

Delegations Policy

Purpose

To provide for the establishment and exercise of delegations of authority in accordance with the [University of New South Wales Act 1989](#) (NSW) (UNSW Act).

Scope

This policy applies to members of Council and continuing and fixed-term employees of the University of New South Wales (the University).

This policy does not apply to the University's controlled entities or to their staff, as these entities have their own frameworks to authorise decisions and signatories of documents.

Nothing in this policy invalidates past acts performed by delegates in conformity with delegations in place at the time.

Overview

This policy provides:

- principles for delegation of the University Council's (Council's) functions under the UNSW Act
- principles for exercising an authorisation under other legislation (including where other legislation prescribes that certain functions must be performed by specific officers of the University (for example, the [Interpretation Act 1977](#) (NSW) permits the signing of deeds by the Vice-Chancellor or any other member of staff of the University authorised by the Vice-Chancellor to sign deeds without the use of the University seal)
- procedures including requirements for establishing, changing and exercising these delegations and authorisations, and
- schedules stating Council's delegations and other authorisations for areas of the University's activities.

This policy is consistent with section 16 of the UNSW Act, which authorises the Council to delegate any of its functions (except the power of delegation) to any of its members, or to any committee or officer of the University.

For the purposes of this policy and its schedules, a reference to 'delegation' covers delegations under the UNSW Act and any authorisations or delegations in accordance with other legislation. The schedules will specify the source of authority for a particular delegation if it is not a delegation of authority under the UNSW Act.

Where a delegate is authorised under this policy to sign a document in the form of a deed, this authorisation is provided by the Vice-Chancellor under section 50(3) of the [Interpretation Act 1987](#) (NSW).

Principles and objectives

1. What delegations are

- 1.1. Delegations under the UNSW Act state positions or committees to which Council delegates the authority to perform a function or make a decision on its behalf. These delegations are used to authorise:
 - functions and decisions that Council requires to be performed or made by staff at an appropriate level of seniority or with specialist knowledge, to ensure sound governance, good management and mitigate risk, and
 - any decision about a staff member, student or member of the public.
- 1.2. Other legislation applicable to the University and University enterprise agreements may also authorise officers or committees of the University to make certain decisions or prescribe that certain officers within the University must perform specific functions.
- 1.3. Decision authorities in policy documents will be consistent with the delegations in the schedules to this policy. Where a decision authority is inconsistent with a delegation:
 - the delegation prevails to the extent of the inconsistency, and
 - the responsible officer for the policy will submit a minor change to the policy document for approval, to make it consistent with the delegation.
- 1.4. Council may exercise any of its functions that it has delegated unless a delegate has already exercised their delegation in the matter.
- 1.5. The Vice-Chancellor may exercise any functions that the Vice-Chancellor has authorised under legislation, unless the officer has already exercised their authorisation in the matter.

2. Council's reserved functions

- 2.1. Council reserves all functions to itself, except to the extent that functions are expressly delegated under this policy.
- 2.2. Council specifically reserves to itself the following functions:
 - a) Any function or matter specified in another University by-law, rule, policy or other instrument that must be exercised or approved by Council.
 - b) Approve the annual budget of the University and its strategic plan (as per section 15(1B)(d) of the UNSW Act).
 - c) Appoint or terminate the appointment of the Vice-Chancellor (as per sections 12(1) and 12(2) of the UNSW Act).
 - d) Establish or disestablish a faculty (as per clause 60 of the University's By-law).
 - e) Name or rename a building or faculty.

- f) Establish, or approve participation 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.
- g) Establish a policy, standard or procedure for commercial activities of the University (as per section 20B of the UNSW Act).
- h) Establish a policy, standard or procedure that applies only to Council members in their capacity as Council members.

3. Council's oversight of delegations and approval of any changes

- 3.1. The exercise of certain delegations must be reported to the next meeting of the Council. This reporting obligation is stated in the Conditions of exercise column in the schedules of delegations and is recorded at clause 1.17 of the Procedure.
- 3.2. The Vice-Chancellor, University Secretary and Chief Assurance & Legal Officer must endorse any change to this policy, its supporting procedure or schedules, other than a minor or administrative change as defined in the Policy Framework Policy, before it is submitted to Council for approval.
- 3.3. Any change to the title of a delegate position or committee title in the schedules to this policy can only be approved by Council.
- 3.4. The President of the Academic Board must endorse changes to schedule 1 Academic delegations before they are submitted for approval.

