



Delegations Policy

1. STRATEGIC PLAN THEME AND COMPLIANCE OBLIGATION SUPPORTED

Strategic Plan Theme: [Sustainable Future](#)

Curtin University Act 1966 (WA)

2. PURPOSE

To provide clear principles and a framework for the delegation of functions within the University

3. POLICY STATEMENT

The *Curtin University Act 1966* (Curtin Act) gives Council, as the governing body of the University, the responsibility for the control and management of the affairs, concerns and property of the University.

Council is the ultimate legislative authority of the University, with power to make statutes, rules and by-laws, and to recommend changes to the Curtin Act, to facilitate the educational and research mission of the University.

Council is responsible for governance matters affecting the University, while the Vice-Chancellor is responsible for the management and administration of the University, including general supervision over the staff and students of the University.

The governance functions exercisable by Council are broadly set out in the 'Matters Reserved' list that is included in the Delegations Register.

(a) All delegations

- 3.1 Delegations are to be made and exercised within the legislative framework and requirements (including the Curtin Act, statutes, rules and by-laws, as well as the policies and budget limitations of the University and any external conditions of granting bodies).
- 3.2 Delegations are to be worded so that they are exercisable by a body or the holder of a position, not by a specified individual.
- 3.3 Delegations cannot authorise anything to be done that could not be done by the person or body delegating the function.
- 3.4 Delegations must be in writing and may be expressed to be subject to conditions or limitations which must be complied with by the person exercising the delegated function.
- 3.5 A person or body delegating a function may, at any time:
 - (a) exercise the delegated function; or
 - (b) in writing, revoke or vary the delegation.
- 3.6 A person or body exercising a delegated function does so in their own right, not as agent (or on behalf of) the person or body delegating the function.
- 3.7 A delegation cannot be exercised by a person who has a conflict of interest. If any conflict of interest occurs, this must be declared and dealt with in accordance with the Code of Conduct and any written law or policy that applies.
- 3.8 Delegations are intended to improve the efficiency of the administrative processes by the devolution of authority and accountability to appropriate Council Committees and staff to enable the proper discharge of their responsibilities and to ensure that internal controls are effective.
- 3.9 Delegations are to be recorded in the Delegations Register.

(b) Council

- 3.10 Under the Curtin Act:
 - (a) Council can delegate any of its functions, except the power to make statutes and by-laws;

- (b) Council can delegate its functions to specified officeholders and specified bodies. Council will normally delegate only to the Vice-Chancellor and to specified Council Committees including Academic Board; and
- (c) a delegation by the Council must be by resolution.

(c) Vice-Chancellor

- 3.11 When the Vice-Chancellor is given a function under the Curtin Act, or under a statute, rule or by-law, he/she may exercise the function personally or may delegate to any person or committee or persons.
- 3.12 When the Council delegates a function to the Vice-Chancellor, the Vice-Chancellor:
 - (a) may exercise the function personally; or
 - (b) if authorised under the delegation, may sub-delegate, in writing, the function to a person or body.

(d) Sub-delegation

- 3.13 The principles applying to delegation (2.1 - 2.9 above) also apply generally to sub-delegation.
- 3.14 Sub-delegations should reflect the University's organisational structure, responsibility and accountability. Sub-delegation should place decision-making authority as close as possible to the point of service delivery and minimise steps in decision-making processes, enabling decisions to be made faster and therefore be more responsive to the needs of stakeholders.
- 3.15 The levels of authority are hierarchical through line management up to and including the Vice-Chancellor. Generally, any function exercisable by a delegate would be exercisable by the delegate's supervisor or line manager, providing due regard is had to requirements of professional qualifications or membership.
- 3.16 Sub-delegation on a temporary basis is appropriate in circumstance where the staff member normally responsible is absent for a period of less than two weeks.

(e) Financial and property

- 3.17 All expenditure to be incurred by the University:
 - (a) must be authorised, either directly or through delegation, by Council; and
 - (b) must be incurred for University purposes or purposes authorised under the *Curtin Act*.
- 3.18 A delegation authorising the expenditure of University funds is to be limited to authorising expenditure within the budget approved by the Council. A delegate who incurs expenditure beyond or without an approved source of funds is liable for that expenditure.
- 3.19 Instruments dealing with interests in land (eg transfers, leases, mortgages and caveats) are to be signed under the Common Seal of the University and must be registered in the Common Seal Register.

4. RESPONSIBILITY FOR IMPLEMENTATION, COMPLIANCE MONITORING, MEASURING AND CONTINUAL IMPROVEMENT

This section was not required for the previous format

5. SCOPE OF POLICY

- Council
- Council Committees and Boards
- The Vice-Chancellor
- All Staff

6. DEFINITIONS

(Note: Commonly defined terms are located in the [Curtin Common Definitions](#). Any defined terms below are specific to this document)

Authorisation

Enables a person or body to be given authority to exercise a function on behalf of the University.

