

# Delegations

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## 1.0 Purpose

This policy establishes the framework for the delegation of authority within the University.

## 2.0 Scope

This policy applies to Council members, Council committee members and all University officers with delegated authority and to all powers and functions delegated or sub-delegated in accordance with this framework.

## 3.0 Policy Statement

According to sections 8 and 9 of the *Griffith University Act 1998* (the Act), Council is the University's governing body and may do anything necessary or convenient to be done for, or in connection with, its functions. The powers of Council include (without limitation) the power to appoint the University's staff; to manage and control the University's affairs and property; and to manage and control the University's finances. Council is permitted by section 11(1) of the Act to discharge its accountabilities via delegation of those powers and functions to appropriately qualified members of Council, University officers or Council committees that include at least one member of Council.

### 3.1 Delegations Principles

Delegations provide formal authority to Council members, University officers and Council committees to make decisions and act on the University's behalf. The key principle in the assignment, exercise and review of delegations is to support a culture of trust and accountability by empowering leaders to make informed decisions.

The following principles apply to the delegation of powers and functions:

- Council retains the power to exercise all of the powers and functions of the University, regardless of Council assigning delegations to Council members, University officers and Council committees.
- Delegations are formally recorded, are transparent and accessible to University staff.
- Authorities held by a delegate are also held by, and therefore may be exercised by, all higher level managers in the delegate's reporting line, subject to any professional qualification requirements, compliance with legislation and University policy documents.
- Delegations apply to a position or a committee rather than to a person. Unless otherwise stated, persons formally acting in a position may exercise the delegations assigned to the position.
- Delegations are devolved to an appropriate level to support efficient and effective administration and sound decision-making by aligning authority, accountability and capability.

- Delegations are subject to the requirements of law and the relevant Griffith University Enterprise Agreements.

### 3.2 Delegations Framework

The University's Delegation Framework supports good governance arrangements that ensure delegations of authority are properly assigned, exercised, recorded and reviewed in accordance with legislation and University policy documents. From the date approved by Council, this policy and the Delegations Register and linked delegation schedules will replace all previous delegations. The superseding and revocation of previous delegations will not invalidate prior acts of an authorised delegate.

The University's Delegations Framework comprises:

- Griffith University Act 1998
- Other relevant legislation
- Council committee constitutions
- Other formal instruments including employment contracts
- University policies, including the Delegations Policy and Delegations Procedure
- Delegations recorded in the Delegations Register and may also include delegations incorporated in policy documents, including approved schedules of specified delegations, linked to the Delegations Register.
- **Schedule A** of the Delegations Register, which is approved by Council and sets out the powers, and functions that are non-delegable by Council under the Griffith University Act 1998 or other legislation, and those which Council has chosen to:
  - Reserve to itself; or
  - Delegate to Council committees (that includes at least 1 or members of the Council); or
  - Delegate to the Vice Chancellor; or
  - Delegate to another appropriately qualified University officer.
- **All other schedules** in the Delegations Register, which are approved by the Vice Chancellor and set out the powers and functions that the Vice Chancellor has delegated or sub-delegated to appropriately qualified officers.

### 3.3 Council's Delegation to the Vice Chancellor

Subject to Council's own non-delegable and reserved powers, Council has delegated to the Vice Chancellor:

- (a) authority to make particular decisions which are non-delegable by the Vice Chancellor; and
- (b) authority to do anything else necessary or convenient to be done to support the efficient and effective day to day management, operation and administration of the University, including the primary financial authority ("Management Authority"). Council's delegation of the Management Authority permits sub-delegation by the Vice Chancellor, as provided for in section 11(3) of the Act.

In making sub-delegations, the Vice Chancellor is authorised to determine any financial or other limits to be placed on the sub-delegation, provided those limits do not exceed any limit included in Council's delegation of Management Authority to the Vice Chancellor.

Details of these delegations by Council to the Vice Chancellor are set out in Schedule A in the Delegations Register.