Effective: 1 January 2025 **Responsible:** Interim VP, Transformation, Planning and Assurance

Lead: Director of Governance and University Secretary

Procedure

1. Requirements for exercising delegations

- 1.1. A delegation cannot be exercised by:
 - a) a less senior position or lower committee than those named in the delegation, or
 - b) a more senior position that is not in the delegate's line management.
- 1.2. A delegation may include conditions, and a delegate must ensure those conditions are met before exercising the delegation.
- 1.3. A delegate cannot subdelegate their delegated function or decision to another position.
- 1.4. Someone who holds a position higher in the line management to a position named in a delegation can exercise the delegation (provided the delegate has not already exercised it in the matter under consideration) in circumstances such as where:
 - a) the delegate is absent
 - b) the delegate position has been disestablished or its title has changed
 - c) the matter involves unusual factors and the delegate escalates it to the higher manager, or the higher manager steps in to exercise the delegation themselves, or
 - d) the decision is about the delegate's own employment, remuneration or otherwise would be a perceived, potential or actual conflict of interest.
- 1.5. Where a delegation is to a committee, the delegation is to the committee acting as a committee in accordance with its terms of reference.

Vice-Chancellor

- 1.6. The Vice-Chancellor may exercise any delegation stated in this procedure, except delegations made to:
 - a) a member of Council
 - b) a committee of Council,
 - c) the President of the Academic Board, or
 - d) the Academic Board or a committee of the Academic Board.
- 1.7. When the Vice-Chancellor is absent or unable to exercise a delegation, and no-one is appointed as acting Vice-Chancellor, the Chancellor may exercise any delegation in accordance with clause 1.6.

Signing and recording

- 1.8. A delegate can sign any document necessary to perform their role. However, the delegate cannot sign any document that has been specifically delegated in the schedules to someone else to sign.
- 1.9. Where a delegate exercises a delegation, they must ensure the exercise is recorded in writing, either in a hard copy file or in electronic form in a university system of record.
- 1.10. Where a delegate's signature is required, the following are considered satisfactory substitutes for a written signature:
 - an email from the delegate's university email address, that states the approval and the matter for which the approval is given, or
 - an approval recorded as an action in a university recordkeeping system that is used to manage the type of matter for which the approval is given.
- 1.11. Where a delegation is to more than one position and authorises a primary delegate to decide which position will exercise the delegation, the decision must be recorded in writing and retained by the primary delegate and produced on request for auditing purposes.

Complying with laws and policies

- 1.12. In exercising a delegation, a delegate must comply with applicable:
 - a) laws, including (but not limited to) the UNSW Act, University of New South Wales By-law 2005, the University of New South Wales Rules, and the *Government Sector Finance Act 2018* (NSW)
 - b) industrial awards or agreements (such as the University's enterprise agreements), and
 - c) codes, policies, standards and procedures of the University.
- 1.13. A delegate may only exercise a delegation:
 - a) in the University's best interest, and
 - b) for the purposes of university business within their area of accountability (unless the delegation specifies that it is intended to be exercised more widely).
- 1.14. The [Conflict of Interest Disclosure and Management Policy](#) ("COI policy") and [procedure](#) apply to a delegate's exercise of a delegation.
- 1.15. Where a delegate has an actual, perceived or potential conflict of interest in exercising a delegation, they must disclose it and it must be managed in accordance with the COI policy and procedure.
- 1.16. Delegations to a position are to the person or persons who currently hold(s) the position named in the delegation. Accordingly:
 - a) Where two staff members job-share a position, either may exercise a delegation held by the position if the other has not already exercised it in the matter.

- b) A staff member who is appointed to act in a position temporarily may exercise a delegation held by that position, unless the appointment to act specifies otherwise.

Reporting requirements

- 1.17. The exercise of any of the following delegations will be reported by the delegate to the next meeting of the Council:
- 1.34 establishing an award program or specialisation, and
 - 9.1 establishing a policy.

Signing agreements

- 1.18. If the exercise of a delegation involves a delegate signing an agreement, before exercising that delegation, the delegate must be satisfied that:
- if the agreement involves a Deed of Release, that Deed has been reviewed by a lawyer in the Legal & Compliance team; or
 - in any other case, the agreement has been assessed against a risk matrix approved by the Legal & Compliance team (in consultation with the relevant stakeholders) and the outcome of that assessment is that the agreement:
 - i. does not need a legal review; or
 - ii. needs a legal review, and a lawyer in the Legal & Compliance team has reviewed the agreement.

The risk matrix will take into account factors such as whether the agreement is in the form of a template approved by the Legal & Compliance team.