Delegation

Is one of the mechanisms by which a person or body who is given a legislative function can enable another person or body to exercise that function on behalf of the University. Other mechanisms are:

- a) vesting of functions in particular bodies or office holders under the University's statutes, rules or by-laws; and
- b) authorisations.

Function

Includes powers, duties and authorities.

Sub-delegation

Enables a person or body with a delegated function to delegate all or part of that function to another person or body.

7. SUPPORTING PROCEDURES

Nil

8. RELATED DOCUMENTS/LINKS

Decision Making Guidelines

Policy Compliance Officer	Naomi Yellowlees , Director, Legal and Compliance Services
Policy Manager	Chief Operating Officer
Approval Authority	Council
Review Date	1 st April 2019

REVISION HISTORY

Version	Approved/ Amended/ Rescinded	Date	Committee / Board / Executive Manager	Approval / Resolution Number	Key Changes and Notes
New	Approved	12/12/2007	Council	C155/07	Attachment B to Confidential Document 01330/07
	Administratively Updated	20/03/2008	Director, Legal and Compliance Services		Reformatted and Amended to Reflect Organisational Chart
	Administratively Updated	10/06/2010	Director, Legal and Compliance Services		Formally Reviewed, No Changes Required
	Administratively Updated	14/03/2012	Director, Legal and Compliance Services		Reformatted as per new policy framework
	Administratively Updated	03/06/2013	Director, Legal and Compliance Services		Text Amendments
	Amended	28/10/2015	Audit and Compliance Committee	ACC 64/15	Reviewed and No Changes Recommended
	Approved	21/06/2017	Council	C 93/17	Attachment A to Item 7.4

Guidelines on a decision making process

Purpose of this document

This document was developed as an action arising from the Strengthening Our Culture Systems Working Party.

Showing how we have informed our decision making is an integral part of our integrity. And we make decisions in the context of complex and innovative work which requires both courage and also the ability to show consistency in how the decision making principles are applied. This Guide is intended to provide you with some useful steps in the decision making process. Not all decisions require the same process, “will I we meet for an informal catch up over of coffee or walk around campus?” is a different decision to “Will I create three new positions, close down a Unit or enter into a partnership with a controversial business? You will make your own assessment of what you find useful in this guide and what you don’t think is necessary in the circumstances. Each section is intended to stand alone so you may find sections repeat information and resources.

You may also wish to discuss this process with your line manager, peer support, mentor or other trusted advisor.

There are many documents and people who can help you in your decision making and we’ve tried to link as much of that information to this document. If there are new sources you have found please don’t hesitate to Contact Us and they can be included in future updates. See

<http://policies.curtin.edu.au/contactus/index.cfm>

You may find the attached ***Decision Making Process*** diagram and document useful for reference.

All feedback is welcome.

Decision Making Process Guide

1. What is the decision to be made and what are the principles to be used in making the decision?

What is the actual decision you are being asked to make? Sometimes this is not clear because you may be presented with the symptom and not the problem or the person asking may not have the particular area of expertise to ask the question in a way that addresses the issue.

Is the decision to be made routine, low risk or are the potential consequences of not making the decision or an improperly made decision significant?

Do you know what the consequences of making the decision are?

Don't overthink this, sometimes based on your expertise it is obvious that a decision is routine or low risk.

What is in scope for *this* decision and what can be decided at a later date? Can this decision be broken down into a proof of concept/trial/pilot and then review the outcome before the next phase?

What are the **principles/parameters by which the decision will be made?** Some common parameters are:

- The outcome must promote the strategy and business of Curtin and the area.
- A successful outcome will look like...? The decision should support that outcome.
- The decision must align with Curtin values and identify where there may be competing needs which behaviours are paramount for this outcome.
- We must be able to achieve the outcome in a safe way
- We must have a plan to engage those who will be impacted by the decision
- This decision must be able to be implemented globally
- We must be able to achieve the outcome within the budget parameters
- We need to do this by X date because if we don't the consequences are y
- We will need to change processes to be innovative/efficient and the cost/time involved to do this is a reasonable cost we will need to manage to be more innovative/efficient
- This is a routine or low risk decision and I should just make it now and get on with more impactful work.

Risks should be managed appropriately ie we assess what the risk is and what is an appropriate control, if it's low risk we don't put in unnecessary checks and balances. If it's high risk we seek help if we need to balance the risk

Resources

Curtin's various risk documents can help you assess the level of risk associated with making the decision.

https://riskmanagement.curtin.edu.au/risk_management/index.cfm

2. Who makes the decision?

Do *you* have to make this decision? Do you have the delegated power to make this decision- see the Delegations Register? Do you have the authority to make the decision, is this part of your specific role? You cannot exceed your authority, but you can authorize others to exercise it.

