

# Delegations Policy

## Section 1 - Purpose and Scope

(1) This Policy:

- a. sets out the principles that apply to The University of Queensland's (UQ or the University) Delegations;
- b. assists staff to understand the regulatory framework and general principles that apply to Delegations;
- c. applies to all staff and members of the Senate or a Senate Committee, insofar as that Senate Member or Senate Committee is a Delegate; and
- d. does not apply to the controlled entities of the University. Boards of those entities must implement their own delegations, consistent with their constitutions.

## Section 2 - Principles and Key Requirements

### Senate Powers to Delegate

(2) The Senate has the functions conferred on it under the [UQ Act](#). The Senate may do anything that is necessary or convenient to be done for, or in connection with, its functions, including the power to:

- a. appoint the University's staff;
- b. manage and control the University's affairs and property; and
- c. manage and control the University's finances.

(3) The Senate can delegate its powers under the [UQ Act](#) to an appropriately qualified:

- a. member of the Senate;
- b. committee that includes one or more members of the Senate; or
- c. member of the University's staff.<sup>[1]</sup>

(4) An 'appropriately qualified' Delegate means a person or committee that has the qualifications, experience or standing appropriate to exercise the power.

(5) The Senate cannot delegate its power to:

- a. make an election policy; or
- b. adopt the University's annual budget.<sup>[2]</sup>

### Vice-Chancellor's Powers to Delegate and Sub-delegate

(6) The Vice-Chancellor is the University's Chief Executive Officer and may exercise the powers and perform the functions conferred on the Vice-Chancellor by the [UQ Act](#) or the Senate.<sup>[3]</sup>

(7) The Vice-Chancellor may delegate the Vice-Chancellor's powers under the [UQ Act](#) to an appropriately qualified member of the University's staff.<sup>[4]</sup>

(8) If a Senate Delegation to the Vice-Chancellor permits sub-delegation, the Vice-Chancellor may sub-delegate that delegated power to an appropriately qualified member of the University's staff.<sup>[5]</sup>

## Delegation Principles

(9) The following principles must be observed in the exercise of the University's Delegations and sub-delegations:<sup>[6]</sup>

- a. Delegates and sub-delegates must exercise their Delegations:
  - i. subject to any financial or operational limits or conditions applying to their delegation;
  - ii. in accordance with the University's probity and accountability obligations applying to their delegation;
  - iii. in compliance with laws relevant to their delegation; and
  - iv. so as to avoid conflicts of interest.

Only the Vice-Chancellor has authority under the [UQ Act](#) to sub-delegate a power delegated by Senate. No other person is authorised under the [UQ Act](#) to sub-delegate any power.

- b. An officer acting in an office or position that holds a Delegation may exercise any Delegations conferred on that position, subject to any limits or conditions imposed on the Delegation.
- c. Despite delegation of a power, the Delegator may still perform or exercise the particular power. For example, this may occur where, in the opinion of the Delegator, special or unusual circumstances exist that would make it more appropriate for the matter to be dealt with by the Delegator.
- d. The delegation of a power does not relieve the Delegator of the obligation to ensure that the power is properly performed or exercised.
- e. The Delegate may do anything that is incidental to the proper exercise of the delegated power.
- f. If the performance of a power is dependent on the Delegator's opinion, belief or state of mind, then, when performed or exercised by the Delegate, the power is dependent on the Delegate's opinion, belief or state of mind.
- g. The Delegator must not fetter the discretion of a Delegate.
- h. A Delegate must not exercise a Delegation to approve a recommendation made either wholly or partly by the Delegate.
- i. Delegates and sub-delegates are accountable to the Vice-Chancellor for the proper exercise of Delegations and Sub-delegations in their respective Organisational Area.
- j. Delegates must not exercise a Delegation that will result, either directly or indirectly, in any personal benefit to the Delegate.
- k. Staff who believe that a Delegation has been improperly exercised should immediately refer the matter to the Chief Financial Officer, General Counsel, Chief Operating Officer or Vice-Chancellor who will arrange for the matter to be investigated.

