Delegations and Authorisations Policy

Section 1 - Purpose

(1) The purpose of this policy is to:

a. delegate specific functions and authority of the University Council on persons, positions and committees of Charles Sturt University (the University), as specified in this policy and its delegation schedules
b. clarify the scope of delegations
c. impose rules on delegates with respect to delegations
d. impose rules on authorised officers with respect to authorisations
e. clarify accountabilities for delegations, and
f. provide for emergency delegations.

(2) This policy exercises the University Council's authority to delegate all or any of its functions (except the power of delegation). Accordingly, delegations in this policy are made with regard to:

a. Charles Sturt University Act 1989 No 76 (the Act)
b. Parts 7 and 8 of the Interpretation Act 1987 No 15
c. Government Sector Finance Act 2018

Scope

(3) This policy applies to all University staff and committees.

Section 2 - Policy

Part A - Delegation of decision-making authority

Instruments of delegation

(4) The Council may confer a delegation:

a. through a delegation schedule attached to this policy in the associated information tab
b. by approving a rule of Council under section 32 of the Charles Sturt University Act specifying the authorities of an officer or body under that rule, or
c. by specific resolution.

(5) Where, within the delegation schedules, a rule of Council or a resolution of Council, authority is delegated to a band, the band descriptions in the following table apply.

Band Level	Description	Positions
Band 1	Professional/general staff level 3 - 4	

Band Level	Description	Positions
Band 2	Professional/general staff level 5 - 6	
Band 3	Professional/general staff level 7 - 8	
Band 4	Professional/general staff level 9 – 10	
Band 5	Administrative delegations for professional/general and academic staff with supervisory responsibilities – approved for specific positions	May include Associate Directors, Deputy Director, Managers or Senior Managers, as stated on the position description.
Band 6	Senior and executive leaders (SNR1-5), except for those included at Band 7 or 8	Includes Directors, Heads of Schools, Associate Heads of School, University Ombudsman.
Band 7	Position-specific for heads of secondary budget centres and/or as identified on position descriptions	Includes Pro Vice-Chancellors, Executive Deans, Deputy Deans, Executive Directors and other positions approved by the Vice-Chancellor.
Band 8	Position-specific for the positions listed	Provost and Deputy Vice-Chancellor (Academic) Deputy Vice-Chancellor and Vice-President (Research) Chief Operating Officer University Secretary
Band 9	Vice-Chancellor	Vice-Chancellor
Band 10	Chancellor	Chancellor
Band 11	Council	

Retention of powers and authorities

(6) Notwithstanding clause 4, the Council will retain and may exercise all powers and authorities, including:

a. all functions that have been delegated to officers or bodies of the University, and
b. any function that is not specifically delegated to an officer or body.

(7) The Vice-Chancellor is delegated the authority to exercise and/or sub-delegate (in accordance with Part D) any delegation conferred by the Council through a delegation schedule on the Vice-Chancellor or an officer or body within the Vice-Chancellor's reporting line. This authority does not apply to delegations:

a. made to a committee or member of the Council
b. made to a committee or chair of the Academic Senate
c. made to the University Secretary, Internal Auditor, or other officer that reports directly to Council (in respect of the duties that the officer is directly responsible to Council for)
d. that would exceed the general expenditure delegation granted to the Vice-Chancellor
e. that pertain to the position of Vice-Chancellor (for example, the appointment, terms and conditions and/or resignation of the Vice-Chancellor), or
f. made via a Rule or resolution of Council under clause 4b. or c.

(8) 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 their own right (e.g. conflict of interest).

(9) The Deputy Chancellor may exercise the powers and authorities conferred on the Chancellor under clause 8 during an official absence of the Chancellor, while the Chancellor is outside Australia or during a vacancy in the office of the Chancellor.

(10) Where a Council committee or the Academic Senate becomes inquorate and is temporarily unable to fulfil its duties, the delegations for that committee or Academic Senate will elevate to the Council and then to the Emergency Committee of Council (as per Part G) if circumstances require.

