record kept in an official file.

28.2 For routine financial transactions, such as travel, minor equipment purchases, petty cash and so forth, the signing of a travel order, purchase requisition or similar document by an authorised delegate is sufficient evidence of the exercise of the delegation as long as the purpose for which the exercise was made is clearly described in the document.

28.3 Approval exercised online within a computerised system, which has secured login access and a unique username used for tracking the delegate's approval against transactions, will be sufficient to meet the requirements of this clause.

## **C. AUTHORISATIONS**

### **29. Authorised Officers for non-financial transactions**

29.1 A delegate may appoint an 'Authorised Officer' in writing to perform routine parts of their delegation (excluding expenditure delegations) on their behalf. This person is called the Authorised Officer.

29.2 A delegate may not appoint an 'Authorised Officer' to exercise an expenditure delegation under this schedule of delegations.

### **30. Authorisation should not require exercise of independent judgment**

30.1 In general, an Authorised Officer may act on behalf of the delegate in making routine decisions that do not require the exercise of *significant independent judgment*.

### **31. Certain delegated functions may not be authorised**

31.1 An authorisation may not be granted:

- (a) where the terms of a delegation require the delegate personally to exercise a significant discretion (e.g. negotiation of a binding contract);
- (b) where the terms of a delegation require the delegate to form an opinion personally him or herself (e.g. whether a member of staff has met the criteria for probation);
- (c) where the decision would significantly affect the rights of an individual (e.g. expulsion of a student);
- (d) where the decision requires the expenditure of funds by the University or a budget centre.

### **32. Delegate responsible for decisions of Authorised Officer**

32.1 The act of an Authorised Officer is taken to be the act of the delegate as though the delegate had exercised the delegation personally.

32.2 A delegate who authorises another officer or body to exercise a function or power must ensure that the officer or body is qualified to exercise the function and is properly fulfilling their responsibilities at all times.

32.3 A delegate retains personal accountability for the exercise of the delegation including compliance with applicable laws and University policies and procedures.

### **33. Authorisations to be in writing**

33.1 An Authorised Officer must be appointed in writing setting out the terms of the delegation held by the Delegate under a Schedule and the exact scope of the authority that may be exercised within that delegation by the Authorised Officer.

33.2 A list of Authorised Officers must be kept by each delegate including a reference to dates on which that Authorised Officer was authorised to act.

### **34. Authorisations subject to same rules as delegations**

34.1 An Authorised Officer is subject to the same rules as the Delegate.

### **35. Granting of a credit card not a financial delegation**

35.1 Authorisation to operate a Corporate Credit Card does not of itself confer on a staff member a delegation to commit or expend funds. Acquittal of purchases made by credit

card, as for purchases made by any other means, must be approved by a delegate who has authorisation under this Policy or a specific resolution of the Council.

## **D. OTHER MATTERS**

### **36. Delegations and policies/procedures/academic regulations/guidelines**

- 36.1 The development of policies, procedures, academic regulations and guidelines must conform to the arrangements for delegations.
- 36.2 Where a new policy, procedure, academic regulation or guideline requires the granting of a new or varied delegation to an officer or body of the University, the new or varied delegation must be recommended in the Request for Approval/Amendment of a Policy or Procedure Form.
- 36.3 As the Council is the only body that may approve delegations, the commencement date of the policy, procedure, academic regulation or guideline (where it requires the conferral of a new or varied delegation) needs to coincide with the date on which any new or varied delegation is approved by the Council (unless the policy, procedure, academic regulation or guideline can operate in whole or part within existing delegations). The University Secretary will determine the date of commencement of all University policies, procedures, guidelines and rules to ensure that relevant delegations are conferred prior to commencement or variation where required.
- 36.4 Proposers of new or varied policies, procedures, academic regulations or guidelines are accountable to the Council for ensuring that proposed delegations are not exercised or promulgated until the Council has formally approved the delegation.
- 36.5 Requests for changes to delegations must be included in the Request for Approval/Amendment of a Policy or Procedure Form submitted to the Vice-Chancellor, the Council or other relevant senior executive who has delegated authority to approve these documents.
- 36.6 Once the document is approved, the signed Form must be submitted to the University Secretary who will then prepare recommendations to the Council to update the Schedules to this Policy. The University Secretary will publish the list of amendments to the Schedule to this Policy after the meeting of Council to inform staff of the changes.