### 3.4 Vice Chancellor's Authority to Delegate or Sub-delegate

According to section 32(4) of the Act, the Vice Chancellor is Chief Executive Officer of the University and may exercise the powers and perform the functions conferred on the Vice Chancellor by the Act or other legislation or by Council. The Vice Chancellor is permitted:

- (a) by section 32(5) of the Act to delegate powers vested directly in the Vice Chancellor by the Act or other legislation to an appropriately qualified University officer; and
- (b) by section 11(3) of the Act to sub-delegate a power delegated to the Vice Chancellor by Council to an appropriately qualified University officer.

No other sub-delegation is permitted under the Act or under this policy.

Details of delegations and sub-delegations made by the Vice Chancellor to appropriately qualified University officers are set out in the Delegations Register.

The Vice Chancellor will submit an annual report to Council on delegations and sub-delegations. The annual report will incorporate an update about delegations and sub-delegations authorised by the Vice Chancellor during the previous calendar year.

### 3.5 Delegations Register

The University's Delegations Register sets out the powers reserved to Council, delegations made by Council, and the delegations and sub-delegations formally assigned by the Vice Chancellor to University officers. It is available online for all staff to access.

The General Counsel will periodically review the Delegations Register in accordance with the Delegations Procedure.

### 3.6 Authority to approve amendments to the Delegations Register

Authority to amend **Schedule A** of the Delegations Register is reserved to Council.

The annual report to Council on delegations and sub-delegations will include a summary of amendments to the Delegations Register that have been approved by Council during the previous calendar year, in addition to those delegations and sub-delegations authorised by the Vice Chancellor during the previous calendar year.

Authority to amend **all other Schedules** in the Delegations Register is delegated by Council to the Vice Chancellor.

Without limiting the above, the Chief Operating Officer may approve editorial amendments to the Delegations Register, as indicated in section 3.7 of the Policy Governance Procedure and pursuant to the delegation made by Council at the August 2011 (3/2011). Examples of editorial changes include updates to redundant terminology, position titles or names of organisational units.

The process for requesting amendments to the Delegations Register is set out in the Delegations Procedure.

### 3.7 Exercise of Delegations

- (a) The exercise of delegations must reflect University strategy and values, comply with relevant legislation and be in accordance with University policy documents.

- (b) Only the Vice Chancellor has the authority under the Act to sub-delegate a power. All other sub-delegation is strictly prohibited by the Act and this policy.
- (c) Delegates cannot act beyond the scope of power delegated to them.
- (d) Except where specified in the Delegations Register the exercise of delegations is confined to the portfolio area for which the delegate has management and administrative responsibilities, and within the limits of the delegation, including budget and establishment limits for the portfolio area.
- (e) Delegates are not compelled to exercise delegations and may refer the matter to a more senior officer for decision.
- (f) Persons engaged by the University who are not employees of the University cannot exercise delegated authority on behalf of the University.
- (g) Unless otherwise determined by the delegator, where a position or Council committee is renamed or disestablished, the delegation is assigned to the principal successor to the functions of the position or Council committee.
- (h) The exercise of a delegation must be formally recorded either in writing or via system workflow.
- (i) University officers must complete required training as specified in the Delegations Procedure.

### **3.8 Breaches or Misuse of Delegations**

Suspected breaches or misuse of delegations must be reported immediately to Your Call, a supervisor or Head of Element who will report instances to the Chief Operating Officer for investigation. The University will adhere to the principles of natural justice when investigating such a complaint and will follow Public Interest Disclosure Policy procedures (where applicable). Confirmed breaches or misuse of delegations will be dealt with under the Code of Conduct policy

## **4.0 Roles, responsibilities and delegations**

ROLE	RESPONSIBILITY
Council	All delegations dealing with Council powers and functions. Approving authority of Schedule A in the Delegations Register. Approving authority of the Delegations Policy. Annual review of the delegations report.
Vice Chancellor	All delegations made to the Vice Chancellor, including those reserved to the Vice Chancellor and those that the Vice Chancellor has delegated or sub-delegated. Approving authority of all schedules other than Schedule A in the Delegations Register. Approving authority of the Delegations Procedure. Oversight of delegations and sub-delegations made by the Vice Chancellor to University officers under this policy.

