

# Delegations and Authorisations Policy

## Section 1 - Purpose / Objectives

(1) This Policy establishes the framework for Victoria University Delegations and Authorisations.

## Section 2 - Scope / Application

(2) This Policy applies to all Victoria University staff and Council members.

## Section 3 - Definitions

(3) Authorisation: Administrative assistance provided to a Delegate that does not include the exercise of any discretion or judgement which is the subject of the Delegation.

(4) Authorised Officer: A person given Authorisation by a Delegate in writing to perform routine parts of their Delegation which do not require the exercise of significant independent judgement on their behalf.

(5) Bands: The financial delegation bands used in the Finance and Income Schedule, and the People and Culture delegation bands used in the People and Culture Delegations Schedule.

(6) Budget Centre: A college, division, discipline group, department, branch or other entity to which a budget is allocated in the annual budget.

(7) Delegate: A position or body holding a Delegation.

(8) Delegation: Some or all of a Power, from a position or body invested with that Power, can be delegated to a different position or body, such that the new position or body can exercise that Power.

(9) Power: The rights given to a position or body by the enabling source, generally the [Victoria University Act 2010](#).

## Section 4 - Policy Statement

### Part A - Vested Powers

(10) Under the [Victoria University Act 2010](#) ('the Act'), certain Powers are vested in Council and the Vice Chancellor. In accordance with any limitations contained in the Act, all such Powers can only be delegated in accordance with this Policy.

(11) Only the position or body that is vested with a Power can delegate that Power.

(12) A position or body makes a Delegation either by approving the Schedules to this Policy or by conferring a specific Delegation.

(13) Even where a position or body has delegated its Power, that position or body retains and can exercise all those

same Powers.

## **Part B - Delegation principles**

### **Information or documentation in writing**

(14) In this Policy:

- a. 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 form; and
- b. 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:
  - i. the email states in specific terms: the nature of the approval; and that the approval is granted; and
  - ii. the approval is contained and received in an email from the official University email address of the Delegate or Authorised Officer.

### **Delegations to positions**

(15) A Delegation to a position confers Power on a position. A person becomes a Delegate only while they hold that position.

(16) A Delegation to a position extends to any person acting in the position. A person must be appointed in writing to act in a position. This appointment must include a reference to the starting and ending dates.

(17) Where a person acting in a position is to have a different Delegation from the substantive occupant of the role, then the maker of the Delegation which is to be varied is the only position or body that can vary that Delegation.

### **Delegations to bodies (such as committees)**

(18) Where a Delegation is to a body 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.

(19) Despite this, a body may authorise a person to act on its behalf in accordance with this Policy if the body resolved to do so in accordance with the ordinary rules governing decisions of that body.

### **Restructured positions or committees**

(20) A reference to a Delegation to a position or body is, if the position or body is abolished, restructured or re-named, to be taken to be a reference to the principal successor of that position or body.

### **Delegations exercised subject to conditions and requirements**

(21) A Delegation must be exercised in accordance with any conditions and/or requirements including:

- a. requirements established in the [Victoria University Act 2010](#) or any statute, regulation, policy or procedure; and
- b. any other relevant legislation, the [Victoria University Enterprise Agreement](#) or the [TAFE Multi Business Agreement](#); and
- c. the Schedules attendant to this Policy.

### **Delegations subject to direction by Vice Chancellor**

(22) Except where a Delegate is responsible to Council directly, Delegates remain ultimately subject at all times to the direction and authority of the Vice Chancellor.

## **Delegation hierarchy**

(23) The Delegations 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.

## **Delegates may only exercise Delegations for their own area**

(24) Generally, a Delegate cannot exercise a Delegation in regard to Functions or staff for which the Delegate does not hold responsibility. Exceptions to this principle include Delegations exercised by the Chief Operating Officer (COO) and Chief Financial Officer (CFO).

## **Conflicts of interest**

(25) Conflicts of interest which arise in respect of the exercise of a Delegation must be dealt with in accordance with the [Staff Code of Conduct Policy](#).

## **Delegations cannot be sub-delegated**

(26) Under the [Victoria University Act 2010](#) (clause 18[2]), no Delegation of Council may be sub-delegated. No other Delegation may be sub-delegated unless this is expressly allowed by the terms of the Delegation.

## **Incidental authorities**

(27) A Delegate may do anything that is necessary or reasonably convenient for the exercise of that Function, or is incidental to the delegated function.

## **Approval to execute documents (e.g. agreements)**

(28) A Delegation extends to the execution of documents (e.g. contracts, agreements) necessary to give effect to that Function.

## **Approval includes authority to suspend, amend and revoke**

(29) A Delegation to approve includes a Delegation to suspend, amend and revoke an approval.

