Delegations Policy

1. STRATEGIC PLAN THEME AND COMPLIANCE OBLIGATION SUPPORTED

   Curtin University Act 1966 (WA)

   Strategic Plan Theme: Sustainable Future

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. The Council Secretary shall maintain the “Matters
   Reserved”.

   The Director, Integrity, Standards and Compliance Services is responsible for the delegations
   framework and all recommendations and draft delegations must be submitted through the Director,
   Integrity, Standards and Compliance Services.

   (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, they 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(s) or body.

(d) **Sub-delegation**

3.13 The principles applying to delegation (3.1 - 3.9 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 and segregation of duties.

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. **SCOPE OF POLICY**

Council

Council Committees and Boards

The Vice-Chancellor

All Staff
5. 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.

6. SUPPORTING PROCEDURES

Academic Promotions Procedures
Appointment of Casual Academic Staff Procedures
Appointment of Fixed- Term and Continuing Staff Procedures
Appointment of Visiting or Adjunct Staff Procedures
Consultancy Procedures
Procurement Procedures
Recruitment, Selection and Appointment Policy
Appointment, Performance and Remuneration of Executive Managers Procedures

7. RELATED DOCUMENTS/LINKS

Conflict of Interest Procedures
Decision Making Guidelines
Delegations Register
Establishment and Change of Organisational Units Procedures
Organisational Structure Policy
Titles for University Positions Procedures

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REVISION HISTORY

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