Part B - Scope of delegations

Scope of delegated functions

(11) A delegation must be exercised within the following scope:

a. A delegate cannot exercise a power or authority that the Council itself is not legally permitted to exercise.
b. A delegation must be exercised in accordance with any conditions to which the delegation is subject, including any:
    i. conditions specified in this policy and/or the delegation schedule, where a condition expressed in the schedule overrides any contrary expression in a policy, procedure, academic regulation or guideline of the University
    ii. requirements for meeting the University's regulatory and legislative obligations
    iii. requirements of the Enterprise Agreement, or
    iv. requirements expressed in any policy, procedures, regulations or rule of the University, including the Code of Conduct, subject to subclause 11b.i.
c. 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.
d. A delegate may, in the exercise of a delegated function, exercise any other function that is incidental to the delegated function.
e. A delegate will have the authority to execute documents (such as contracts and agreements) necessary to give effect to that function, in accordance with the relevant rules, policies and procedures, unless a specific delegation for the execution of documents is set out in a delegation schedule.
f. A delegation to approve includes a delegation to suspend, amend and revoke an approval.

Part C - Rules governing delegations

Delegations to positions and bodies

(12) A delegation may be conferred on:

a. a position, not an individual person, and will extend to any substantive occupant of the position, and any person while acting in the position on a temporary or interim basis unless otherwise specified in writing, or
b. a body (such as a committee or Academic Senate), where the body must exercise the delegation acting as a body in accordance with its terms of reference. However, a body may authorise a person to act on its behalf in accordance with Part D of this policy.

(13) A delegation to a position or a body may be:

a. taken to be a delegation to the principal successor of the functions of a position or body, where that position or body is abolished or re-named
b. (for a position) exercised by that delegate's supervisor or line manager and each officer in the direct line of organisational authority superior to that officer
c. validly exercised in relation to a function that is dependent on the opinion, belief or state of mind of the Council, through the opinion, belief or state of mind in relation to the matter of the delegate

d. exercised by another position or body authorised by the delegate under the conditions set out in Part D. Such an authorisation does not amount to a sub-delegation; delegations cannot be sub-delegated under the Act except by the Vice-Chancellor, and
e. wholly or partially withdrawn or restricted (permanently or temporarily) at any time by the substantive occupant of a superior position in the delegate's line of authority, except where the delegate is responsible directly to Council. Any such withdrawal or restriction must be notified in writing to the University Secretary and relevant organisational units (e.g. Division of Finance, Division of People and Culture).

(14) A delegate must:

a. only exercise their delegations with regard to functions or staff for which the delegate holds line management responsibility
b. avoid actual or potential conflicts of interest and exercise their delegations subject to the Code of Conduct and the Conflict of Interest Procedure, and, with regards to members of Council, the University Governance Framework
c. not exercise a delegation in respect of themselves or an activity or transaction from which they may obtain a workplace or personal benefit (for example the approval of their own travel, promotion, bonuses, salary, recruitment and leave)
d. ensure that any financial and expenditure delegations are exercised responsibly, and:
    i. within the limits of the available funds of the budget centre to which the delegate belongs or an approved source of funds
    ii. the cost of a transaction is not separated into parts for the purpose of exercising a delegation, and the total cost of a transaction is not offset by deductions or trade-ins
    iii. any variations to the cost of a transaction are approved by the delegate or, if the sum of the variation and the original cost exceed the original delegate's authority, the variation is approved by another delegate who has the necessary delegation in the line of authority
e. only exercise any administrative authority within the expenditure limits of their delegation
f. ensure that, where they seek third party advice in exercising a delegation, they retain a substantial degree of control over the exercise of the function entrusted to them
g. ensure that the exercise of their delegations by any authorised officers is compliant with this policy, and
h. ensure that evidence of any decisions and approvals under the delegation is recorded as set out at clause 16.

(15) Authorisation to operate a corporate credit card does not of itself confer on a staff member a delegation or authorisation to commit or expend funds. Purchases made by credit card must be approved by the appropriate delegate under this policy or a specific resolution of the Council.

