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Policy Steward: University Secretary

Delegations Policy (MPF1301)

1. Objective

The objective of this policy is to ensure delegation of duties, powers and functions is:

- (a) properly governed, recorded and accessible; and
- (b) exercised in accordance with relevant University policies and legislation.

2. Scope

This policy applies to the University, including University staff and committees.

3. Authority

This policy is made under the *University of Melbourne Act 2009* (Vic) and supports compliance with University legislation.

4. Policy

4.1. In accordance with the Act:

- (a) Council is the ultimate authority for all University duties, powers and functions and may confer, impose or delegate those duties, powers and functions except those stated in the Act to be non-delegable
- (b) if Council delegates or confers its duties, powers or functions, they must be in writing
- (c) if Council delegates its duties, powers or functions, they cannot be sub-delegated
- (d) Council may exercise all the powers, functions and duties of the University, regardless of their conferral, imposition or delegation

4.2. In accordance with section 26 of the Act, duties, powers and functions imposed or conferred on the Vice-Chancellor may be:

- (a) delegated to an appropriately qualified staff member or committee of appropriately qualified staff
- (b) sub-delegated unless expressly prohibited in the instrument of delegation.

- 4.3. Council delegations and conferrals must be made by a resolution of Council.
- 4.4. Delegations of duties, powers and functions must:
- (a) reflect the operating model of the University;
 - (b) be to a position rather than a person;
 - (c) be assigned to a level no lower than where staff are capable of making or taking the necessary decisions and actions effectively and efficiently;
 - (d) be reviewed at intervals that ensure such delegations are consistent with University legislation, appropriate, documented and observed; and
 - (e) in the case of specified delegations, be recorded in a delegation or conferral schedule or schedules that are accessible to staff.
- 4.5. Delegations that authorise financial transactions and agreements involving a significant monetary commitment must not permit the delegate to exercise the full authority of the delegator.
- 4.6. Unless otherwise stated, delegations made to a position are made to a person acting in the position.
- 4.7. A delegation or conferral in writing may be revoked by the delegating or conferring body.

5. Procedural principles

Instruments of delegation

- 5.1. Delegations or conferrals not reflected in University legislation may be recorded in the one of the following instruments:
- (a) written terms of reference of the relevant committee where the delegation is continuing;
 - (b) in policy;
 - (c) in terms and conditions set in employment contracts;
 - (d) in a specific instrument set by the University Secretary; or
 - (e) in an approved schedule or schedules of specified delegations or conferrals.
- 5.2. The University Secretary must ensure the schedule or schedules in 5.1(e) for Council and Vice-Chancellor delegations or conferrals are accessible, current and reviewed by the appropriate delegator at least annually.
- 5.3. When a policy requires a change in any delegation, this should be noted and requested as part of the approval process for the policy.

Exercise of delegations

- 5.4. Exercise of delegation must be in accordance with:
- (a) University legislation;
 - (b) policy, including policy regarding conflict of interest; and
 - (c) the instrument of delegation, including any set limits or conditions.

5.5. In the case of specified delegations by the Vice-Chancellor, where there is a sub-delegation by a line manager, the line manager must ensure:

- (a) the sub-delegation is at or below the financial level of the delegation of the line manager, as listed in the schedule;
- (b) the delegate understands the delegated responsibility including any limits, conditions or policy related to the exercise of the delegated duties, powers or functions; and
- (c) the delegate is appropriately qualified.

5.6. To avoid doubt, nothing in 5.5 prevents the authoriser setting limits or conditions on a delegation.

5.7. The exercise of a delegation is restricted to responsibilities within the portfolio area managed and administered by the delegate.

5.8. A delegate or conferee must exercise all powers, duties and functions within the budget of the area managed by the delegate unless otherwise stated in the instrument of delegation or conferral.

5.9. A delegate exercising a specified delegation is certifying that current and ongoing funding is available.

5.10. Unless otherwise stated, a delegation to approve a contract includes delegation to sign and negotiate the contract.

5.11. A Vice-Chancellor delegation held at a nominated management level is also held by all higher level managers in the delegate's reporting line.

5.12. Where a delegate is not available to exercise delegated responsibility due to absence, the delegate's supervisor may exercise the delegated authority.

6. Roles and responsibilities

<i>Role/Decision/Action</i>	<i>Responsibility</i>	<i>Conditions and limitations</i>
Maintain schedules of specified delegations or conferrals	<i>University Secretary</i>	
Ensure exercise of delegation is compliant with this policy	<i>Authoriser of delegation</i>	Applies to Vice-Chancellor delegations
Ensure exercise of delegation is compliant with this policy	<i>Delegate or conferee</i>	

7. Definitions

Act means the University of Melbourne Act 2009 (Vic).

Specified delegations or conferrals means:

- (a) Council delegation or conferral additional to those in University legislation
- (b) Vice-Chancellor delegation of his or her powers, duties and functions regarding employment, financial, contract approval, policy approval, overall business operations advancement, legal proceeding, risk management and insurance activities of the University.

Significant monetary commitment means a commitment of \$2 million or greater.

University legislation means the Act, the University statute and University regulations made under the Act.

POLICY APPROVER

Council

POLICY STEWARD

University Secretary

REVIEW

This policy is to be reviewed by 19 December 2021.

VERSION HISTORY

Version	Approved By	Approval Date	Effective Date	Sections Modified
1	Council	15 Dec 2014	19 Dec2014	Moved from Promapp into Melbourne Policy Library on 20 July 2015 as Version 1.
2	Council	19 Dec 2016	3 Jul 2017	New version arising from the Regulatory Framework Review.
3	University Secretary	7 September 2017	8 September 2017	Editorial changes to sections 5.5 and 7.