

APPROVED RULE CHANGES

Pursuant to the UTS By-law (Part 4, division 3, clause 44), the following rule changes have been made by UTS Council.

At its 17/4 meeting on 16 August 2017, Council approved the following amendments to the General Rules:

*5.2 Report from Governance Committee

COU 17-4/78

Council resolved to:

- .1 receive and note the report as detailed in Document 5.2 - *Report from Governance Committee* and **Attachments 1-5**;
- .2 approve
 - .a the change of name from “Standing Delegations of Authority” to “Delegations”;
 - .b the changes to the governance framework for delegations including the new UTS General Rules as detailed in **Attachment 1**;
 -
 - .e that any consequential changes to UTS governance instruments will be made and promulgated by the Director, Governance Support Unit;

THE APPROVED AMENDMENTS TO THE GENERAL RULES ARE PROVIDED BELOW:

Note that G1-19, Schedule G1 and Schedule G2 are all new rules, so no markup is included. Rule G5 has been moved (without change) to be a new G1-20. G1-20 is therefore not shown in markup. G5 is marked up as deleted in ~~bold and strikethrough~~.

UTS GENERAL RULES

G1 – Rules relating to Council, the Chancellor, Deputy Chancellor and Vice-Chancellor

10. Out of pocket expenses

If a member of Council incurs out of pocket expenses while engaged on University business, the University Secretary may authorise the payment of the whole or any part of the expenses so incurred to that member, except for the Vice-Chancellor, who will operate in accordance with the UTS Standing Delegations ~~of Authority~~.

19. Delegations

- (1) Section 17 of the Act provides Council with the power to delegate any of its functions (other than the power of delegation), or any matter or activity. The functions, matters and activities Council has delegated are detailed in the Delegations.
- (2) The Delegations, which have the same force as these rules, consist of the Delegations Schedule (refer separate instrument), the Delegations Principles (refer Schedule G1) and the Strategic Delegations (refer Schedule G2). In exercising any delegated function, matter or activity, a delegate must observe the Delegations Schedule, Delegations Principles, Strategic Delegations and all noted policies.

20. Register of Delegations

This Rule is made pursuant to section 17 of the Act. A register of resolutions by Council to delegate all or any of its functions is to be maintained by the University Secretary in which must be recorded the following details:

- (1) the relevant Council resolution number and meeting date;
- (2) the exact terms of the relevant Council resolution;
- (3) official file number;
- (4) delegations rescinded by Council resolution;
- (5) new delegations by Council resolutions; and
- (6) whether the exercise of any delegation, being the subject of a Council resolution, is to be reported to Council.

G5 – Register of Delegations (Repealed)

Note: G5 of the UTS General Rules was repealed and its provisions moved to new rule G1-20 as of 29 January 2018 (COU17-4/78.2.b).

~~G5 – Register Of Delegations~~

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- ~~(1) the relevant Council resolution number and meeting date;~~
- ~~(2) the exact terms of the relevant Council resolution;~~
- ~~(3) official file number;~~
- ~~(4) delegations rescinded by Council resolution;~~
- ~~(5) new delegations by Council resolutions; and~~
- ~~(6) whether the exercise of any delegation, being the subject of Council resolution, is to be reported to Council~~

Schedule G1 – Delegations Principles

These Delegations Principles should be read in conjunction with the Strategic Delegations (Schedule G2) and Delegations Schedule, which together form the 'Delegations'.

In exercising any delegated function, a delegate must observe the following principles.