Evidence of decisions

(16) Each exercise of a delegation must be evidenced appropriately:

a. For routine financial transactions, such as travel, minor equipment purchases, petty cash and so forth, the signing or approval of a travel order, purchase requisition or similar document by the delegate is sufficient evidence as long as the purpose is clearly described in the transaction documentation.
b. Approval exercised within a computer system that requires secure login access and a unique username used for tracking the delegate's approval against transactions, will be sufficient evidence.
c. In situations other than clause 16 a.or b., evidence must be in writing and include reasons to support the exercise of the delegation, and a record kept in accordance with the Records Management Policy. Written evidence may be in electronic form.
d. Where the delegate's signature is required, the requirement will be met if:

i. the approval is in an email from the official Charles Sturt University email address of the delegate
ii. the email includes an email signature of the delegate, and
iii. the email states in specific terms the nature of the approval and that the approval is granted.

e. Where the delegate requests that another person (such as an executive officer or executive assistant) apply their signature or email an approval, this should be identified with the words 'signed/sent for and on behalf of' the delegate.

Part D - Sub-delegations and authorisations

Sub-delegations by the Vice-Chancellor

(17) Subject to the exceptions at clause 7, all powers and authorities conferred through the delegation schedules to the Vice-Chancellor or to University positions within the Vice-Chancellor's reporting line (Band 8 or below) and/or to management committees, are considered functions delegated to the Vice-Chancellor. These functions may be sub-delegated by the Vice-Chancellor in accordance with section 20(3) of the Act and the following:

a. The authority to sub-delegate includes authority to assign, reassign, revise thresholds, and amend or expire the authority, consistent with the existing scope of the Vice-Chancellor's authority. This includes changes to financial thresholds below the Vice-Chancellor's threshold under that delegation.
b. Sub-delegations under this policy must be approved in writing and must normally be published in the delegation schedules before being exercised, except where the Vice-Chancellor also approves:
    i. that the authority may be exercised prior to publication, and/or
    ii. that the authority is for a single or limited time or purpose only and does not require publication in the delegation schedules.
c. Where a sub-delegation is not published in the delegation schedules, the delegate must retain evidence of the Vice-Chancellor's approval in accordance with relevant NSW retention and disposal authorities and the Records Management Policy.
d. The Vice-Chancellor's exercise of the sub-delegation power will be reported to the Audit and Risk Committee at least annually. This may be a summary of sub-delegated functions such as financial threshold changes, authorities to enter into binding agreements or arrangements, or other matters on which the Audit and Risk Committee may seek assurance.
e. Where an authority is sub-delegated, the officer or body exercises the authority in their own right and is subject to all provisions governing delegations under this policy.
f. Sub-delegation by any officer other than the Vice-Chancellor is strictly prohibited.

Authorisations and authorised officers

(18) A delegate may appoint an authorised officer to perform routine parts of their delegation on their behalf, where an authorised officer may be a position (or positions) or a body. In such cases, the delegate will retain personal accountability for the exercise of the delegation by any authorised officer, including compliance with applicable laws and University policies and procedures.

(19) To authorise another position or body to exercise a function or power, the delegate must:

a. appoint the authorised officer in writing, setting out:
    i. the terms of the delegation held by the delegate under a delegation schedule, and
    ii. the exact scope of the authority that may be exercised within that delegation by the authorised officer.
b. ensure that the position or body is qualified to exercise the function and is properly fulfilling their responsibilities at all times, and

c. retain a list of authorised officers, including a reference to dates on which that authorised officer was authorised to act. A Standing Authorisations Register template is available for use by the delegate.

(20) The Vice-Chancellor and the Academic Senate may authorise a position or body to exercise certain functions within their delegations through rules, terms of reference or other means.

Functions that cannot be authorised

(21) An authorisation cannot 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 themselves (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 at or above Band 6, or
e. otherwise where the authorised officer would be required to exercise significant independent judgement.

