

Delegations of Authority Policy

Section 1 - Purpose and Context

Part A - Source and Purpose of Delegations

(1) The University's Board of Trustees (Board) has power, under section 23 of the [Western Sydney University Act 1997 \(NSW\)](#) to delegate any or all of its functions in relation to any matter or class of matters or in relation to any activity or function of the University.

(2) The Board also has power under section 23(2) of the Act to authorise the Vice-Chancellor to sub-delegate functions delegated to the Vice-Chancellor.

(3) This Policy sets out the nature and limits of authority formally delegated by the Board to the Vice-Chancellor, the Academic Senate and other specified delegates.

(4) This Policy also authorises the Vice-Chancellor to sub-delegate, in accordance with this Policy, functions that are delegated by the Board to the Vice-Chancellor.

Part B - Application and Commencement

(5) This Policy applies to all officers and employees of the University and all functions delegated or sub-delegated in accordance with this Policy.

(6) This Policy does not apply to controlled entities of the University or to entities in which the University has an interest.

(7) This Policy does not form part of any contract with University staff and it may be varied from time to time by the Board in its discretion. Delegations of authority may also be rescinded or varied at any time.

Part C - Effect

(8) When it comes into effect, this Policy supersedes the Delegations (Administrative) Policy or any other policy made by the Board of Trustees that delegates authority for the purposes of section 23 of the Act.

(9) However, it does not invalidate any past acts or functions authorised and validly performed under any of those policies.

Section 2 - Definitions and Interpretation

(10) In this Policy unless the context requires otherwise:

- a. Academic Senate means the Academic Senate of the University and, where appropriate, includes any committees of the Academic Senate;
- b. accountability area means the organisational unit or area of operation or activity for which a delegate has line

- management responsibility;
- c. Act means the [Western Sydney University Act 1997 \(NSW\)](#) and includes any by-laws or rules made under it;
 - d. Board means the Board of Trustees of the University and, where appropriate, includes any committee of the Board;
 - e. Chair of Academic Senate means the Chair, Academic Senate of the University;
 - f. Commercial Activities Guidelines means guidelines approved by the Board of Trustees under section 32B of the Act;
 - g. Commercial Activities Register means the register of commercial activities maintained by the University in accordance with section 32C of the Act and the [Commercial Activities Guidelines](#);
 - h. Contract Register means the register of contracts maintained by the University pursuant to the [Government Information \(Public Access\) Act 2009 \(NSW\)](#);
 - i. delegate means a person occupying the office or position with authority to exercise a delegation or sub-delegation in accordance with this Policy;
 - j. Delegate Category means a category of delegate (according to position or office held) referred to in Part K - Delegate Categories;
 - k. Delegate Category Table means a table that sets out various Delegate Categories referred to in clause (38);
 - l. delegation means a delegation of a function or a matter made in accordance with the Act or this Policy and includes, where relevant, sub-delegation;
 - m. Delegation Schedule means a schedule referred to in Part J - Delegations Schedules;
 - n. Delegations Register means the register referred to in Part L - Delegations Register;
 - o. function means the function or activity that a delegate is authorised to exercise or perform in accordance with this Policy;
 - p. line supervisor, in relation to a delegate, means the position to whom the delegate reports;
 - q. reserved functions means any functions, including those specified in Part D - which are reserved to, and not delegated by, the Board of Trustees;
 - r. sub-delegation means a sub-delegation made by the Vice-Chancellor in accordance with Part G - Sub-Delegations by the Vice-Chancellor; and
 - s. Vice-Chancellor means the Vice-Chancellor and President of the University.

(11) A reference to this Policy includes any Delegation Schedule.

Section 3 - Policy Statement

Part D - Functions Reserved to the Board

(12) The Board reserves all decision-making authority to itself, except to the extent that it is expressly delegated under this Policy or reserved to the Board under another University policy, the Act or another law.

(13) Powers specifically reserved to the Board include:

- a. any functions or matters specified in another University by-law, rule, policy or other instrument (such as the Commercial Activities Guidelines) that must be exercised or approved by the Board;
- b. approval to establish or participate in a body corporate or other entity or structure (such as a partnership, trust or joint venture) in which the University has a controlling interest (refer also to [Commercial Activities Guidelines](#));
- c. appointment and removal of the Vice-Chancellor and President, approving the terms and conditions of employment, including remuneration and performance review;

- d. significant changes to the University's organisational structure;
- e. approval of rules and policies related to the governance of the University;
- f. reviewing and approving systems of governance, risk management and internal controls, codes of conduct and legal compliance;
- g. approval of the University's Strategic Plan;
- h. approval of the University's Operational Plan and Budget;
- i. approval of the [Commercial Activities Guidelines](#) for the purposes of section 32B of the Act;
- j. award of honorary degrees and other honorary awards or titles as set out in the [Honorary Titles and Awards Policy](#); and
- k. any public statements that reflect significant issues of University policy or strategy.