## **Opinions and beliefs**

(30) If the exercise of a Function by a position or body is dependent on the opinion, belief or state of mind in relation to any matter, the Function may be validly exercised by the Delegate using their own state of mind.

## **Obtaining assistance in exercise of Delegation**

(31) In the performance of a Delegation, 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.

(32) 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.

## **Continuous exercise of Delegations**

(33) A Delegation may be exercised from time to time as occasion requires and more than once if required.

## **Exercise of Delegations to be evidenced in writing**

(34) 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.

(35) 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 a 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.

(36) 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 in the paragraphs above.

## **Part C - Authorisations**

### **Authorised Officers**

(37) A Delegate may appoint an Authorised Officer.

### **Authorisations to be in writing**

(38) An Authorised Officer must be appointed in writing clearly identifying the Delegation(s) held by the Delegate and the scope of the authority that may be exercised by the Authorised Officer.

(39) 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. The list of Authorised Officers will be maintained in the Delegation Register.

### **Certain delegated Functions may not be authorised**

(40) An Authorised Officer may not be authorised to exercise a Function:

- a. where the terms of a Delegation require the Delegate personally to exercise a significant discretion;
- b. where the terms of a Delegation require the Delegate to form an opinion personally himself or herself;
- c. where the decision would significantly affect the rights of an individual;
- d. where the decision requires the expenditure of funds.

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

(41) The act of an Authorised Officer is taken to be the act of the Delegate as though the Delegate had exercised the Delegation personally.

(42) Where the signature of a Delegate is required, the Authorised Officer is authorised to sign by writing the words "For and on behalf of the as an Authorised Officer" so it is clear that the person is acting under the authority of the Delegate. Where the exercise of a Delegation is through a computerised system:

- a. the system itself; or
- b. manually maintained records

will

- a. differentiate between an act by the Delegate from that of the Authorised Officer; or
- b. be capable of providing an audit log of the exercise of that Function.

(43) A Delegate who authorises another position or body to exercise a Delegation must ensure that the position or

body is qualified to exercise the Delegation and is properly fulfilling their responsibilities at all times.

(44) A Delegate retains personal accountability for the exercise of the Delegation including compliance with applicable laws and University policies and procedures.

### **Authorisations subject to same rules as Delegate**

(45) An Authorised Officer is subject to the same rules as the Delegate and so cannot exercise Powers beyond those of the original Delegation.

### **Delegations and policies and procedures**

(46) Where a new policy or procedure requires the granting of a new or varied Delegation to a position or body, the new or varied Delegation must be made in accordance with this Policy by the position or body who has the Power to make that Delegation.

## **Part D - Accountabilities**

### **Accountability statement**

(47) With Delegation and Authorisation comes a responsibility to account to the position or body granting the Delegation for all decisions and actions taken pursuant to the Delegation.

(48) Each Delegate is accountable to the position or body granting the Delegation for complying with the conditions governing the exercise of the Delegation and must be able to justify each exercise should this be required. This is a continuing obligation.

(49) A supervisor or line manager is accountable for ensuring Delegates in their area comply with the relevant conditions governing the use of Delegations and they need to take appropriate action in the case of breach.

(50) The Vice Chancellor is ultimately responsible for ensuring that all positions and bodies are aware of, and understand, their duties with respect to the exercise of their Delegations.

(51) 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.

### **Misuse of Delegations or Authorisations**

(52) Where the Victoria University Council or staff member believes a Delegation or Authorisation has been inadvertently improperly exercised by themselves or someone who reports to them, and believes that the matter can be resolved without any loss to the University, then the issue must be resolved promptly.

(53) Any improper exercise that cannot be resolved promptly or which caused the University damage must immediately be reported to the staff member's supervisor or line manager.

### **Transitional**

(54) Any Delegations that exist that have not been made under this Policy continue, unless they are revoked, or conflict with Delegations made under this Policy.

## Section 5 - Schedules

(55) Academic and Students Schedule (pending)

(56) People and Culture Delegations Schedule

(57) Finance and Income Schedule (pending)

(58) Governance and Management Schedule (pending)

## Section 6 - Guidelines

(59) Delegations and Authorisations Background Information Guideline (pending)

## Section 7 - References

(60) This Policy is required by the:

- a. [Governance, Academic and Student Affairs Statute 2013](#) (section 59)

## Section 8 - Supporting Documents

(61) The following documents have been referenced in this Policy:

- a. [Victoria University Act 2010](#)
- b. [Governance, Academic and Student Affairs Statute 2013](#)
- c. [Victoria University Regulations](#)

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	27th November 2015
<b>Review Date</b>	27th July 2018
<b>Approval Authority</b>	University Council
<b>Approval Date</b>	22nd November 2015
<b>Expiry Date</b>	11th April 2016
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