Exercising an authorisation

(22) Where an authorised officer exercises a delegation:

a. it will be taken as though the delegate had exercised the delegation personally
b. they will be subject to the same rules as the delegate under clause 14
c. if an approval is emailed, written and/or a signature is required, the authorised officer will write the words 'For and on behalf of the delegate, as an authorised officer' so it is clear that the person is acting under the authority of the delegate, and
d. if the delegation is exercised through a computer system, the system must be able to differentiate between a delegation authorised by the delegate from that of the authorised officer, and be capable of providing an audit log showing the delegate's and authorised officer's decisions.

Part E - Changes to delegations

(23) Requests for changes to delegations must be endorsed by the Vice-Chancellor, the relevant governance committee, or other relevant senior executive leader who has responsibility for the function.

(24) Once the change is endorsed, the proposed change 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 the Council to inform staff of the changes.

Delegations and policy changes

(25) The development of rules, policies, procedures, and guidelines must conform to the arrangements for delegations. Where a change to a rule, policy or procedure is required for consistency with delegations, these may be approved as minor changes in accordance with the Policy Framework Policy.

(26) Where a change to a delegation is proposed, any rule, policy or procedure that depends on the change cannot take effect until the change has been approved by Council.

Part F - Accountabilities and misuse of delegations

Accountability statement

(27) All delegates have a continuing obligation to the Council:

a. for all decisions and actions taken pursuant to the delegation
b. for complying with the conditions governing the exercise of delegations, and
c. to justify each exercise of a delegation, should this be required.

(28) Primary and secondary budget centre managers:

a. 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
b. must 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, and
c. 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.

(29) The Vice-Chancellor is responsible for ensuring that all officers and bodies are aware of and understand their duties with respect to delegations.

(30) The Council is accountable to the University's stakeholders to ensure that delegations are exercised appropriately and in the best interests of the University.

Auditing of delegations and authorisations

(31) The exercise of delegations and authorisations will be subject to periodic review by the internal auditor.

(32) Authority to access and inspect any University document, file or record to assess compliance with this policy or for any other reason is set out in Delegation Schedule A - Governance and Legal and the Internal Audit Charter.

Misuse of delegations or authorisations

(33) Where an officer believes a delegation or authorisation has been improperly exercised, the officer should either:

a. notify their supervisor or the relevant primary or secondary budget centre manager, or
b. report a potential wrongdoing as set out in the Public Interest Disclosure (Whistleblowing) Policy and Procedure.

(34) Where a supervisor or a primary or secondary budget centre manager receives the notification, they must:

a. promptly investigate the claim
b. act according to the outcome of the investigation, and
c. refer any serious matters through the Public Interest Disclosure (Whistleblowing) Policy.

(35) If an 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 (in relation to employees covered by the Enterprise Agreement) and/or relevant employment contract and associated policies and guidelines.

(36) Where necessary during an investigation or in response to a breach, a delegation may be withdrawn or restricted,

see clause 13e.

Part G - Emergency delegation of authority

Establishment, composition and functions of the emergency committee of Council

(37) This part establishes the Emergency Committee of Council and confers authorities and powers in accordance with section 4 of Schedule 1 and section 20 of the Charles Sturt University Act, and subject to this policy and the University Governance Framework.

(38) Under this part, the Chancellor (or, where the Chancellor is unable to act, their official delegate) shall have the authority to declare a state of emergency in the event that the Council becomes inquorate and is temporarily unable to fulfil its duties, including where:

a. the number of Council members falls below a quorum, or
b. the number of members in any category of members falls below the number prescribed by the Charles Sturt University Act or By-law or any rules made by the Council.

(39) Where a state of emergency is declared in accordance with this part, the Emergency Committee of the Council will automatically be established in accordance with this emergency delegation.

(40) The Emergency Committee of Council will:

a. be chaired by the Chancellor. If the Chancellor is not available, the Deputy Chancellor will act as Chancellor. If neither the Chancellor nor Deputy Chancellor is available, the Emergency Committee of Council will elect an acting Chancellor who must not be the Vice-Chancellor, Acting Vice-Chancellor, any employee of the University or student of the University
b. comprise all members of Council who are fit to hold office, and any members of Council who become fit to return to their office during the state of emergency
c. have all the functions and delegations of Council (other than Council's power of delegation), as may be reasonable under the circumstances to promote the University's object in accordance with the Charles Sturt University Act, until such time as a quorum of the Council may be convened, and
d. have the same expenditure delegations as Council.