## **E. ACCOUNTABILITIES**

### **37. Accountability Statement**

- 37.1 With delegation and authorisation comes a responsibility to account to the Council for all decisions and actions taken pursuant to the delegation.
- 37.2 Each delegate is accountable to the Council for complying with the conditions governing the exercise of delegations and must be able to justify each exercise should this be required. This is a continuing obligation.
- 37.3 Budget Centre Managers are accountable for ensuring delegates in their area comply with the relevant conditions governing the use of delegations and take appropriate action in the case of breach.
- 37.4 The Vice-Chancellor is responsible for ensuring that all officers and bodies are aware of, and understand, their duties with respect to delegation.
- 37.5 The Council is accountable under law and to the University's stakeholders to ensure that delegations are exercised appropriately and in the best interests of the University.

### **38. Responsibility of budget centre heads**

- 38.1 Heads of budget centres will be required to provide an annual certification that the relevant conditions have been adhered to and financial controls exercised over the resources of that budget centre in the exercise of delegations in that budget centre.
- 38.2 Budget Centre heads are expected to monitor the exercise of delegations and authorisations in their areas. They are expected to take or recommend action, including suspending or recommending the revocation of a delegation or authorisation, if there is evidence of misuse of authorities.

### **39. Auditing of delegations and authorisations**

- 39.1 The exercise of delegations and authorisations will be subject to periodic review by the University Auditor in consultation with the University Secretary. The University Auditor will provide a report to the Audit and Risk Committee of the Council, including any recommendations arising from the review.
- 39.2 The:
- 30.2.1 Chancellor;
  - 30.2.2 University Secretary, on behalf of the Council;
  - 30.2.3 Vice-Chancellor;
  - 30.2.4 Chair, Audit and Risk Committee;
  - 30.2.5 University Auditor or member of the University Auditor's staff;
- have the authority to inspect any file or record of the University to assess compliance with the Policy or for any other reason.

### **40. Misuse of delegations or authorisations**

- 40.1 Where an officer believes a delegation or authorisation has been improperly exercised, the officer should notify the head of the relevant budget centre in writing and in detail, with a copy to the University Auditor. The head of the budget centre should promptly investigate the claim and act according to the outcome of the investigation. Action should include a response to the reporting officer acknowledging the notification and giving a brief report on the outcome of the investigation, with a copy to the University Auditor. Serious matters can be referred directly to the University Auditor (who must report any notifications to the University Secretary).
- 40.2 If a proper investigation concludes that, on the evidence, a delegation was improperly exercised, the Chancellor or Vice-Chancellor (as the case may be) may approve action to be taken in accordance with the misconduct provisions of the University's Enterprise Agreement, relevant employment contract and associated policies and guidelines.
- 40.3 A delegation or authorisation may be, wholly or partially, withdrawn or restricted (permanently or temporarily) at any time by the substantive occupant of the position to whom that delegate is immediately or ultimately accountable. Any such withdrawal or restriction must be notified in writing to the University Secretary using the form approved by the University Secretary for this purpose.

**41. Savings and Transitional**

41.1 To allow for the transition to the new Delegations system, despite any other provision of this Policy a delegation or authorisation that has been conferred, generally or specifically, under a Rule, policy, procedure or other instrument approved by the Council prior to the date of commencement of this Policy shall continue in force as a delegation or authorisation made under this Policy until otherwise determined by the Council.

**Table of Amendments**

| <b>Version number</b> | <b>Date</b> | <b>Short description of amendment</b> |
|-----------------------|-------------|---------------------------------------|
|                       |             |                                       |