

DEAKIN UNIVERSITY COUNCIL

REGISTER OF STANDING COUNCIL DELEGATIONS

INTRODUCTION

The powers of the Council of Deakin University are set out in section 6 of the *Deakin University Act (1974)* (the Act) which states that “Council shall be the governing authority of the University”. The power of Council to delegate is set out in the Act as follows:

Section 24(1) “Council may by resolution constitute and appoint such committees as it thinks fit and may by resolution delegate all or any of its powers and authorities, duties and functions (other than this power of delegation and power to make Statutes) to any such committee or to any member of Council or to any officer of the University.”

Section 24(2) “Every delegation under this section shall be revocable by resolution of Council and no such delegation shall prevent the exercise or discharge by Council of any of its powers authorities duties or functions.”

In accordance with the common law principle, encapsulated in the Latin phrase *delegates non potest delegare*, any power delegated by Council to an officer of the University or to a committee of Council may not be further delegated by that officer or committee.

CONFERRAL OF POWERS VIA STATUTES AND REGULATIONS

The power of Council to make Statutes and regulations of the University is set out in section 28 of the Act.

Statutes and regulations:

- allocate functions to divisions;
- allocate functions and confer specific powers to faculties;
- confer powers upon various officers or committees of the University e.g. fees—the Vice-President and Council Secretary, student loans—the Student Loans Committee.

It would not be proper to regard the conferral of powers via legislation as delegations. Powers conferred upon an officer of the University via University legislation may therefore be delegated by that officer.

Powers conferred by Council upon an officer or committee of the University are generally not included in this register. However, there are some specific instances where Council has conferred its powers pursuant to legislation to the Chancellor and to standing committees of Council, and these are set out in the register below, together with such other delegations as Council has made by resolution from time to time. All delegations that remain current, made since the commencement of operations of Deakin University in 1977, have been included.

COUNCIL POWERS SET OUT IN THE ACT	DELEGATION OR CONFERRAL OF POWERS			
	Nature of delegation or conferral	To whom	Date made	Further details (if any)
<p><i>1 Council shall be the “governing body of the University” and has the entire direction and superintendence of the University. Council is obliged to ensure that the University operates within the objects of the University, set out in section 5 of the Act.</i></p>	a) Authority to act on Council’s behalf, on the advice of Chancellor’s Advisory Committee, on urgent matters that cannot wait until the next meeting of Council.	Chancellor	9 August 2001	CM455/01 Conferral specified in Statute 3.1— <i>The Chancellor and Deputy Chancellors</i> , Section 6.2.
	b) Authority to sign contracts.	As set out in relevant policy document.	11 August 2005	CM342/05 Delegations specified in <i>Contracts operational policy</i> approved by Council. Reviewed periodically by the Finance and Business Affairs Committee.
	c) Authority to approve expenditure.	As set out in relevant policy document.	25 October 2001	CM542/01 Delegations specified in <i>Financial Delegations Policy</i> approved by Council. Reviewed periodically by the Finance and Business Affairs Committee. Currently under review.
	d) Authority to approve items of expenditure exceeding \$1 million for which budget provision has not been made, and report these to Council.	Finance and Business Affairs Committee	First made 8 February 2001	CM641/05 As set out in the Finance and Business Affairs Committee terms of reference, most recently approved on 16 October 2006.
	e) Authority to grant permission for use of the University’s name, logo and logotype.	Pro Vice-Chancellor (Development)	First made 10 August 2006.	CM359/06 Delegation specified in <i>Name, Logo and Logotype policy</i> , approved by Council.

COUNCIL POWERS SET OUT IN THE ACT	DELEGATION OR CONFERRAL OF POWERS			
	Nature of delegation or conferral	To whom	Date made	Further details (if any)
	f) Authority to approve operational policies of a non-academic nature.	Vice-Chancellor	First made 30 May 2002	CM252/05 Authority set out in the <i>Policy Framework</i> enabling policy approved on 30 May 2002 and revised most recently on 9 June 2005.
	g) Authority to approve operational level policies of an academic nature, providing that: i) each operational level academic policy derives from a University policy previously approved by Council or from external legislation (as required by the <i>Policy Framework</i>); and ii) a report is forwarded to Council at its next meeting regarding any policy so approved and that a register of operational policies approved by the Academic Board during the previous twelve months be received by Council at its February meeting in each year.	Academic Board	8 August 2002	CM424/02

COUNCIL POWERS SET OUT IN THE ACT	DELEGATION OR CONFERRAL OF POWERS			
	Nature of delegation or conferral	To whom	Date made	Further details (if any)
	h) Authority to approve certain partnerships.	Vice-Chancellor	11 December 2003	CM427/03 Authority set out in <i>Partnerships</i> policy. Excludes affiliation agreements and those partnerships developed in accordance with external legislation.
2 <i>Council shall appoint a person to be Vice-Chancellor as the chief executive officer of the University for such a period and on such terms as Council determines.</i>				
3 <i>Council may appoint or terminate the appointment of any member of staff of the University.</i>	a) Authority to appoint deans, heads of school, associate deans and associate heads of school. b) Authority to appoint deputy deans. c) Authority to appoint professors. d) Authority to appoint members of the supernumerary academic staff.	Vice-Chancellor Vice-Chancellor Vice-Chancellor Vice-Chancellor	29 November 2001 16 December 2004 29 November 2001 29 November 2001	CM597/01 CM457/04 CM598/01 CM599/01
4 <i>Council may make amend or revoke University regulations and Statutes “for or with respect to all matters relating to the organisation’s management and good government of the University”.</i>				