Other arrangements impacting delegations where an emergency arises

(41) Where an emergency impacts the ability of key officers of the University to perform their functions and duties, the delegations conferred by the Council on the Vice-Chancellor, or by the Vice-Chancellor on officers of the University, will be managed in accordance with the University's business continuity plans and this policy.

(42) Clause 41 will apply whether or not a state of emergency has been declared in accordance with this emergency delegation.

(43) Clause 10 applies where a committee of Council or the Academic Senate becomes inquorate, whether or not a state of emergency has been declared in accordance with this emergency delegation.

Activation of the emergency delegation

(44) The Chancellor (or official delegate) must wait at least 24 hours after forming a reasonable expectation that Council will be inquorate to enact this delegation. This allows time for the University Secretary (or their delegate) to confirm the ability, or otherwise, of all Council members to fulfil their normal Council duties.

Duration and termination of the emergency delegation

(45) The emergency delegation will apply only for the time that the membership of the Council is inquorate due to the emergency.

(46) If Council has not returned to quorum within three months, the Emergency Committee of Council will activate the process to fill the vacancies using best endeavours and in accordance with the terms of the Charles Sturt University Act and Charles Sturt University By-law.

(47) The emergency delegation will cease and the Council will resume its powers in their entirety at such time that the Council becomes quorate, either by members returning to their duties or through appointment to vacancies. The University Secretary or their delegate will advise when the Council becomes quorate.

Exercise of emergency delegations

(48) An action taken by any person or committee pursuant to this emergency delegation will be temporary in nature and effective only for the duration of the state of emergency, except where the context requires otherwise (such as entry into an agreement or irrevocable instrument), or the action is otherwise ratified by the Council.

(49) All delegations exercised under this emergency delegation will be exercised in accordance with the Charles Sturt University Act, Charles Sturt University By-law, relevant external legislation, the University Governance Framework, this policy, the Code of Conduct and Charles Sturt University Enterprise Agreement.

(50) A written report outlining the delegation/s exercised by the Emergency Committee of Council under the emergency delegation of authority, including details of the relevant members of the Emergency Committee of Council, will be submitted to the next quorate Council meeting for ratification.

Part H - Savings and transitional

(51) Changes to this policy and the delegation schedules do not invalidate past acts validly performed by delegates under previous versions of this policy or the delegation schedules.

Section 3 - Procedures

(52) Nil.

Section 4 - Guidelines and supporting documents

(53) Delegations schedules (see also the associated information tab):

a. Delegation Schedule A - Governance and Legal
b. Delegation Schedule B - People and Culture
c. Delegation Schedule C - Finance
d. Delegation Schedule D - Facilities and Information Technology
e. Delegation Schedule E - Academic
f. Standing authorisations register

Section 5 - Glossary

(54) In this policy:

a. Administrative delegations – means delegations for non-financial actions or decisions. Normally related to staff management or supervisory functions.
b. Executive leader - means staff employed at levels SNR1-3 of the senior executive remuneration scale.
c. Primary budget centre – relates to the first line of organisational units or portfolios within the University structure, headed by Band 8 or Band 9 senior-executive leaders.
d. Secondary budget centre – relates to the second line of organisational units within the University structure, such as faculties, divisions, offices, centres.
e. Secondary budget centre manager - means a member of staff appointed as the head of a secondary budget centre, generally including Pro Vice-Chancellors, Executive Deans, Executive Directors, Research Centre Directors and may also include other positions such as Chief Officers or Directors by appointment.
f. Senior leader - means staff employed at levels SNR4-5 of the senior executive remuneration scale.
g. Supervisor - means a person who oversees the attendance, work and performance of staff.
h. Senior executive leader – means staff employed above the level of SNR1-5.

Section 6 - Document context

Compliance drivers	Charles Sturt University Act 1989
Review requirements	As per the Policy Framework Policy
Document class	Governance

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