Delegations and Authorisations Policy

Section 1 - Key Information

Policy Type and Approval Body	Governance – Council
Accountable Executive – Policy	Chief Operating Officer
Responsible Manager – Policy	General Counsel & Director of Assurance
Review Date	1 September 2029

Section 2 - Purpose

(1) The purpose of this Policy is to establish and outline the framework and principles for formally delegating authority for decision making of the University's affairs.

Section 3 - Scope

(2) This Policy applies across the University.

Section 4 - Key Decisions

Key Decisions	Role
Execute contracts on behalf of the University	See University's Contract Signing - Instrument of Delegation for list of duly Authorised Signatories to University Contracts
Execute contracts in circumstances where the University receives more than $5,000,000 for a specified purpose and does not commit any additional University funds or in-kind contributions.	Vice-Chancellor
Determine the Decisions Reserved for Council	Council

Section 5 - Policy Statement

(3) Delegations are the mechanisms by which the University enables officers and committees of the University to act on behalf of the University. The Delegations Framework focuses primarily on matters which relate to:

a. financial transactions;
b. contractual arrangements with staff, students, and persons and organisations outside the University;
c. other powers derived from the University and other legislation.

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(4) The University is required to establish and maintain delegations to ensure staff have appropriate authority to conduct their activities, and that all funds committed and expenditure incurred is appropriately authorised.

(5) All University bodies and staff must act within their delegated authority as set out in the Delegations of Authority Framework.

(6) The Delegations Authority Framework consists of:

a. This Delegations and Authorisations Policy;
b. Instruments of Delegation; and
c. Decisions Reserved for Council.

(7) The Policy is designed to:

a. ensure there is clarity about decision-making within the organisation;
b. establish appropriate principles and processes that align responsibility and accountability for various administrative functions;
c. devolve decision making authority as close as possible to the point of service delivery and in accordance with an acceptable level of risk for the relevant business function;
d. ensure efficiency and effectiveness in administrative processes and decisions;
e. ensure effective internal controls are in place.

(8) This Policy has been created under the authority of Council which may revoke, replace or amend this Policy at any time.

Section 6 - Procedures

General Principles

(9) Delegations are usually assigned to the position occupied, not to the occupant. They may also extend to a person acting in that position for a specified period.

(10) Delegations are to be exercised subject to budgetary limitations.

(11) Delegations are to be exercised subject to any conditions or limitations imposed by the delegator and within the framework of the La Trobe University Act 2009, the University statutes and regulations, policies and procedures and external legislative requirements. Delegates need to understand their authority and responsibilities under the:

a. Instruments of Delegation
    i. Instrument of Delegation - Contract Signing Delegations
    ii. Instrument of Delegation - Financial Expenditure
b. Procurement Policy
c. Financial Accounting Procedures
d. Corporate Credit Card Policy
e. Contracts Policy

(12) Unless expressly permitted in legislation, delegations cannot be sub-delegated. This is certainly the case in respect of Council (section 18(2)(a) of the Act). A delegate may, however, 'authorise ' another officer or body to perform certain administrative functions related to their delegated power in certain circumstances (see Authorisation of Routine Functions below). In such cases, the responsibility for the exercise of the power, and the way in which it is

exercised, remains with the delegate.

(13) Delegates may only exercise delegations with regard to matters within their own area of responsibility or those positions within their line management, and within the limits of the relevant approved budget or other available source of funds.

(14) Where a delegation is to a body (such as a Committee) by reference to the body's title, it relates to the body acting as a body in accordance with the terms of reference, not to individual members of the body.

(15) Local area rules and guidelines created by Schools, Departments and Business Units must be consistent with delegations and University policy.

(16) Levels of authority are hierarchical through relevant lines of responsibility up to and including the Vice-Chancellor.

(17) A delegation cannot be exercised if the officer holding the delegated authority has a conflict of interest.

(18) Commitments made by delegates must be consistent with any specific funding conditions and any other relevant legal agreements.

(19) Financial transactions cannot be manipulated to accommodate a particular delegate's financial delegation limit, for example splitting transactions, incorporating deductions or trade-ins, payment of instalments when the total cost is above the approved financial limit of the delegate.

Authorisation of Routine Functions

(20) While a Delegate may not sub-delegate a function, they may authorise a staff member to perform routine administrative tasks and systems processes required to carry out a delegated function within their area of responsibility. Not restricted to this list are some examples of routine administrative tasks and may include processing routine financial transactions such as travel, minor equipment purchases, petty cash and so forth, signing of a travel order, purchase requisition, casual timesheets or similar documentation.

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(21) When a Delegate authorises a staff member to perform routine administrative tasks the Delegate remains responsible for the authorised staff member's actions. The Delegate also remains personally accountable for the exercise of the delegated function including compliance with applicable laws.