1. Delegated functions may only be exercised if provided for by the Delegations or a specific resolution from Council.
2. These delegations are to be exercised subject to and in accordance with any relevant legislation, including, but not limited to, the UTS Act and UTS By-law, as well as the UTS Rules, UTS enterprise agreements, UTS policies, codes of conduct, guidelines, procedures and management designations, authorisations and instructions.
3. In the event of any inconsistency between the contents of the Delegations, and the contents of any policy or procedural documents, the contents of the Delegations shall prevail.
4. In exercising any delegation, the delegate must comply with relevant laws and the University's governance instruments, and have regard to general principles of procedural fairness.
5. A delegation is limited to the business and affairs of the relevant business area unless otherwise specified in the terms of the delegation.
6. Any exercise of delegation is to be within approved budgets, aligned with business plans and staff profiles, and within requirements of any enterprise agreements (unless otherwise noted).
7. In exercising a delegated function, a delegate may seek appropriate advice in order to be properly informed. However, the delegated function must be exercised by the delegate without any undue influence by any other person or body.
8. A delegate has the authority to make decisions in either the positive or negative. That is, for all decisions taken, the delegate may either determine to take a particular action (including to rescind, disestablish and terminate) or to take no action.
9. To ensure administrative efficiency of UTS operations:
 - (a) a delegate under Delegation 1.2 may authorise an employee under that delegate's supervision to expend funds for and on behalf of, and in the name of, that delegate, which do not exceed thresholds of \$50,000, \$20,000, \$10,000 and \$5000 (these are identified as bands 5 to 8 respectively). Any authorisation may only be granted and exercised in accordance with guidelines issued from time to time by the Chief Financial Officer, who must also maintain a register of authorisations. The principles relevant to the exercise of Council delegations apply equally to holders of authorisations to expend funds.
 - (b) where provision is made within section 2 of the Delegations Schedule, a delegate may authorise an employee under that delegate's supervision to perform functions for and on behalf of, and in the name of, that delegate, provided that the authorisation is approved by the Provost (for academic staff) and the Deputy Vice-Chancellor (Corporate Services) (for professional staff). Any authorisation may only be granted and exercised in accordance with guidelines issued from time to time by the Director, Human Resources, who must also maintain a register of authorisations. The principles relevant to the exercise of Council delegations apply equally to holders of human resources authorisations.
10. A delegation relates to the delegate's position, not the individual occupying the position. A delegation extends to any person officially acting in that position on a temporary basis, unless otherwise specified in the appointment to act.

11. Delegations have been created with the University's organisation structure in mind. Delegations are therefore also held by a delegate's supervisor. If a delegate is unable to carry out the duties associated with his or her delegation for any reason, including a potential or actual conflict of interest or a temporary incapacity or absence, the delegation may be exercised by the delegate's supervisor. Delegations 1.10 to 1.13 operate in exception to this principle.
12. Where a power or authority is delegated to exercise functions, then that power or authority extends to the execution of documents (eg contracts, agreements) necessary to give effect to that function (in accordance with the relevant UTS Rules, policies and procedures relating to the execution of documents) unless a specific delegation states otherwise.
13. Delegation limits apply to transactions, and a transaction may not be separated into parts, nor may the total cost of a transaction be set off by deductions or trade-ins in order to meet a limit on a delegate's authority. Generally, taxes and duties are to be included in the total cost of the transaction except, where claimable¹, the goods and services tax (GST), which is not to be included. A delegation is required both to enter into the transaction and to authorise the payments under the transaction. Except in the case of capital works (see Delegation 1.3), a variation in the cost of a transaction must be approved by the delegate who approved the original transaction if the total amount is within their delegation. Should the sum of the variation and the original cost exceed the delegate's authority, the variation must be submitted for approval to another delegate who has the necessary level of authority.
14. (a) Delegated functions may not be exercised by a person who is not a UTS employee unless the instrument of delegation or specific Council resolution expressly states that such delegation may be exercised.
(b) In exercising any delegation the delegate must act in the interests of the University for the purpose delegated and not for any improper purpose.
15. (a) A delegate may not exercise a delegation that would provide them with any direct or indirect benefit (section 4.4.2, Code of Conduct). Therefore, delegates may not approve matters including their own appointment, remuneration, payment or reimbursement, promotion, transfer or secondment, travel, absence or termination.
(b) Where members of the UTS Council or a Council committee are involved in any way other than in their role as a Council or Council committee member, and the delegate (or nominee) is aware of that involvement, the delegate (or nominee) must disclose that involvement to the University Secretary. The University Secretary must notify the Chancellor. In such cases, no delegation may be exercised until the University Secretary has confirmed in writing the approval of the use of the delegated authority.
16. It is a requirement that records be kept of all decisions taken under the Delegations.
17. Members of the UTS Senior Executive may act on urgent matters in the absence of other members, in accordance with section 2.2, Schedule G2. Council has determined that, in the deemed absence of both the Chancellor and the Deputy Chancellor, the Chancellor's authority with respect to affixing the seal, taking executive action or approving any matter which Council has delegated to the Chancellor shall be exercised by a member of the Council, not being a member of UTS staff, in a specified order subject to their availability: section 2.3, Schedule G2.

