



## 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](#)

<b>Policy Compliance Officer</b>	<a href="#"><u>Naomi Yellowlees</u></a> , Director, Legal and Compliance Services
<b>Policy Manager</b>	Chief Operating Officer
<b>Approval Authority</b>	Council
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**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