(22) If the authorised staff member is required to provide a signature on behalf of the Delegate, they must clearly indicate that they are acting under the authority of the Delegate, by stating 'For and on behalf' of. However, a Delegate must never authorise another staff member to execute a contract on their behalf as all contracts must be signed in accordance with the University's Contract Signing – Instrument of Delegation.

Decisions Reserved for Council

(23) Notwithstanding the delegations to officers of the University under this Policy, there are some decisions that are reserved for Council. These decisions are prescribed in University legislation and/or set out in the document 'Decisions Reserved for Council'.

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Risk

(24) A Risk Appetite statement defines the University's level of acceptable risk taking and set by Council and overseen by the Senior Executive Group. The Risk Appetite Statement should be used to help guide day-to-day activities, opportunities, risk and decisions in pursuit of the University's strategic objectives.

Contract Signing

(25) A delegate is authorised to sign a contract in accordance with the Contract Signing -Instrument of Delegation and Contracts Policy, subject to the Contract Signing Regulations 2016 and the Decisions Reserved for Council. For the purchase of general goods or services on behalf of the University, contracts can be signed in accordance with the Contract Signing - Instrument of Delegation having regard to the nature of the contract and provided it does not exceed the delegate's expenditure limit under the Financial Expenditure Authorisations.

> For example, the Executive Director, Asset Transformation who has a financial expenditure limit of $500,000 may sign a goods and services contract on behalf of the University provided the value of the contract does not exceed $500,000.

> The Chief Information Officer, Information Services, who has a financial expenditure limit of $500,000 may sign ICT contracts on behalf of the University provided the value of the contract does not exceed $500,000.

Value of a Transaction

(26) In accordance with the Contract Signing – Instrument of Delegation, Value means:

the total monetary value of consideration under the Contract, including any binding commitments for case, in-kind, co-contribution, assets or royalities, but excluding GST, calculated over the full term of the Contract (including any variations or binding options to renew or extend the term of the Contract

(27) Renewal and extension by agreement of all parties is not taken into account.

> If a lease provides for an initial 3-year term at $100,000 per annum with an option granted to the tenant to renew for a further one term then the "value" of the lease is $600,000 ($300,000 for the initial term and $300,000 for a further 3 years if the option is exercised by the tenant).

Monies Received

(28) For contracts where the University is in receipt of funds:

a. the Contract Signing Delegations apply;
b. the Expenditure Delegations – Major Table of Authorities does not apply to the funds in receipt;
c. the Expenditure Delegations – Major Table of Authorities continues to apply to all binding monetary commitments; and
d. the transaction remains subject to any Decisions Reserved for Council.

(29) If the relevant contract in clause 25 above exceeds $5,000,000 in funds to be received, the Vice-Chancellor may sign such contracts without the need for prior Council approval provided:

a. the contract does not commit the University to greater than $5,000,000 in any binding commitments for cash, in-kind, co-contribution, assets or royalties; and

b. the transaction is not a Decision Reserved for Council.

> Examples include funding agreements, grant agreements, research services agreements and research consultancies.

No Monies Exchanged

(30) Agreements that do not involve receipt or expenditure of any money must be signed in accordance with the Instruments of Delegation, subject to Decisions Reserved for Council.

> Examples include non-disclosure agreements, an memorandum of understanding, or a strategic relationship agreement with no specified project or statement of works.

Common Seal

(31) The University's common seal is not required to be used in contracts or other legal documents except where the law imposes technical formalities for the execution of particular kinds of contract. Where required, it must be applied in accordance with section 4 of the Contract Signing Regulations.

> An example is a contract in a foreign jurisdiction that requires application of an entity's seal to effect a valid signature.

Tools to Assist Decision Makers

(32) The 'Decision Making Principles' and the 'Hierarchy of Governance Documents' have been developed as reference tools to assist delegates under this Policy.

Section 7 - Definitions

(33) For the purpose of this Policy:

a. Delegations are powers conferred by a person (the Delegator) on another person (the Delegate) under legislation or a formal instrument in writing. The acts of the Delegate are, at law, the Delegate's acts, and not the Delegator's. The Delegate assumes all responsibility for their acts.

Section 8 - Authority and Associated Information

(34) This Policy is made under the La Trobe University Act 2009.

(35) Associated information includes:

a. Delegations intranet

Status and Details

Status	Current
Effective Date	1st November 2024
Review Date	1st September 2029
Approval Authority	University Council
Approval Date	1st November 2024
Expiry Date	Not Applicable
Responsible Manager - Policy	Linda Robertson General Counsel & Director of Assurance
Enquiries Contact	Commercial, Legal and Risk

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