Part E - Emergencies and Urgent Circumstances

(14) The Board Executive Committee of the Board has authority to exercise any function reserved to the Board in circumstances where:

- a. there is an emergency or the circumstances are urgent;
- b. it is impracticable to convene a special meeting of the Board, or there is no Board meeting scheduled to deal with the matter in time; and
- c. delaying a decision until the next Board meeting would result in a disadvantage to the University, including missing an opportunity that could be of advantage to the University.

(15) The exercise of any delegation by the Board Executive Committee under clause (14) is to be reported to the next meeting of the Board and to be ratified by the Board.

(16) The Chair, Academic Senate has authority to temporarily suspend or vary any policies or procedures made by the Academic Senate (except the [Academic Governance Policy](#)) relating to academic (including operational) matters of the University on the following conditions that:

- a. it is reasonably necessary to respond appropriately to an emergency or urgent circumstances including, without limitation, a natural disaster, a health pandemic or epidemic, civil unrest or armed conflict; and
- b. it is for a specified period of time not exceeding 6 months (but it may be extended or renewed for a further specified period of time not exceeding 6 months); and
- c. it is promptly notified to all affected staff and students of the University; and
- d. any suspension or variation to the policy or procedures are reported at the next meeting of the Academic Senate.

(17) The exercise of any delegation by the Chair, Academic Senate under clause (16):

- a. cannot be sub-delegated; and
- b. is to be ratified by the Academic Senate at its next meeting.

Part F - Functions Delegated to the Vice-Chancellor and President

(18) The Vice-Chancellor and President is the chief executive officer of the University. Under the Act, the Vice-Chancellor and President:

- a. is the academic and administrative head of the University;
- b. exercises stewardship of the University on behalf of the Board; and

c. has such other functions as may be prescribed in University by-laws or as determined by the Board.

(19) The Vice-Chancellor and President has power and delegated authority to exercise any functions related to the management, operations and administration of the University except:

- a. reserved functions;
- b. functions specifically delegated by the Board of Trustees to the Academic Senate or a committee of the Board;
- c. to the extent that the exercise of a function exceeds any financial limit delegated by the Board to the Vice-Chancellor and President or does not comply with any other restrictions or conditions specified by the Board with respect to the exercise of that function.

(20) All delegations specified in a Delegations Schedule as exercisable by the Vice-Chancellor and President are delegations made by the Board.

Part G - Sub-Delegations by the Vice-Chancellor

(21) For the purposes of section 23(2) of the Act, the Vice-Chancellor and President may sub-delegate to any University employee any delegation exercisable by the Vice-Chancellor and President, unless the Act or this Policy states otherwise.

(22) Any other sub-delegation (including by way of agency or another method) is strictly prohibited by the Act and this Policy.

(23) All delegations specified in a Delegations Schedule as exercisable by Category Level 8 and below are treated as sub-delegations made by the Vice-Chancellor and President.

Part H - Functions Delegated to the Academic Senate

(24) Under the Act, the Academic Senate is:

- a. the peak forum of the University for academic debate and discourse;
- b. the primary custodian of academic values and standards for the University; and
- c. a standing committee of the Board.

(25) The functions delegated to the Academic Senate are as specified in the [Academic Governance Policy](#) and in other rules or policies approved by the Board.

(26) The Academic Senate has no power to sub-delegate any of its functions. However, it does have power to establish sub-committees to assist it with the exercise of its functions.

(27) All delegations specified in a Delegations Schedule as exercisable by the Academic Senate are delegations made by the Board.