¹ For all taxable supplies except the following: entertainment (unless subject to Fringe Benefits Tax (FBT)); relatives; travel (unless subject to FBT); club and leisure facilities or boats (unless subject to FBT); residential rent (unless the charity exemption applies); non-compulsory uniforms; penalties; and certain non-cash business benefits used for private purposes.

Schedule G2 – Strategic Delegations

1. Financial

1.1 Budgets

Council has reserved to itself the authority to approve the annual UTS budget. Authority to allocate additional unbudgeted revenue, and/or approve unbudgeted expenditure items involving a change to the budgeted surplus/deficit, are delegated within the following limits.

Delegate	Limit of change to budgeted surplus/deficit
Finance Committee of Council	± 20%
Vice-Chancellor	± 10%

Members of the Senior Executive (as defined in section 2.2 of this schedule), deans and directors have the authority to approve the reclassification of items of expenditure in approved budgets within their areas of responsibility.

1.2 General expenditure

Council has approved the following general expenditure delegations. All expenditure is to be within approved budget, within area of responsibility and aligned to the delivery of the UTS Strategic Objectives.

Band	Delegate by position	Limit
<i>Band 1</i>	Vice-Chancellor	\$10,000,000
<i>Band 2</i>	Provost Deputy Vice-Chancellors	\$2,000,000
<i>Band 3</i>	Pro Vice-Chancellor Assistant Deputy Vice-Chancellor Deans Director, UTS International University Librarian Director, Facilities Management Operations Director, Program Management Office Chief Financial Officer Director, Human Resources Unit Chief Information Officer Director, Institute for Sustainable Futures Director, Australia-China Relations Institute Director, Institute for Public Policy and Governance Director, Research and Innovation Office Director, Commercial Director, Marketing and Communication	\$750,000
<i>Band 4</i>	University Secretary and Director, Governance Support Unit Unit directors (not identified above) Director, Centre for Health Economics Research and Evaluation Director, Innovation and Creative Intelligence Unit Executive Director, Social Justice Deputy Director, Institute for Sustainable Futures Deputy Director, Institute for Public Policy and Governance Deputy deans Deputy Chief Financial Officer Associate deans Assistant Director, Human Resources Unit Heads of school/ department/discipline (as titled for each faculty or school) Faculty managers (or equivalent position)	\$250,000

	General Manager (Technical Services) (Faculty of Science) Manager, Corporate Finance Manager, Technical Services (Faculty of Engineering and Information Technology) Manager, Information Technology Infrastructure Manager, Web and Application Services Manager, Audio Visual Services (Information Technology Division) Manager, Client Services (Information Technology Division) Divisional Administrator (Information Technology Division) Manager, Operations (Program Management Office) Manager, Business Development and Operations (Commercial) Executive Manager, Institute for Public Policy and Governance	
<i>Band 5</i>	To ensure administrative efficiency of UTS operations: A delegate in bands 1 to 4, under Delegation 1.2, may authorise any employee under that delegate's supervision to expend funds for and on behalf of, and in the name of, that delegate, which do not exceed these thresholds. Any authorisation may only be granted and exercised in accordance with guidelines issued from time to time by the Chief Financial Officer, who must also maintain a register of authorisations. The Delegations Principles (refer Schedule G1) applying to the exercise of Council delegations apply equally to holders of authorisations to expend funds under bands 5 to 8.	<i>\$50,000</i>
<i>Band 6</i>		<i>\$20,000</i>
<i>Band 7</i>		<i>\$10,000</i>
<i>Band 8</i>		<i>\$5000</i>

2. Human resources and miscellaneous

2.1 Human resources

(1) The exercise of human resource related delegations must be within the following parameters. Recruitment, appointment, remuneration and leave are subject to the relevant UTS enterprise agreement and human resources instruments. Approvals must be within budget and aligned to staff profiles in the agreed budgets.