COUNCIL POWERS SET OUT IN THE ACT	DELEGATION OR CONFERRAL OF POWERS			
	Nature of delegation or conferral	To whom	Date made	Further details (if any)
5 Council may confer any degree or grant any diploma or certificate or revoke any degree, diploma or certificate subject to the Statutes.	Delegation to the Chancellor of the power to confer academic awards of the University.	Chancellor	19 June 1997	CM199/97 In the absence of the Chancellor, a deputy chancellor may also confer awards as Section 17(3) of the Act provides that a deputy chancellor may have all the powers and duties of the Chancellor where the Chancellor is absent, unable to act or where the office is vacant.
6 Council may appoint committees and delegate all or any of its powers, authorities, duties and functions (other than this power of delegation and the power to make Statutes) to any such committee or to any member of Council or officer of the University.	a) Authority to make recommendations to the Minister regarding the proposed appointment of members of Council by the Governor in Council.	Chancellor's Advisory Committee acting as Nominations Committee	First made 20 February 2003	CM641/05 Authority set out in Chancellor's Advisory Committee terms of reference, most recently approved on 12 October 2006.
	b) Authority to establish, in consultation with the Vice-Chancellor, annual performance objectives for the Vice-Chancellor; and authority to evaluate annually the Vice-Chancellor's performance against those objectives.	Chancellor	First made 24 October 2002	CM641/05 Authority set out in Vice-Chancellor's Performance Review procedure, most recently approved by Council on 12 October 2006. The evaluation is to be conducted on the basis of advice from the Senior Salaries Committee.
	c) Authority to approve the Internal Audit Plan	Audit and Risk Committee	First made 10 April 2003	CM637/05 As set out in the Audit and Risk Committee terms of reference, most recently approved on 12 October 2006.

COUNCIL POWERS SET OUT IN THE ACT	DELEGATION OR CONFERRAL OF POWERS			
	Nature of delegation or conferral	To whom	Date made	Further details (if any)
	d) Authority to approve enabling policy on the management of the University's physical facilities.	Campus Planning Committee	2 June 2004	CM199/04 As set out in the Campus Planning Committee's terms of reference, most recently approved on 12 October 2006.
	e) Authority to determine the conditions of employment and remuneration of the Vice-Chancellor.	Chancellor's Advisory Committee	First made 25 November 1999	CM641/05 As set out in the Chancellor's Advisory Committee terms of reference, most recently approved on 12 October 2006.
	f) Authority to approve policies relating to the University's budget, the investment of surplus funds held by the University, and the management of the University's fixed assets.	Finance and Business Affairs Committee	First made 22 February 2001	CM641/05 As set out in the Finance and Business Affairs Committee terms of reference, most recently approved on 12 October 2006.
	g) Authority to approve the budgets and financial accounts of student associations and other incorporated associations.	Finance and Business Affairs Committee	First made 22 February 2001	CM641/05 As set out in the Finance and Business Affairs Committee terms of reference, most recently approved on 12 October 2006..
	h) Authority to approve material variations to approved expenditure programs and report these to Council.	Finance and Business Affairs Committee	First made 22 February 2001	CM641/05 As set out in the Finance and Business Affairs Committee terms of reference most recently approved on 12 October 2006.

COUNCIL POWERS SET OUT IN THE ACT	DELEGATION OR CONFERRAL OF POWERS			
	Nature of delegation or conferral	To whom	Date made	Further details (if any)
	<p>i) Conferral of power to hear and make determinations on appeals by students against findings of the University Discipline Committee with regard to instances of general misconduct.</p> <p>j) Conferral of authority to hear and make determinations on appeals by students against decisions made by the Vice-Chancellor pursuant to Statute 5.6—<i>Exclusion for Health Reasons</i>.</p>	<p>University Appeals Committee</p> <p>University Appeals Committee</p>	<p>First made 21 October 1999</p> <p>20 April 2003 (date of approval of Statute by Minister)</p>	<p>CM502/05 Power conferred via Regulation 4.1(1)—<i>Student Discipline</i>, most recently approved by Council on 12 October 2006.</p> <p>CM195/05 Power conferred via Statute 5.6—<i>Exclusion for Health Reasons</i>, most recently approved by the Minister on 30 August 2005.</p>
	k) Authority to approve annual business plans from University controlled entities.	Finance and Business Affairs Committee	10 April 2008	CM183/08
7 <i>Council shall ensure that all University funds are used solely for University purposes.</i>	Authority to approve donations to external bodies.	Vice-Chancellor	25 October 2001	CM542/01 Authority set out in <i>University Financial Delegations Policy</i> , approved by Council.
8 <i>Council may borrow, invest, acquire, lease and sell property, and form companies or participate in the formation of corporations (other than a limited company), partnerships or joint ventures which are conducive to the attainment of any of the objects of the University.</i>	Authority to approve investments.	Chair, Finance and Business Affairs Committee	24 October 2002	CM675/02 Authority set out in <i>University Investment policy</i> , approved by Council. Reviewed periodically by the Finance and Business Affairs Committee.