Approved alternates for direct reports of the Vice-Chancellor

- 1.19. Direct reports of the Vice-Chancellor act for other members in their absence on urgent matters, as indicated below.

| Member | Alternate |
|---|---|
| VC | Provost |
| Provost | DVC Academic Quality |
| DVC Academic Quality | DVC Research and Enterprise |
| DVC Education and Student Experience | DVC Global |
| DVC Global | DVC Education and Student Experience |
| DVC Indigenous | Provost |
| DVC Research and Enterprise | DVC Academic Quality |
| Chief Assurance & Legal Officer | VP Societal Impact, Equity and Engagement |
| VP Operations | Chief Assurance & Legal Officer |
| VP Societal Impact, Equity and Engagement | DVC Indigenous |
| President of the Academic Board | Deputy-President of the Academic Board |

2. Interpreting delegations

- 2.1. Where a delegation lists two or more delegates, any one of the delegates can exercise the delegation, unless:
 - a) the delegation or its conditions of exercise specify that more than one of the delegates must exercise it together, or
 - b) another of the delegates listed has already exercised the delegation in the matter.
- 2.2. A delegation to approve includes the authority to suspend, change and revoke the approval.
- 2.3. A delegation to decide a matter includes the authority to approve, waive, exempt and refund in the same matter.
- 2.4. A delegation to establish something includes the authority to create, approve, change or disestablish it.
- 2.5. A delegation to appoint includes:
 - a) where the appointment is to a staff position, and the appointee is temporarily absent, the authority to appoint someone to act in the position or office temporarily, or
 - b) where the appointment is to represent the University on the board or other governing body of a controlled entity or other external organisation, the authority to revoke the appointment.
- 2.6. A delegation to do something includes anything incidental or necessary to give effect to that delegation
- 2.7. Where a major initiative or activity overlaps multiple delegations (eg schools, faculties, divisions, education, research etc), the project lead will collaborate with delegates and the Director of Governance to enable effective decision making.

Effective: 1 January 2025 **Responsible:** Interim VP, Transformation, Planning and Assurance
Lead: Director of Governance and University Secretary

Appendix 1: Roles and definitions

Authority for procedures and instructions

The following University officers are authorised to maintain and change the procedure sections of this policy in accordance with the [Policy Framework Policy](#):

- Director of Governance and University Secretary.

Legislative compliance

This policy is intended to ensure that the University complies with the:

- *University of New South Wales Act 1989* (NSW).

Definitions, abbreviations, acronyms, initialisms and symbols

The definitions of terms, abbreviations, acronyms, initialisms and symbols stated below apply both to this policy and to the attached schedules of delegations.

Where a delegation, in the schedules of delegations that support this policy, identifies a relevant policy document, readers should consult that policy document for definitions of terms used in the delegation other than terms defined below.

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| Academic staff | Staff (on an ongoing or fixed-term employment contract) in the position of Vice Chancellor and President, Provost, Deputy Vice-Chancellor, Pro-Vice Chancellor, Dean or Head of School, or in the following classifications: Level A (Associate Lecturer), Level B (Lecturer), Level C (Senior Lecturer), Level D (Associate Professor), Level E (Professor). |
| Affix | In relation to the University's seal, add the seal to a document and sign the sealed document to attest that the seal has been added to it. |
| Agreement | Is a document between two or more parties, including a memorandum of understanding (binding and non-binding), deed and a non-disclosure agreement. |
| AQF | Australian Qualifications Framework |
| Area of accountability | The organisational unit or group of units, or area of the University's activities, for or within which a delegate is responsible according to their position description or employment contract. |
| Associate dean | Any position of which the position title includes the phrase "Associate Dean". |
| CALO | Chief Assurance and Legal Officer. References to the "Chief Legal Officer" are to the role when they are acting solely in their capacity as a solicitor. |
| Certified Technology Products List | The University's list of ICT products and services approved for acquisition. |
| CFO | Chief Financial Officer. |
| Chief officer | Any of the positions CALO, CFO, CIO, CPO, CPropO. |