If it is routine or low risk you may authorise someone in your area to make the decision. There are ways of having oversight into what is done under a decision making authority so you can satisfy yourself someone is acting within the scope of their authority. You don't need to make every decision.

Making a decision at too high a level can be an inefficiency and cause unnecessary delays without adding value-see the Delegations Policy.

http://policies.curtin.edu.au/local/docs/policy/Delegations_Policy.pdf

Can you empower someone else to make the decision? What oversight do you have to know they have made the decision in line with the required decision making principles? Have you written down or discussed those principles with the person so they are clear about your expectations and what is will be in line with those principles. Bear in mind there are many shades of grey and the decision someone else makes may not be the same one you would make, but it should be consistent within the broad scope of the decision making parameters and use an appropriate decision making process. This is how consistency of decision making principles can be applied in a way that still provides flexibility for the diversity of situations and complexity of the work we do.

Do you have a conflict of interest which will mean it is not appropriate for you to make this particular decision? If so what is your plan to manage that conflict? See:

<http://complaints.curtin.edu.au/staff/conflicts-of-interest.cfm>

What is the timeframe to make this decision? Does it need to be made now? If it can be made later will the person making the decision have full knowledge of the relevant factors when it comes time to make the decision?

Resources

- The *Delegations Policy* set out the principles of delegated decision making:
http://policies.curtin.edu.au/local/docs/policy/Delegations_Policy.pdf

2.8 Delegations are intended to improve the efficiency of the administrative processes by the devolution of authority and accountability to appropriate Council Committees and staff to enable the proper discharge of their responsibilities and to ensure that internal controls are effective.

2.14 Sub-delegations should reflect the University's organisational structure, responsibility and accountability. Sub-delegation should place decision-making authority as close as possible to the point of service delivery and minimise steps in decision-making processes, enabling decisions to be made faster and therefore be more responsive to the needs of stakeholders.

Delegations can be found at: <http://policies.curtin.edu.au/delegations/>

For information on the difference between a formal delegation and an authorisation for another staff member to carry out the work please see:

The Difference between Delegations and Authorisations

<http://policies.curtin.edu.au/delegations/about.cfm>

Various Statutes, by-laws, policies and procedures also state the responsibility of officers of the University in making decisions, particularly in relation to academic matters.

<http://policies.curtin.edu.au/legislation/internallegislation.cfm>

<http://policies.curtin.edu.au/findapolicy/>

For staff related matters please refer to the HR website or consult with your HR Business Partner.

You should also note the *Conflict of Interests Procedures* as even though you have the power to make a decision it may not be appropriate for you to do so.

3. When does the decision need to be made?

When does *this* decision need to be made?

Often decisions can be broken down into a series of small decisions or a phased approach can be taken. In procurement, for example, there may be an initial decision to procure a good or service, then a decision as to what is the appropriate procurement strategy.

Have you mapped out what you need to know and what steps may need to be taken before you make the decision? Have you allowed for contingencies? Have you allowed for the impact on the timeline of business as usual peaks and demands? Have you discussed you need for advice/assistance from other areas so they can manage their priorities to best service your needs?

Have you allowed time for engagement with stakeholders, if appropriate? What is the opportunity cost of not making a timely decision?

What are the real consequences if the decision is not made within the original timeline? Are there regulatory/contractual consequences if you don't make the decision within that time? If so have you informed discussed this with your line manager and other appropriate people?

Resources

Participation Continuum

<https://www.curtin.edu.au/strengthening-our-culture/resources/tips-and-tools.cfm>

Critical Incident Alert Matrix

http://riskmanagement.curtin.edu.au/crit_inc_mgmt/index.cfm

4. Be Informed

The more significant the consequence of the decision the more you need to be informed.

How should this decision be made? Curtin's participations continuum (insert link) helps identify the type of decisions you can make yourself and the type of circumstances which may benefit from involving others and how they can be involved. Have appropriate access and inclusion strategies been taken into account to promote involvement, where relevant?

How have you allowed any person who may be adversely affected by your decision to put their side of the story?

Who will be impacted by the decision and how do you get feedback about managing the impact and becoming aware of unintended consequences? Note, depending on the nature of the decision there may be special requirements on how you inform/engage people affected by the decision?

What information do you need to make the decision? What external sources of information can assist in making the decision? What internal sources of information can assist in making the decision?

How will the decision be implemented? Can you implement the decision? Are existing resources sufficient, if not what do you need and how will you get it?

When the decision is made will it be implemented immediately? What are the factors impacting on when it should be implemented?

How will you get feedback that the decision had the desired effect? Do you need to put in mechanisms/processes/ measurements to provide feedback on the effect of the decision.

