

# Delegations Rule

## Section 1 - Authorisation

(1) This Rule is made by the University Council of the University pursuant to clause 52 of the [Southern Cross University By-Law 2005](#) (the By-law).

## Section 2 - Purpose and Scope

### Purpose

(2) 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

(3) This Rule applies to all delegates including:

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

## Section 3 - Introduction

(4) A delegation is a conferral by the University 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. University Council retains and can exercise all delegated powers and authorities.

(5) University Council makes these delegations pursuant to section 17 of the [Act](#) which provides that University Council may delegate all or any of its functions (except the power of delegation) to any member or committee of University Council or to any authority or officer of the University or to any other person or body prescribed by [Southern Cross University By-Law 2005](#).

## Section 4 - Delegations Framework

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

(7) 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. University Council may approve from time to time; and
  - ii. records a University Council resolution to delegate authority.

(8) 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 supervisors.

(9) General and Specialist Delegations held by the least senior delegate are also held 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.

(10) 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.

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

## **Rule against Sub-Delegation**

(12) Under the [Act](#), only University Council can delegate a function. That delegations cannot be sub-delegated.

(13) In certain limited circumstances, a delegate may 'authorise' another officer or body to perform certain functions (refer Part B - ).

(14) Where a function is not specifically delegated, only University Council may exercise that function.

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

### **Exercise of delegations**

(15) Unless specifically provided for in [Schedule A](#), delegates may only exercise delegations in related to matters within their own area of responsibility or those of positions within their line management, and within the limits prescribed.

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

(17) In exercising a delegation, the delegate is responsible for ensuring:

- a. compliance with:
  - i. any external legislative or regulatory requirements; and
  - ii. all relevant University Rules, Policies and Procedures;
- b. that any expenditure is within the limits of the relevant approved available funds within the delegate's area of responsibility; and
- c. the level of risk associated with the proposed action is acceptable.

(18) In exercising a delegated function, a delegate may seek appropriate advice in order to be properly informed. However, the delegate must:

- a. retain and exercise a substantial degree of control over the exercise of the delegated function; and
- b. direct the delegate's own mind to the exercise of the delegation.

(19) Some delegations may include a specific requirement to act on advice or recommendation of another position, body or committee. The delegate remains responsible for exercising the delegation and may choose to act against the advice or recommendation.

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

(21) A delegation to approve includes a delegation to suspend, amend or revoke an approval.

## **Conflict of Interest**

(22) 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.

(23) 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.

## **Cost of a transaction**

(24) Delegation limits apply to the total cost of the transaction (excluding GST). 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.

(25) If the cost of a transaction is not certain at the time of exercising a delegation, the delegation must be exercised based on a reasonable estimate of the cost of the transaction.

(26) A variation in the cost of a transaction must be approved by the delegate who approved the original transaction if the sum of the variation and the original cost remains within the delegate's authority. If 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.

## **Approval to Execute Documents and Incidental Authorities**

(27) A delegation to exercise a function extends to the execution of documents 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 there is a specific delegation for the execution of that document, or that class of documents.

(28) 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.

## **Exercise of Delegations to be Evidenced In Writing**

(29) 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 of that exercise kept in accordance with the [Records Management Policy](#).

(30) 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.

(31) 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; and
- b. the email states in specific terms the nature of the approval and that the approval is granted.

## **Restructured Positions or Committees**

(32) If a position, committee or body is abolished or renamed, a reference to a delegation to a position, committee or to a body, is 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**

(33) Except where a delegate is responsible to the University Council directly or is exercising a non-transferable delegation, delegates remain subject to the direction and authority of the Vice-Chancellor.

## **Withdrawal of Delegation**

(34) Other than non-transferable delegations, 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 the Director, Governance Services using the Withdrawal of Delegation Form approved for this purpose.

## **Misuse of Delegations**

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

(36) Where a University 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 or report the incident in accordance with the [Whistleblowing \(Public Interest Disclosures\) Policy](#), if applicable.

# **Part B - Authorisation**

## **Authorising another officer**

(37) Subject to clause (38), to ensure administrative efficiency of University operations a delegate may authorise an 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 significant independent judgement by the employee.

(38) An authorisation may not be granted:

- a. where the terms of the delegation require the delegate to personally exercise a significant discretion (e.g.

negotiation of a binding contract);

- b. where the terms of a delegation require the delegate to personally form an opinion (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.

(39) 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.

(40) 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 Director, Governance Services.

## **Responsibility**

(41) 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**

(42) 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**

(43) 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.

(44) 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.

# **Section 5 - Auditing of Delegations and Authorisations**

(45) The exercise of delegations and authorisations will be subject to periodic review by the Internal Auditor in consultation with the Director, Governance Services. The Internal Auditor will provide a report to the Audit and Risk Management Committee, including any recommendations arising from the review.

(46) The following officers have the authority to inspect any file or record of the University to assess compliance with this Rule:

- a. Chancellor;
- b. Chair, Audit and Risk Management Committee;
- c. Council Secretary, at the request, and on behalf, of University Council or the Audit and Risk Management Committee;
- d. Vice-Chancellor; and
- e. the Internal Auditor or member of the internal audit staff.



## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	19th June 2020
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