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| CPO | Chief People Officer. |
| CIO | Chief Information Officer. |
| CPropO | Chief Property Officer. |
| Committee | A committee or board of the University. |
| Course authority | Any position of which the position title includes the word or phrase "lecturer", "senior lecturer", "associate professor" or "professor" and which has overarching responsibility for all aspects of a course. |
| Dean of faculty | Any position starting with the word "Dean" that is the peak leader of a faculty; the Rector of the UNSW University College at the Australian Defence Force Academy, Canberra is also a dean. |
| Dean of Graduate Research | Pro Vice-Chancellor Research Training and Dean of Graduate Research. |
| Deed of release | Includes any: (a) agreement or deed of release of obligations, or (b) deed of release, discharge or settlement that documents the satisfaction, cessation or settlement of any claim, dispute or litigation or any document, however described or titled, of corresponding or similar effect to (a) or (b) above. |
| Delegate | A position or committee named in a delegation and authorised by the delegation to perform a function or make a decision. |
| Delegation | Has the meaning stated in clause 1.1 of the Delegations Policy. |
| Deputy dean | Any position of which the position title includes the phrase "Deputy Dean". |
| DVC | Any position of which the position title includes the phrase "Deputy Vice-Chancellor". |
| Director of Governance | Director of Governance and University Secretary. |
| Divisional operations director | Any position of which the position title includes the word "Director", and which has overall responsibility for managing budget and resources for a division. |
| Faculty executive director | Any position of which the position title includes the phrase "Faculty Executive Director", or in the case of UNSW Business, "General Manager". |
| Head of school | Any position of which the position title includes the phrase "Head of School". |
| HDR | Higher degree research. |
| Hiring manager | Any position of which the title includes one of the following words or phrases, where the holder of the position either (if appointing to a fixed-term or ongoing position, or to a nomination) chairs the selection panel to recommend which candidate is preferred or (if appointing a casual staff member) manages the appointment: "Advisor", "Chief", "Coordinator", "Counsel", "Dean", "Director", "Engineer", "Head", "Lead", "Lecturer", "Librarian", "Manager", "Officer", "Principal", "Professor", "Provost", "Technician", "Secretary", "Supervisor", "Vice-Chancellor", "Vice-President". |
| ICT | Information and communication technology |

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| ICT products and services | These include software, IT hardware, communications equipment and infrastructure, cloud services such as software or hardware as a service and professional or consulting services engaged to help the University meet its ICT needs. |
| In-kind expenditure | Contributions of University resources instead of financial expenditure. Resources include, for example, assets, equipment, goods, services, labour and access to equipment and facilities. |
| Line management | The positions to which a given position reports: the position's direct supervisor position, the supervisor of that higher position, and so on. A dean is in the line management of all staff in their faculty; a deputy vice-chancellor or vice-president is in the line management of all staff in their division; and the Vice-Chancellor is in the line management of all staff of the University. |
| NIDA | National Institute of Dramatic Art |
| Nomination | A fixed-term appointment to an academic or professional staff position. |
| Policy lead | Any position of which the title includes one of the following words or phrases and which is nominated by the responsible officer for a code or policy, to lead development, review and monitor the effectiveness of the policy, or is authorised by a policy to maintain and approve a supporting standard, procedure or university-wide instruction: "Chief", "Counsel", "Dean", "Director", "Head", "Lead", "Librarian", "Manager", "Principal", "Provost", "Registrar", "Technician", "Secretary", "Vice-Chancellor", "Vice-President". |
| Portfolio | The division or organisational unit, or set of divisions and/or organisational units, for which a DVC or VP is responsible and which report to them. |
| Position | A formal work role named in a staff member's contract of employment, with a position title and position description. |
| Professional staff | Staff in professional, general or technical positions who are not academic staff of the University. |
| Program authority | Any position of which the position title includes the word or phrase "lecturer", "senior lecturer", "associate professor" or "professor", and which has overarching responsibility for all aspects of a program. |
| PVC | Any position of which the position title includes the phrase "Pro Vice-Chancellor". |
| Recordkeeping systems | Information and communication technology systems assessed by Records and Archives as suitable for keeping university records. These systems are listed on the Systems of Record web page . |
| Rector, Canberra | Rector of UNSW Canberra at the Australian Defence Force Academy. |
| Registrar | Academic Registrar and Director of Student Services. |
| SHARP | Strategic Hires and Retention Pathways. |
| Statutory payment | Taxes, dues and payments that are required by law to be paid by either State or Federal Government, statutory entities of local authorities, such as corporation tax, payroll tax, goods and services tax, superannuation and pay as you go withholding. |

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| Supervisor | Any position of which the title includes one of the following words or phrases, and to which another position reports for employment purposes: "Advisor", "Dean", "Director", "Chief", "Coordinator", "Counsel", "Dean", "Engineer", "Head", "Librarian", "Manager", "Officer", "Professor", "Provost", "Lecturer", "Lead", "Principal", "Solicitor", "Technician", "Secretary", "Supervisor", "Vice-Chancellor", "Vice-President". |
| TFR | Total fixed remuneration. |
| UNSW Act | <i>University of New South Wales Act 1989 (NSW).</i> |
| VC | Vice-Chancellor and President. |
| VP | Any position of which the title includes the phrase "Vice-President". |