Part I - Governing Principles

(28) The following principles govern the exercise of any delegation or sub-delegation (whether it appears in this Policy or elsewhere):

- a. a person has no authority to exercise a delegation or sub-delegation unless that person's:
 - i. position or office is listed in a Delegate Category Table and they are in a category approved to exercise a function as specified in the Delegate Schedule; and

- ii. name is entered on the Delegations Register and a specimen signature is recorded in the University's records management system;
- b. delegates can only exercise delegations in accordance and consistently with other applicable University policies or systems, for example, policies related to corporate credit card and travel expenditure;
- c. if a delegate is issued with a University credit card, then he or she must not exceed the applicable credit card limit, even if the level of his or her delegation for incurring expenditure exceeds that limit;
- d. delegates cannot approve their own expenditure items;
- e. delegation or sub-delegation applies to the office or position held, not the individual holding that office or position. This means that a person acting in that office or position can exercise that delegation or sub-delegation, unless limited in accordance with this Policy;
- f. delegates can only exercise or perform functions as these relate to their own accountability area:
 - i. only within the limits of any budget or other sources of funds (such as research funds) approved for or allocated to that accountability area; and
 - ii. subject to any limits or conditions specified in the relevant Delegation Schedule;
- g. a delegate's line supervisor can withdraw, or place limits or conditions on the exercise of that delegate's delegations. The delegate's line supervisor is responsible for ensuring that any limits or conditions are noted in the Delegations Register and any other University systems that use data from the Delegations Register;
- h. delegates must not exercise delegations or perform functions if this would involve, or potentially involve, them in a conflict of interest. In these cases, delegates must refer that delegation or function to their line supervisor or, after consultation with their line supervisor, to a more senior delegate (also refer to the [Conflict of Interest Policy](#));
- i. for functions involving the expenditure of funds received or designated for a specific purpose (eg, research funds, bequests or donations), that expenditure must be incurred only for the specified purpose and strictly in accordance with any specified terms (eg, contract terms);
- j. the following conditions apply to functions involving payment or receipt of money, such as contracts for the supply of goods or services:
 - i. the delegate must hold the equivalent of financial authority calculated on the total value of the transaction (excluding GST) over its life (including any extensions or renewals);
 - ii. transactions cannot be divided into components, such as tranches or instalments; and
 - iii. the calculation cannot include any set-off, trade-in, discount or other reduction;
- k. a delegate can (and, in many cases, should) seek internal or external legal or other professional advice before exercising a delegation. However, that delegate remains responsible for the proper exercise or performance of that function.

(29) If a delegate has authority to exercise a delegation under this Policy, then this includes authority to:

- a. perform a preliminary or ancillary function related to that delegation;
- b. do all things necessary to negotiate and give effect to any transaction approved under delegation, including signing any agreement or other instrument; and
- c. subject to any financial limits and the terms of the relevant agreement or instrument, to vary or terminate that transaction.

(30) A delegate does not have to exercise a delegation if this is inappropriate, for example, if the delegate has a conflict of interest. In these cases, the delegate must refer the matter to his or her line supervisor or a more senior delegate.

(31) The Vice-Chancellor and President has authority to create new, change or re-assign sub-delegations (including Delegation Categories) to reflect changes to the University's organisational structure.

Section 4 - Compliance and Accountability

(32) All delegates and supervisors are required to:

- a. know and follow this Policy and ensure that any employees reporting to them do so;
- b. ensure that appropriate procedures are in place within their accountability areas and are being followed; and
- c. always act in the interests of the University for the purpose delegated and not for any other purpose.

(33) Delegates should be aware that non-compliance with the Policy is considered by the University to be outside the scope of their employment, and could result in disciplinary action, including possible termination of employment.

(34) Delegates must comply with all relevant laws (including the Act) and other relevant University rules, policies and other instruments, including:

- a. [Code of Conduct](#);
- b. [Commercial Activities Guidelines](#);
- c. [Conflict of Interest Policy](#);
- d. [Corporate Credit Card Policy](#);
- e. [Fraud and Corruption Risk Management Framework](#);
- f. [Procurement Policy](#);
- g. [Risk Management Policy](#);
- h. [Academic](#) and [Professional](#) Staff Agreements;
- i. [Western Sydney University \(University Seal and Authentication\) Rule](#).

(35) Delegates must also exercise or perform delegated functions under a contract between the University and a third party in accordance with the provisions of that contract.

Section 5 - Procedures

Part J - Delegation Schedules

(36) The University is to maintain and publish all delegations and sub-delegations approved under this Policy in the form of Delegations Schedules, that set out:

- a. the function to be exercised or performed;
- b. the Delegate Category to whom that delegation is assigned;
- c. any limits or conditions applicable to the exercise or performance of that function.

(37) New or changed Delegations Schedules must be reported to the Board, via the Board's Audit and Risk Committee, to ensure appropriate oversight and accountability.