<b>ROLE</b>	<b>RESPONSIBILITY</b>
	Annual delegation report to Council that sets out delegations and sub-delegations authorised, amended or rescinded by Council or the Vice Chancellor in the previous calendar year.
Chief Operating Officer	<p>Approve editorial amendments to the Delegations Register.</p> <p>Investigate suspected breaches or misuse of delegations and deal with confirmed breaches or misuse in accordance with the Code of Conduct and/or Public Interest Disclosure Policy (where applicable).</p>
General Counsel	<p>Policy advisor for the Delegations Policy and Delegations Procedure.</p> <p>Coordinate, with assistance from Corporate Governance, the annual delegations report for Council on behalf of the Vice Chancellor.</p>
Head, Corporate Governance	<p>Maintain the Delegations Framework, including the Delegations Register and associated policies and procedures.</p> <p>Assist the General Counsel with the annual delegations report for Council, including provision of a summary of amendments to the Delegations Register that have been approved by Council during the previous calendar year.</p> <p>Oversee the process and records management for new and amended delegations.</p>
Delegate	<p>Ensure exercise of delegation is compliant with legislation and with University policy documents.</p> <p>Complete required training prior to commencing exercise of delegations.</p>
Staff	Immediately report suspected breaches or misuse of delegations to Your Call, a supervisor or Head of Element.

## 5.0 Definitions

For the purposes of this policy and related policy documents, the following definitions apply:

**The Act** means the Griffith University Act 1998.

**Council committee** refers to those committees that are established by Council and that Council has delegated certain of its powers in accordance with section 11(1)(b) of the Griffith University Act 1988 (Qld) and includes the Academic Committee, Audit and Risk Committee, Finance and Infrastructure Committee and People, Nominations and Remuneration Committee.

**Delegate** means a Council member, University officer or Council committee authorised to carry out a delegation or sub-delegation or otherwise act on behalf of the University.

**Delegations** means an authority to exercise a power or function. The Act authorises Council to delegate a function or power to a specified officer or committee, or the holder of a specified office, by reference to the title of the office. Delegations may be general or limited; made from time to time and be revoked, wholly or partly, by the delegator. Delegations as a term refers to both conferring a statutory power or function and to conferring functions and powers (including making a decision) on a non-statutory basis.

**Delegator** means:

- (a) Council for delegations to the Vice Chancellor or other University officers or to a Council committee.
- (b) Vice Chancellor for sub-delegations of Council delegations and all other delegations to University officers.

**Head of Element** means the relevant Heads of Schools, Heads of Departments, Directors of Centres, Directors in central administration and support units.

**Management Authority** refers to the authority delegated to the Vice Chancellor by Council, subject to those powers that are non-delegable or reserved to Council, to do anything else necessary or convenient to be done to support the efficient and effective day to day management, operation and administration of the University, including the primary financial authority.

**Non-delegable** refers to those powers that cannot be delegated because of legislation.

**Reserved** refers to those powers that a delegate chooses to retain but that may be delegated or sub-delegated.

**Sub-delegation** means where Council delegates a function or power to the Vice Chancellor and, consistent with authority given by Council, the Vice Chancellor then sub-assigns authority to exercise the delegated function or power to an appropriately qualified member of the University staff. See Sections 3.4 and 3.7b of this policy.

**University officer** refers to a staff member of the University.

## 6.0 Information

Title	Delegations Policy
Document number	2023/0001025
Purpose	This policy establishes the framework for the delegation of authority within the University.
Audience	Public
Category	Governance
Subcategory	Governance
UN Sustainable Development Goals (SDGs)	This document aligns with Sustainable Development Goal: 16: Peace, Justice and Strong Institutions
Approval date	14 August 2023
Effective date	14 August 2023
Review date	2025
Policy advisor	General Counsel
Approving authority	University Council

## 7.0 Related Policy Documents and Supporting Documents

Legislation	<i>Griffith University Act 1998</i> <i>Higher Education Standards Framework (Threshold Standards) 2021</i>
Policy	Conflict of Interest Policy Code of Conduct Policy Delegations Register

Policy Governance Policy  
Public Interest Disclosure Policy

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Procedures	Delegations Procedure Policy Governance Procedure
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Local Protocol	N/A
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Forms	N/A
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