

# Delegations Rule

## Section 1 - Authorisation

(1) The Council of Southern Cross University, as the Governing authority of Southern Cross University, by resolution makes the following Rule under section 30 (1) of the [Southern Cross University Act 1993](#) ('Act'), pursuant to section 52 of the [Southern Cross University By-Law 2005 \(NSW\)](#) ('By-law').

(2) Dated: 1 August 2014

(3) Authorised: Council

## Section 2 - Purpose and Scope

### Purpose

(4) The purpose of this Rule is to define the key decision-making authorities in respect of the financial, governance, human resources, legal and student administration functions of the University.

### Scope

(5) This Rule applies to all delegates, including:

- a. members or committees of Council;
- b. authorities or officers of the University;
- c. any other person or bodies prescribed by the by-laws.

## Section 3 - Introduction

(6) A delegation is a conferral by the Council of its power and authority to perform functions on an officer or body of the University. Delegations provide formal authority for officers, committees or other bodies to commit the University, incur liability for the University, or otherwise use the powers provided to the University under the [Southern Cross University Act 1993 \(NSW\)](#) or other legislation. Council retains and can exercise all delegated powers and authorities.

(7) The Council of the University is granted many powers under the [Act](#) as the governing authority of the University. Council makes these delegations pursuant to section 17 of the [Act](#) which provides that Council may, by resolution, delegate all or any of its functions (except the 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 [By-law](#).

## Section 4 - Delegations Framework

(8) The Delegations Framework reflects the University's organisational and governance structure and forms an integral part of the University's Governance Framework.

(9) The Delegations Framework is focussed primarily on matters which relate to financial transactions or to contractual or legislated arrangements with staff, students, and persons and organisations outside the University.

(10) The Delegations Framework consists of:

- a. this Delegations Rule;
- b. the Delegations [Schedule A](#), [Schedule B](#) and [Schedule C](#);
- c. Council approved University Rules and Policy; and
- d. any other document which:
  - i. Council may approve from time to time; and
  - ii. records a Council resolution to delegate authority.

(11) The Delegations Framework uses [three types of delegations](#):

- a. General Delegations (G1, G2, G3 and G4):
  - i. are assigned in accordance with level of responsibility; and
  - ii. where held by positions on lower levels are also held by those on the levels above them e.g. a G3 position will also hold G4 delegations;
- b. Specialist Delegations (S1, S2, S3 and S4):
  - i. are held by occupants of designated positions; and
  - ii. are held by the specified position as well as that position's successive line supervisors; and
- c. Non-transferable Delegations (NT1 and NT2):
  - i. which are held by persons holding a prescribed office and are not able to be exercised by their supervisor(s).

(12) General and Specialist Delegations held by the least senior delegate are held also by that delegate's immediate supervisor or line manager and successively by each subsequent supervisor or line manager within the chain of delegation (refer [Schedule B - Reporting Lines](#)). If a supervisor or line manager wishes to exercise a delegation held by a delegate, he or she must do so before the delegate exercises his or her delegation and only in special circumstances.

(13) In the event of any inconsistency between the contents of this document, and the contents of any Rule, Policy or Procedure documents, the contents of this document prevail.

(14) Nothing in these delegations has the effect of invalidating past acts validly performed by delegates under previous delegations.

## **Part A - Delegations Implementation Principles**

### **General**

(15) Delegations must be exercised:

- a. within the framework of:
  - i. any external legislative requirements; and
  - ii. University:
    - legislation;
    - [Code of Conduct](#);
    - Rules (including this Delegations Rule);

- Policy; and
- Procedures.

(16) Unless specifically provided for in the Delegations Schedules delegates may only exercise delegations in regard to matters within their own area of responsibility or those of positions within their line management, and within the limits prescribed.

(17) Delegations attach to the position occupied, not to the individual. A person formally acting in a position assumes the delegations of that position.

(18) In exercising a delegated function, a delegate may seek appropriate advice in order to be properly informed. However, the delegated function must be exercised by the delegate without any undue influence by any other person or body.

(19) A delegate (officer or committee) has the authority to make decisions in either the positive or negative.