Part K - Delegate Category Tables

(38) The University is to maintain and publish a [Delegate Category Table](#) that lists all positions that can exercise delegations by reference to their specified category or function.

(39) For the purposes of this Policy, the following Delegate Categories apply:

- a. Category 10 – refers to the Board;

- b. Category 9 – refers to the Vice-Chancellor and President;
- c. Category 8 – refers to the Senior Deputy Vice-Chancellor and Provost, the Deputy Vice-Chancellors and Vice-Presidents and the Vice-Presidents.

(40) Delegate Categories 7 down to 4 will be decided and allocated by the Vice-Chancellor and President and published in a Delegate Category Table.

(41) To ensure administrative efficiency of University operations, a Category 6 delegate or higher can nominate any University employee (regardless of seniority) under his or her supervision to exercise a delegation assigned as Category 1, 2, or 3 delegations in a Delegation Schedule, as long as:

- a. the function is one that applies to that delegate's accountability area; and
- b. that delegate ensures that there is a proper authorisation and accountability trail in accordance with the requirements of this Policy.

Part L - Delegations Register

(42) The University is to maintain a searchable [Delegations Register](#).

Part M - Documentary Requirements

(43) Delegates should not exercise a delegation unless provided with sufficient details about the subject matter of that delegation and he or she is satisfied that there is a proper trail of accountability. For example, if asked to sign a contract for a transaction, the delegate should be given a briefing paper prepared and signed by the relevant project manager that:

- a. summarises details of the transaction;
- b. includes a description of any key risks and details of how these will be monitored and managed or minimised throughout the life of the transaction;
- c. confirms that all relevant approvals or consents (including internal approvals required under any University policy, such as the [Procurement Policy](#) or [Commercial Activities Guidelines](#)) have been obtained and attaches copies of those approvals;
- d. sets out reasons for recommending approval or signature, where any legal or other professional advice is contrary to, or qualifies, that recommendation; and
- e. attaches copies of any legal or other professional advice obtained in relation to that transaction.

(44) Where a delegate has delegated authority to approve a transaction documented by way of a deed then, for the purposes of this Policy, the Board authorises the affixing of the University Seal, in accordance with clause (4) of the [Western Sydney University \(University Seal and Authentication\) Rule](#), to either the deed or a power or attorney authorising that delegate to execute the deed on behalf of the University.

(45) The project manager must ensure, following approval or signature, that:

- a. in all circumstances, copies of all documents approving that transaction (including any executed agreements) are filed on the University's Records Management System (TRIM) in accordance with the [Records and Archives Management Policy](#);
- b. where the total value of a contract for the supply of goods or services to the University is \$150,000 or more, details of, or a copy of the agreement(s) must be included on the Contract Register;
- c. where the transaction has been approved under the [Commercial Activities Guidelines](#) (regardless of value), details of the transaction on the Commercial Activities Register; and

- d. there is a management plan and process in place to ensure the transaction (including risks) is appropriately monitored and managed throughout the life of that transaction.

Part N - Associated Information

(46) This Policy should be read in conjunction with other relevant University policies and guidelines, which include:

- a. [Commercial Activities Guidelines](#);
- b. [Corporate Credit Card Policy](#);
- c. [Donations and Fundraising Policy](#);
- d. [Procurement Policy](#);
- e. [Records and Archives Management Policy](#);
- f. [Recruitment and Selection Policy](#);
- g. [Travel Policy](#);
- h. [Western Sydney University \(University Seal and Authentication\) Rule](#).

Section 6 - Guidelines

(47) [Delegation Schedule AA - Financial Delegations \(except Commercial Activities or Real Estate and Infrastructure Delegations\)](#)

(48) [Delegation Schedule BB - Real Estate and Infrastructure Delegations](#)

(49) [Delegation Schedule CC - Commercial Activities Delegations](#)

(50) [Delegation Schedule DD - Academic and Educational Activities Delegations](#)

(51) [Delegation Schedule EE - Research and Intellectual Property Rights Delegations](#)

(52) [Delegation Schedule FF - Branding and Marketing Delegations](#)

(53) [Delegation Schedule GG - Alumni and Fundraising Delegations](#)

(54) [Delegation Schedule HH - Corporate, Governance and Legal Delegations](#)

(55) [Delegation Schedule II - Human Resources Delegations](#)

(56) [Delegate Category Table](#).

(57) [Delegations of Authority Flowchart](#).

Status and Details

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