

Delegation Schedule D - Delegations Relating to Commercial Activity

Function	Delegation Holder and Limits	Policy Reference and Guidance
Commercial Activities		
<p>This schedule is to be read in conjunction with the Delegations (Administrative) Policy, including the requirements that expenditure may only be incurred subject to approved budget or other sources of funds.</p>		
<p>In accordance with Part 1, Division 4 of the Western Sydney University Act 1997, commercial activities of the University must be undertaken in accordance with Guidelines that have been approved by the Board of Trustees. "Commercial activity" is defined in the Guidelines. The Board has made these delegations in accordance with the Guidelines. Legal or other professional advice must be obtained on the terms of any contract involving a commercial activity where revenue or contribution is anticipated to exceed \$100K over the whole life of that activity, or as specified in the Guidelines. Legal advice should also be obtained for any contract involving a commercial activity that is not in a standard form approved by the Office of General Counsel. All values or limits are exclusive of GST. All commercial activities must be recorded on the University's Commercial Activities Register. Where the total value of the activity exceeds \$150K and involves the supply of goods or services to the University, that activity must also be recorded on the Contracts Register that the University is required to maintain under the Government Information (Public Access) Act 2009.</p>		
Commercial Activities		
<p>D1 Approve commercial activities as defined in the Commercial Activities Guidelines where:</p> <ul style="list-style-type: none"> * the total life of the activity (including any option to renew or extend) does not exceed 10 years; and * the gross value of the activity over its total life does not exceed the specified limits. 	<p>For commercial activities exceeding \$500K:</p> <p>Category 10 - No limit Board Standing Committee - \$15M Category 9 - \$10M Category 8 - \$2M</p> <p>For commercial activities up to \$500K:</p> <p>Pro Vice-Chancellor, Research and Innovation - \$500K Executive Director, Research, Development and Engagement - \$100K Director, Commercial and Estate Planning - \$100K Associate Director, Commercial Services - \$100K</p>	<p>Commercial Activities Guidelines</p> <p>The following commercial activities are not delegated and reserved to the Board of Trustees:</p> <ul style="list-style-type: none"> * acquiring or establishing a controlled entity; * acquiring an interest in a company or other incorporated vehicle other than as an investment under Schedule 2A of the Western Sydney University Act; * establishing a campus or similar presence within or outside Australia; <p>For delegations relating to commercial activities involving real property, see Schedule G.</p>

Function		Delegation Holder and Limits	Policy Reference and Guidance
D2	Approve and enter into contract/consultancy type commercial arrangements involving staff of the University with external parties (i.e. University consulting).	Executive Director, Research, Development and Engagement - \$100K Director, Commercial and Estate Planning - \$100K Associate Director, Commercial Services - \$100K Category 6 - \$50K (subject to endorsement by Executive Director, Research, Development and Engagement).	Commercial Activities Guidelines
D3	Approve tender applications to be lodged by the University with third parties for supply of training, education or research services to third parties within Australia, where the University: * is not required to make any financial or in-kind contribution other than resources normally required for the supply of those services; and/or * will not acquire any interest in any partnership, trust, company or other incorporated body, joint venture or any real property.	Category 9 - \$10M Category 8 - \$1M Pro Vice-Chancellor - \$500K Dean - \$500K	Commercial Activities Guidelines The delegated financial limits apply to the gross value of the contract over its total life, including any option to renew or extend.
D4	Approve trading agreements, including determining prices for produce, livestock or similar goods and services through trading and other outlets.	Executive Director, Capital Works and Facilities - \$100K (per agreement) Director, Commercial and Estate Planning - \$100K (per agreement) Associate Director, Commercial Services - \$100K (per agreement) Category 6 - \$50K (per agreement and subject to endorsement by Director, Commercial and Estate Planning)	Commercial Activities Guidelines
Commercial Activities Register			
D5	Maintain the University's Register of Commercial Activities in accordance with the requirements of the Commercial Activities Guidelines and section 32C of the Western Sydney University Act.	Vice-President, Finance and Resources	Commercial Activities Guidelines

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Entities, Companies, Foundations			
D6	Approve the establishment of related or controlled entities, companies and foundations of the University.	Category 10 - Not Delegated	Commercial Activities Guidelines
D7	Act as the University's representative in accordance with s.250D of the Corporations Act 2001 with respect to the University's interest in any company.	Category 9 Vice-President, People and Advancement Vice-President, Finance and Resources	
D8	Approve the sale or otherwise dealing in shares held by the University in spin-off companies subject to compliance with investment requirements placed on the University.	Category 9 Vice-President, Finance and Resources	