### **Rule against Sub-Delegation**

(20) Under the [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 in limited circumstances (refer Part B - ).

### **Conflict of Interest**

(21) In exercising any delegation, the delegate must act in accordance with the University's [Code of Conduct](#) and the interests of the University, for the purpose delegated and not for any improper purpose.

(22) Delegates may not exercise delegations in respect of themselves or their own position. They may not approve any action or transaction that provides them with a direct personal benefit.

### **Transactions**

(23) Delegation limits apply to the total cost of the transaction (not to instalments). In exercising a delegation with respect to a transaction, a transaction must not be separated into parts nor may the total cost of a transaction be offset by deductions or any trade-in or the like (unless specifically provided for in a delegation).

(24) Where there is an increase in the cost of an acquisition from the original commitment, the delegate giving the original should also approve the supplementary amount. 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.

(25) Supporting documentation for "write offs", adjustments, deficiencies, debts or deficits must be kept so they are readily available for audit purposes.

### **Transaction Documents**

(26) Where a power or authority is delegated to exercise functions, then that power or authority extends to the execution of documents (e.g. contracts, agreements) necessary to give effect to that function (in accordance with the relevant Rules, Policies and Procedures of the University relating to the execution of documents) unless a specific delegation states otherwise.

(27) Where it is required that information or documentation must be in writing, that requirement is taken to have been met if the information or documentation is in electronic format as prescribed in clause (28).

(28) Where the signature of a person is required for the purposes of approval, that requirement is taken to have been met in relation to an electronic communication if:

- a. the approval is contained and received in an email from the official University email address of the delegate or authorised person;
- b. the email states in specific terms the nature of the approval and that the approval is granted.

## **Restructured Positions or Committees**

(29) A reference to a delegation to a position, committee 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 function of that position or body.

## **Delegates Subject to Direction by Vice-Chancellor**

(30) 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.

## **Part B - Authorisation**

### **Authorising another officer**

(31) Subject to clause (32), to ensure administrative efficiency of University operations a delegate may authorise any employee under that delegate's supervision in writing to exercise a delegation in the name of the delegate, but only where the activity is routine and does not require the exercise of the employee's significant independent judgement.

(32) An authorisation may not be granted:

- a. where the terms of the 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 himself or herself (e.g. whether a member of staff has met the criteria for promotion);
- c. where the decision would significantly affect the rights of an individual (e.g. expulsion);
- d. to staff below the Head of Work Unit level for expenditure above \$10,000; and
- e. to staff below HEW5 (or equivalent) for approving leave, attendance, or casual pay claims.

(33) 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.

(34) An authorisation may be, wholly or partially, withdrawn or restricted (permanently or temporarily) at any time by the delegate. Any such withdrawal or restriction must be notified in writing to Governance Services in accordance with clause (37).

## **Responsibility**

(35) The delegate is responsible for decisions of the authorised officer. The act of the authorised officer is taken to be the act of the delegate.

## **Signing Protocol**

(36) Where the signature of a delegate is required, the authorised person will write the words "For and on behalf of as an authorised person".

## Record Keeping

(37) An authorised officer must be appointed in writing using the designated Authorisation Form 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.

(38) A list of authorised officers must be kept by each delegate including reference to the dates on which that authorised officer was authorised to act.

## Part C - Misuse of Delegations

(39) A delegate who is found to have exercised a delegation improperly may be subject to discipline and the delegation revoked.

(40) Where an officer believes a delegation or authorisation has been improperly exercised or an officer has acted above and beyond their delegated authority, the officer should notify the relevant delegate's supervisor for investigation. Serious cases may be reported in accordance with the [Public Interest Disclosures Policy](#) or the [Fraud and Corruption Policy](#).

(41) A delegation may be, wholly or partially, withdrawn or restricted (permanently or temporarily) at any time by the substantive occupant of the position to whom the delegate is immediately or ultimately accountable. Any such withdrawal or restriction must be notified in writing to Governance Services using the [Misuse of Delegations, Emergency Withdrawal of Delegations form](#) approved for this purpose.

## Section 5 - Attribution

(42) The SCU Delegations Framework was developed in part by reference to Charles Sturt University's delegations policy.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	13th August 2014
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