

Delegation of Authority Policy

1. Purpose and Scope

- 1.1 The Delegation of Authority Policy provides a mechanism to enable Academic Board and the Executive Management Group to exercise authorities and powers held by the AIAT Board of Directors.
- 1.2 It is particularly intended for those authorities and powers that commit AIAT and/or incur liabilities on behalf of AIAT or affect the progression of AIAT students.
- 1.3 It sets out a framework for delegating authorities, establishes a single delegations schedule and states the principles which apply when delegations are exercised.
- 1.4 This policy and its procedure apply to all AIAT academic and non-academic staff, and to internal and external members of AIAT Board of Directors, AIAT Academic Board and all sub-committees.

2. Definitions

Refer to *Glossary of Terms* for commonly used terms. The definitions below are those specific to this policy and procedure.

Authorised Agent - a functional position which has been delegated responsibilities by a Delegate. For example, the Head of Institute is delegated responsibilities from the Academic Board; when the Head of Institute delegates some of these responsibilities to the Student Services Team Leader, the Student Services Team Leader is an Authorised Agent.

Delegate – a person or committee authorised to carry out a delegation or act on behalf of the Board of Directors.

Delegation – the subject of the activity to which the delegation relates.

3. Policy Statement

- 3.1 The AIAT Board of Directors is the ultimate authority for all AIAT powers and functions.
- 3.2 The nature and limits of authority formally delegated by the Board to the Academic Board, CEO, Executive Management Group and other specified delegates are documented and understood.
- 3.3 AIAT is committed to ensuring that decisions are made at the appropriate level, that all actions and commitments made on AIAT's behalf are within set authority limits by authorised officers and student management is implemented appropriately.

4. Policy Principles

4.1 Principles

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

- 4.1.1 Delegations apply to a position or a committee rather than to a person. Persons formally acting in a position may exercise the delegations assigned to the position unless otherwise stated.
- 4.1.2 Delegations are devolved to an appropriate level to support efficient and effective administration and sound decision-making by aligning authority, accountability and capability.
- 4.1.3 Authorised agents are appointed by a Delegate to undertake specified responsibilities.
- 4.1.4 Delegates can only exercise delegations in accordance and consistently with the Delegations Schedule and other applicable AIAT policies.
- 4.1.5 Delegates cannot approve their own expenditure items.
- 4.1.6 Authorities held by a delegate are also held by the delegate's manager, subject to any professional qualification requirements. The delegate's manager may exercise the delegated authority in the absence of the delegate, subject to compliance with legislation and AIAT policy documents.
- 4.1.7 Delegations are subject to the requirements of law and the relevant AIAT Employment Contracts.
- 4.1.8 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 manager or, after consultation with their manager, to a more senior delegate (also refer to the Conflict of Interest Policy).
- 4.1.9 The delegating authority may exercise an authority that has been delegated at any time; and may revoke or change a delegation at any time.
- 4.1.10 All delegations and authorised agents and any associated limits or conditions are expressed clearly and concisely and outlined in the Delegations Schedule.

4.2 Delegations Register

- 4.2.1 The Delegations Register provides information on all delegations, and associated limits or conditions.
- 4.2.2 The Risk, Quality and Audit Committee will provide recommendations to the AIAT Board for approval and maintain and update the Delegations Register as required.

4.3 Exercise of Delegation

- 4.3.1 The exercise of a delegation must be formally recorded.
- 4.3.2 In exercising their delegated authorities or powers, delegates or authorised agents must act:
 - a. In the interests of AIAT;
 - b. In accordance with any applicable legislative, regulatory, contractual or policy requirements (including the Conflict of Interest Policy);
 - c. In accordance with any limits or conditions attached to the delegation;

- d. By applying their own informed discretion and professional judgement to the matter, based on consultation and advice as the situation requires; and
 - e. By seeking appropriate advice in order to be properly informed when exercising a delegation. However, the delegate or authorised agent must exercise the delegation without any undue influence by others.
- 4.3.3 Delegates and authorised agents cannot act beyond the scope of power delegated to them.
- 4.3.4 Except where specified in the Delegations Register, the exercise of delegations is confined to the portfolio area for which the delegate or authorised agent has management and administrative responsibilities, and within the limits of the delegation, including budget and establishment limits for the area.
- 4.3.5 Delegates or authorised agents are not compelled to exercise delegations and may refer the matter to a more senior manager for decision.
- 4.3.6 Persons engaged by AIAT who are not AIAT employees cannot exercise delegated authority on behalf of AIAT, unless otherwise specifically allowed for in the contract.
- 4.3.7 Delegates and authorised agents must complete required training as specified in the Delegations Procedure.
- 4.4 Breaches and Misuse of Delegation
- 4.4.1 Suspected breaches or misuse of delegations must be reported immediately to a member of the Executive Management Group who will report prima facie cases instances to the CEO for investigation.
- 4.4.2 The CEO will adhere to the principles of natural justice when investigating such a complaint. Confirmed breaches or misuse of delegations will be dealt with as Serious Misconduct under the Dealing with Unsatisfactory Performance and Misconduct (Staff) Procedure and will be reported by the CEO to the Risk, Quality and Audit Committee together with advice about remedial actions taken. Disciplinary action may include revocation of a delegation or termination of employment.
- 4.4.3 The CEO may appoint an external investigator to support the investigation.
- 4.4.4 The process is outlined in Appendix A – Breaches and Misuse of Delegation Process.