How do you document the relevant information you relied upon to make the decision? This could be an email, Memo or communication to stakeholders including focus groups.

Having regard to the time required to make the decision you may not be able to consider *all* the information available part of your decision making process may be to identify the key information you need to make a risk informed decision. In procurement, for example, there are cases where

you are only required to obtain 3 quotations and you need to decide if they are adequate for your requirements.

How will you handle disputes, appeals against the decision, where relevant?

Resources

Freedom of Information Act Essentials

<https://policies.curtin.edu.au/legislation/externallegislation.cfm>

Disclosure of Personal Information Procedures

https://policies.curtin.edu.au/local/docs/policy/Disclosure_of_Personal_Information_Procedures.pdf

Complaints Procedures

http://policies.curtin.edu.au/local/docs/policy/Complaints_Procedures.pdf

Strategic Procurement

<https://procurement.curtin.edu.au/>

5. Why

When you think you've made the decision, reflect, why did you make that particular decision:

- How does it sit with Curtin's Values?
- How does it sit with Curtin's Risk Appetite?
- Are you prepared to be accountable for the decision?
- Were there other decisions you could have made, and why was this the better decision?
- Have you documented why you made that decision and the factors you took into account so that the decision making is transparent and this helps with consistency in future decision making?

Resources

Curtin's Values

<http://about.curtin.edu.au/who/vision-mission-values/curtin-values/>

Risk Appetite

http://riskmanagement.curtin.edu.au/risk_management/index.cfm

6. Make the Decision

Now you've considered the appropriate information, reflected on how it sits within your decision making principles and now how it can be implemented, make the decision.

Risks can arise where decisions are not made in a timely manner.

If you choose not to make the decision, have circumstances changed and this should now be put aside and if so have you communicated this to the appropriate people, if any. If your decision is that the decision does not need to be made now but can be made when the circumstances have changed have you scheduled or put in a plan to revisit the decision at a later date. Have you documented what needs to happen for the decision to be revisited?

Have you documented what information was gathered so when the time comes to revisit the decision you can just look at what has changed, you don't need to get everyone to re do

7. **Responsibility to Implement**

Who has responsibility to communicate about the decision and how it will be implemented? Have relevant access and inclusion strategies been taken into account? When will this be done and who else is involved?

What resources do you need to acquire to implement and monitor performance? Does this need to be incorporated into other plans?

If appropriate, can the decision be implemented globally and how will this be done?

Is there a common understanding on who and how disputes/appeals against the decision, will be managed?

Resources

Planning Policy and Planning Procedures

http://policies.curtin.edu.au/local/docs/policy/Planning_Procedures.pdf

Curtin's Values

<http://about.curtin.edu.au/who/vision-mission-values/curtin-values/>

Risk Appetite

http://riskmanagement.curtin.edu.au/risk_management/index.cfm

Freedom of Information Act Essentials

<https://policies.curtin.edu.au/legislation/externallegislation.cfm>

Disclosure of Personal Information Procedures

https://policies.curtin.edu.au/local/docs/policy/Disclosure_of_Personal_Information_Procedures.pdf

Complaints Procedures

http://policies.curtin.edu.au/local/docs/policy/Complaints_Procedures.pdf

Disability Inclusion and Access Plan

<http://life.curtin.edu.au/health-and-wellbeing/DAIP.htm>

8. **Accountability for Performance and Learning**

You are accountable for your decision. You should not make reference to other people as being the reason you made the decision, this not only does not accord with Curtin's values but it undermines your authority and can leave you open to having your decision challenged on the basis you did not properly exercise your discretion.

How will you be accountable for your decision? Some decisions may require reports to be provided. In addition to formal reporting you may wish to set up a communication program to stakeholders so they are aware of the impact of the decision and lessons learnt.

Do you have a planned process to reflect/review the decision making process and what you have learnt from it that can improve future decision making?

Is there anything from this particular decision making process you can feedback to other areas to help make the process more effective and efficient for others?

Resources

Planning Policy and Planning Procedures

http://policies.curtin.edu.au/local/docs/policy/Planning_Procedures.pdf

Curtin's Values

<http://about.curtin.edu.au/who/vision-mission-values/curtin-values/>

Risk Appetite

http://riskmanagement.curtin.edu.au/risk_management/index.cfm

Tips and Tools on meaningful discussion and feedback

<https://www.curtin.edu.au/strengthening-our-culture/resources/tips-and-tools.cfm>

Sources informing this document

Four Point Five Steps to Good Decision- Making, Curtin Professional Standard and Conduct Unit training resources.

A model for Values- Based Decision Making, Curtin 2016 SPSDP Participant Handout Module 1 Marlow Hampshire Pty Ltd 2016

Is it Ethical? Curtin Ethical Framework handout (undated)

As at 03 January 2017