## Section 3 - Role, Responsibilities and Accountabilities

### Senate

(10) The Senate is responsible for Delegations dealing with Senate powers.

## **Vice-Chancellor**

(11) The Vice-Chancellor is responsible for granting and approving:

- a. any Delegations relating to the powers conferred upon the Vice-Chancellor under the [UQ Act](#); and
- b. Sub-delegations of delegated Senate powers.

(12) The Vice-Chancellor, through the Chief Financial Officer, is also responsible for ensuring UQ has the appropriate systems, capabilities and processes in place (including accountability and probity controls) for meeting any financial obligations arising out of the exercise of a delegation.

## **Delegates**

(13) Delegates must exercise their powers in accordance with:

- a. any conditions to which the Delegation is subject;
- b. this Policy and any other relevant policies and procedures; and
- c. laws that regulate the particular power being exercised.

## **Associate Director, Governance and Policy**

(14) The Associate Director, Governance and Policy must:

- a. act as the central point of contact for Delegations within the University;
- b. liaise with relevant areas to review and update Delegations;
- c. maintain the register of Delegations; and
- d. coordinate reports to the Vice-Chancellor on the exercise of delegated powers as required by the Vice-Chancellor.

# **Section 4 - Monitoring, Review and Assurance**

## **Senate**

(15) Twice a year, the Vice-Chancellor must report to Senate on any new Sub-delegation conferred by the Vice-Chancellor.

(16) All Delegations from Senate to the Vice-Chancellor must be reviewed at least once every 4 years.

## **University Senior Executive Team**

(17) The University Senior Executive Team provides assurance to the Vice-Chancellor that the University's governance and assurance functions are adequate and effective. This includes monitoring, review and assurance of the Delegations Framework at the University.

# **Section 5 - Recording and Reporting**

(18) All Delegations must be in writing and maintained in a register of Delegations.

(19) Delegates may be required to provide periodic reports to the Vice-Chancellor on the exercise of Delegations.

# Section 6 - Appendix

## Definitions

Term	Definition
Delegate	Means a member of staff, a member of Senate or a Senate Committee to whom or to which, a Delegation has been made.
Delegation	Means a conferral of delegated authority on a person to exercise a statutory based power or function.
Delegator	Means: 1. for Delegations to the Vice-Chancellor, the Senate; 2. for Sub-delegations of Senate Delegations, the Vice-Chancellor; 3. for Delegations to University staff by the Vice-Chancellor under the <a href="#">UQ Act</a> , the Vice-Chancellor.[7]
Organisational Area	Includes an administrative area, portfolio, centre, faculty, institute, school, unit or other academic or managerial division of the University.
Senate	Means the Senate of the University, established under the <a href="#">UQ Act</a> .
Senate Committees	Means a committee of Senate as established from time to time.
Sub-delegation	Means where the Senate delegates a function or power to the Vice-Chancellor and the Vice-Chancellor then confers the legal capacity to exercise that Senate delegated power or function on an appropriately qualified member of the University's staff.
<a href="#">UQ Act</a>	Means the <a href="#">University of Queensland Act 1998</a> . The legal requirements for delegations are contained in section 27A of the <a href="#">Acts Interpretation Act 1954</a> (Qld).

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<sup>[1]</sup> s.11(1) of the UQ Act,

<sup>[2]</sup> s.11(2) of the UQ Act,

<sup>[3]</sup> s.32(4) of the UQ Act,

<sup>[4]</sup> s.32(5) of the UQ Act,

<sup>[5]</sup> s.11(3) of the UQ Act,

<sup>[6]</sup> The legal requirements for delegations are contained in section 27A of the [Acts Interpretation Act 1954](#) (Qld),

<sup>[7]</sup> s.32(5) of the UQ Act.

## Status and Details

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