5. Roles and responsibilities

- 5.1 The AIAT Board of Directors is responsible for:
- 5.1.1 initiating this policy and procedure's review at the required date, and approving or rejecting amendments;
 - 5.1.2 approving modification requests to Delegations Register as proposed via the Risk, Quality and Audit Committee; and
 - 5.1.3 reviewing the Delegations Register at least biennially.
- 5.2 The Risk, Quality and Audit Committee is responsible for:

- 5.2.1 providing recommendations regarding modification requests to a Delegations Register, this policy and/or procedure to the AIAT Board of Directors;
 - 5.2.2 reporting compliance and non-compliance with delegations as part of compliance reporting to the AIAT Board of Directors;
 - 5.2.3 receiving modification requests;
 - 5.2.4 notifying individuals of approved changes to delegations; and
 - 5.2.5 updating the Delegations Register to reflect approved delegations.
- 5.3 Members of the Executive Management Group are responsible for:
- 5.3.1 receiving reports of suspected breaches or misuse of delegations; and
 - 5.3.2 undertaking initial investigations; and
 - 5.3.3 if prima facie case exists, requesting the CEO to investigate.
- 5.4 The Academic Board is responsible for:
- 5.4.1 fulfilling the Terms of Reference as detailed in the AIAT Governance Charter;
 - 5.4.2 approving the academic and student related policies and procedures that underpin AIAT's compliance with its regulatory obligations;
 - 5.4.3 ensuring delegates assigned academic delegations are
 - a. formally advised and sign and return an acknowledgement regarding the assignment of the delegation/s;
 - b. advised about required training and training is recorded as completed prior to the delegate exercising delegations; and
 - c. relevant documentation is filed appropriately;
 - 5.4.4 reviewing and monitoring the performance of all AIAT academic areas to assist with quality management and the continual improvement of those operational processes; and
 - 5.4.5 reporting non-compliances brought to their attention to the Risk, Quality and Audit Committee.
- 5.5 The Chairperson of the Academic Board is:
- 5.5.1 responsible and accountable to the Academic Board for the discharge of its responsibilities under its Terms of Reference and in compliance with Standards 6.2.1 and 6.3 of the HESF; and
 - 5.5.2 reporting on compliance with academic related delegations as part of annual compliance reporting.
- 5.6 The Learning and Teaching Committee is responsible for fulfilling the Terms of Reference as detailed in the AIAT Governance Charter. They make recommendations to the Academic Board.
- 5.7 The Chief Executive Officer (CEO) is responsible for:
- 5.7.1 day-to-day business management of AIAT operations;
 - 5.7.2 ensuring compliance with non-academic policies and procedures;
 - 5.7.3 ensuring compliance with relevant HESF sections in the management of AIAT business operations;

- 5.7.4 investigating breaches or misuse of delegations;
 - 5.7.5 reporting confirmed breaches or misuse of delegations and actions taken to address the breach or misuse, to the Risk, Quality and Audit Committee; and
 - 5.7.6 reporting confirmed breaches or misuse of academic delegations to the Academic Board.
- 5.8 The senior officer responsible for financial matters ensuring delegates assigned financial delegations are
- 5.8.1 formally advised and sign and return an acknowledgement regarding the assignment of the delegation/s;
 - 5.8.2 advised about required training and training is recorded as completed prior to the delegate exercising delegations; and
 - 5.8.3 relevant documentation is filed appropriately.
- 5.9 The CEO (for employment contracts which include formal assignment of delegations) to ensure that:
- 5.9.1 the delegate is formally advised and signs and returns an acknowledgment regarding the assignment of delegation/s (this may be included in the letter of offer);
 - 5.9.2 the delegate is advised about required training and training is recorded as completed prior to the delegate exercising delegations;
 - 5.9.3 relevant documentation is filed appropriately.
- 5.10 A delegate is responsible for ensuring their exercise of delegation is compliant with legislation, the Delegations Register and with AIAT policies and procedures. They must complete required training prior to commencing exercise of delegation.
- 5.11 All AIAT academic and non-academic staff, and internal and external members of AIAT Board of Directors, AIAT Academic Board and all sub-committees are responsible for complying with this policy and procedure.

6. Policy Details

Institution	Australian Institute of Advanced Technologies (AIAT)
Policy name	Delegation of Authority Policy
Policy Reference No.	POL – 08
Policy Approval	Board of Directors
Policy Authority	Executive Management Group
Responsible Officer	CEO
Governance Reference Threshold Standards	HESF 6.1.3.b, 6.3.2.b
Related Documents	AIAT Governance Charter Conflict of Interest Policy

	Dealing with Unsatisfactory Performance and Misconduct (Staff) Procedure Delegation of Authority Procedure Delegation Register Staff Code of Conduct
Related Legislation	Higher Education Standards Framework (Threshold Standards) 2021 (HESF)
References	AIAT has referred and benchmarked with the following institutions and policies during the creation of this policy: Flinders University (2017) Delegations Policy Griffith University (2020) Delegations Policy
Date of approval	31 March 2022
Review date	December 2024
Policy Category	Governance

6. Document Version Control

Document No	POL - 08	Last Modify Date	Summary of Changes
Version No	1.0	NA	Initial version approved by Board of Directors
	1.01	31/3/2022	Fixing typos
Created Date	Dec 2021		

Appendix A – Breaches and Misuse of Delegation Process