(2) The following interpretations apply to human resource related delegations:

- (a) **Recruitment action** is also known in the recruitment system as filling a vacancy.
- (b) **Appointment following recruitment** is also known in the recruitment system as extending a contract offer.
- (c) **Setting remuneration** is also known in the recruitment system as approving the salary package.
- (d) **Appointment by nomination/invitation** is also known in the recruitment system as appointment without a competitive recruitment and selection process.

2.2 Approved Senior Executive alternates

Members of the UTS Senior Executive act for other members in their absence on urgent matters, as indicated below.

Executive member	Delegations (Refer to Delegations Schedule on Staff Connect or Public website)	First alternate	Second alternate
Vice-Chancellor	3.1.1 (Council's powers in urgent and unforeseen circumstances)	Provost	Not applicable
Provost	1.2, 1.7 (expenditure and revenue) 2.1, 2.5 (staff recruitment and appointment and relieving appointments) 1.1, 2.6 (travel and leave)	Deputy Vice-Chancellor (Education and Students)	Deputy Vice-Chancellor (Corporate Services)
Deputy Vice-Chancellor (Corporate Services)	1.2, 1.7 (expenditure and revenue) 1.3 (capital works) 2.1, 2.5 (staff recruitment and appointment and relieving appointments) 1.1, 2.6 (travel and leave)	Provost	Deputy Vice-Chancellor (Resources)
Deputy Vice-Chancellor (Education and Students)	1.2, 1.7 (expenditure and revenue) 2.1, 2.5 (staff recruitment and appointment and relieving appointments) 1.1, 2.6 (travel and leave)	Deputy Vice-Chancellor (Research)	Deputy Vice-Chancellor (International)
Deputy Vice-Chancellor (International)	1.2, 1.7 (expenditure and revenue) 2.1, 2.5 (staff recruitment and appointment and relieving appointments) 1.1, 2.6 (travel and leave)	Deputy Vice-Chancellor (Education and Students)	Deputy Vice-Chancellor (Research)
Deputy Vice-Chancellor (Innovation and Enterprise)	1.2, 1.7 (expenditure and revenue) 2.1, 2.5 (staff recruitment and appointment and relieving appointments) 1.1, 2.6 (travel and leave)	Provost	Deputy Vice-Chancellor (Research)
Deputy Vice-Chancellor (Research)	1.2, 1.7 (expenditure and revenue) 2.1, 2.5 (staff recruitment and appointment and relieving appointments) 1.1, 2.6 (travel and leave) 5.1, 5.2 (research grants)	Deputy Vice-Chancellor (International)	Deputy Vice-Chancellor (Education and Students)
Deputy Vice-Chancellor (Resources)	1.2, 1.7 (expenditure and revenue) 1.3, 1.5 (capital works and facilities management) 2.1, 2.5 (staff recruitment and appointment and relieving appointments) 1.1, 2.6 (travel and leave)	Deputy Vice-Chancellor (Corporate Services)	Provost

2.3 Approved Council alternates

The following procedures apply in the absence of the Chancellor and Deputy Chancellor.

- (1) The Chancellor will be deemed absent or unable to act in either of the following circumstances:
 - (a) when the Chancellor has so notified the Vice-Chancellor or University Secretary
 - (b) when the Vice-Chancellor so determines following reasonable inquiries.
- (2) The Deputy Chancellor will be deemed absent or unable to act in either of the following circumstances:
 - (a) when the Deputy Chancellor has so notified the Vice-Chancellor or University Secretary
 - (b) when the Vice-Chancellor so determines following reasonable inquiries.
- (3) In the deemed absence of both the Chancellor and the Deputy Chancellor the Chancellor's authority with respect to affixing the seal, taking executive action or approving any matter that Council has delegated to the Chancellor shall be exercised by a member of Council, not being a member of UTS staff, in the following order subject to their availability:
 - Chair, Finance Committee
 - Chair, Audit and Risk Committee
 - Chair, Physical Infrastructure Committee
 - Chair, Commercial Activities Committee
 - Chair, Social Justice Committee
 - Chair, Student/Council Liaison Group