

# Delegations of Authority Framework

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## Purpose

This document establishes and outlines a framework for delegations of authority for University decision making; prescribed under the Federation University Australia Act 2010, its Statutes, Regulations, Policies and Procedures and as determined by Council or the Vice-Chancellor and President.

The [Delegations of Authority Framework](#) will ensure:

- Clarity around decision making within the University;
- Effective internal controls and monitoring are in place;
- Accountability and responsibility are devolved to the appropriate level within the University;
- Delegations align with a specific position or University board, committee or body; and
- Efficiency and effectiveness in administrative decision making.

## Scope

This Framework applies to all officers, University boards, committees or bodies who may be in a position to make decisions or exercise authority on behalf of the University.

## Legislative Context

This [Delegations of Authority Framework](#) encompasses the following:

- the Federation University Australia Act 2010
- Federation University Australia Statute 2021
- Federation University Australia Academic Regulations 2022
- the [Delegations - Contract, Financial, Staffing and Tender Procedure](#)

Together with all delegations of authority contained within University Statutes, Regulations, Policies and Procedure and any other approved Instrument of delegation.

## Definitions

Term	Definition
<b>Delegate</b>	Means an individual or a board, committee or other University body, established by or constituted under the University Statute and Regulations, who has authority to act on behalf of, make decisions on behalf of or represent the University.
<b>FedUni Act</b>	Means the Federation University Australia Act 2010 (Victoria) as amended from time to time.
<b>Statute 2021</b>	Means the Federation University Australia Statute 2021
<b>Officer</b>	Includes staff members, members of the University Council and members of any board, committee or other body established by or constituted under the University Statutes and Regulations.
<b>Staff Member</b>	Includes any person employed by the University on a full-time, part-time, sessional or casual basis, or those employed through a contract for services.

## Policy Statement

### What are delegations of authority?

Delegations of authority establish which officers or boards, committees or other bodies of the University can make decisions or act on behalf of the University. Delegations may relate to financial transactions, legal or contractual arrangements, academic decision making, staffing matters or other administrative matters.

### Power to delegate

#### University Council

The Council of the University, in accordance with section 18 of the FedUni Act, may delegate its powers or functions under the FedUni Act to:

1. a member of Council;
2. a committee of Council;
3. any staff member of the University;
4. the Academic Board or its equivalent; or
5. any other entity prescribed by the University's Statutes.

The Council must not delegate:

1. its power of delegation under Section 18;
2. the power to appoint officers under Section 9(1)(a) of the FedUni Act; or
3. the power to make University Statutes.

### **Committees of Council**

The Council, in accordance with section 15(3) of Schedule 1 of the FedUni Act, may delegate to any committee or member of a committee all or any of its powers, authorities, duties and functions, other than:

1. this power of delegation; and
2. the power to make University Statutes and, except in accordance with section 30 of the FedUni Act and Statute 2021, the power to make Regulations.

The Council may revoke a delegation under section 15(3) by resolution of Council.

### **Academic Board**

The Academic Board in accordance with the Federation University Australia Statute 2021 may delegate by resolution, any of its powers, authorities, duties and functions to:

1. an Institute, School or Federation TAFE;
2. a Portfolio;
3. a committee constituted and appointed by the Academic Board;
4. a member of the Academic Board; or
5. a prescribed officer of the University.

### **Vice-Chancellor and President**

The Vice-Chancellor and President, under section 26 (7) of the FedUni Act, may delegate any of their functions, powers and duties to:

1. any appropriately qualified staff member; or
2. any committee established from appropriately qualified staff members.

## **Exercise of delegation**

Where the Council, the Vice-Chancellor or the holder of an office, a board, committee or other body established or constituted by or under the FedUni Act, the Statutes or the Regulations, delegates any of their or its powers, authorities, duties or functions, the power, authority, duty or function may be exercised or performed by the delegate:

- a. in accordance with the terms of the Instrument of delegation;
- b. if the delegated act is dependent upon the opinion, belief or state of mind of the delegate, then upon the opinion, belief or state of mind of the delegate in relation to the matter; and

- c. the delegate may not further delegate the power, authority, duty or function.

The delegation referred to above:

- a. may be revoked or varied by the delegate; and
- b. does not prevent the exercise of a power or authority or the performance of the duty or function to which the delegation relates by the delegate.

## Authority to act

Where a power is conferred to appoint a person to an office or position, under any Statute or Regulation, that power shall, unless otherwise prescribed, be deemed to include the power to appoint a person to act in that office or position Statute 2021.

A reference to an office-holder in any Statute or Regulation shall, unless otherwise prescribed, include a reference to any person duly appointed to act in the place of that office-holder.

## Powers reserved by council

The Council may reserve some decisions for its sole authority, notwithstanding any delegation set out in a University delegation of authority.

## Entering into and signing of contracts and tenders

The [Delegations - Contract, Financial, Staffing and Tender Procedure](#) prescribes authorities for entering into and signing contracts and tender submissions on behalf of the University, within the delegate's approved financial limits. This includes all legally binding arrangements, including research agreements and International agreements.

## Use of the University seal

Section 7 of the FedUni Act provides for the use of the University's common seal. The common seal must be kept and used as directed by the Council or in any other manner authorised under University Statute or Regulation.

Section 19 of Statute 2021 provides that the University's common seal "must not be used except as authorised by this Statute or the Regulations". It provides further that the common seal may be affixed "as directed by the Council in accordance with Section 7 of the Act or as authorised by the Vice-Chancellor.

In all other instances, a resolution of Council is required in order for the seal to be affixed to a document, unless the law imposes a technical formality for the execution of a particular type of contract.

## General principles

1. Delegations are to be exercised subject to any conditions or limitations imposed by the Instrument or delegation or the delegate and within the framework of the FedUni Act, University Statute and Regulations, Policies and Procedures and external legislation.
2. Delegations are to reflect the organisational structure of Federation University Australia.
3. A delegation may be for a specific instance or on a continuing basis.
4. Instruments of delegation should be accessible to all staff and, wherever possible, be contained in University Statutes, Regulations, Policy or Procedure. Instruments of delegation can only be created, altered or revoked by the approval authority for that Instrument.

5. Notwithstanding 4 above, delegations not contained in an Instrument of delegation:
  - a. may be altered by a delegating board, committee or University body on a temporary basis in response to business imperatives; or
  - b. may be withdrawn at any time by the delegating board, committee or body or by the Vice-Chancellor and President.
6. In the case of an individual, delegations are assigned to a position, not the occupant of the position.
7. In the case of an individual, delegations can only be exercised with regards to matters within the officer's area of responsibility.
8. Where an officer is on leave or unavailable to exercise their authority, an acting delegate may be approved for a specified period of time or alternatively the delegation may be exercised by the officer's supervisor.
9. An officer formally appointed to act in another position, has the same delegations as apply to the position they are acting in, regardless of whether they receive a higher duties allowance.
10. A financial delegation can only be exercised within an approved budget and subject to any legal arrangements.
11. Delegations cannot be sub-delegated, however where an Instrument of delegation allows, a delegate may nominate another officer or board, committee or body of the University to act on their behalf. In such instances, the responsibility for the delegation remains with the original delegate.
12. A delegate may authorise routine administrative functions within the delegate's area of responsibility to be carried out by a nominated staff member, in which instance the delegate remains responsible for the nominated staff member's actions and accountable for the exercise of the delegated function. Examples of such tasks include booking travel or minor purchase requisitions.
13. A delegation held at a particular management level is also held by all higher positions through reporting lines up to and including the Vice-Chancellor and President.

A delegation to a board, committee or other University body must be in accordance with the board, committee or body's terms of reference. The delegation will apply to the board, committee or body as a whole and cannot be exercised by individual members or the Chair of the board, committee or body, unless formally delegated to a member of the board, committee or body by the Council in accordance with section 15(3) of Schedule 1 of the FedUni Act.

## Conflict of interest

A delegate who has a conflict of interest must not exercise their delegation. The delegation should instead be exercised by the delegate's supervisor.

A delegation cannot be exercised where it would provide the delegate with a direct or indirect benefit, including approval of their own appointment, remuneration or other payment, promotion, travel, absence or termination.

## Supporting Documents

- *Federation University Act 2010 (Vic)*
- Federation University Australia Statute 2021
- Federation University Australia Academic Regulations 2022
- [Delegations - Contract, Financial, Staffing and Tender Procedure](#)
- [Instrument and Register of Delegations](#)

## Responsibility

The Vice Chancellor and President is responsible for ensuring the effective implementation of this framework.

## Promulgation

The [Delegations of Authority Framework](#) will be communicated throughout the University via:

1. an Announcement Notice under 'FedNews' website and through the University Policy - 'Recently Approved Documents' webpage to alert the University-wide community of the approved Policy;
2. inclusion on the University Policy, Procedure and Forms website; and/or
3. distribution of e-mails to Head of School / Head of Department / University staff; and/or
4. documentation distribution, eg. posters, brochures.

## Implementation

The [Delegations of Authority Framework](#) will be implemented throughout the University via:

1. Information Sessions; and/or
2. Training Sessions.