



# Board Delegations of Authority Policy & Procedures

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Version BDA2022-1.0

<p><b>Purpose:</b></p>	<p>The purpose of the Delegations of Authority Policy is to establish a framework for delegating authority within Ohana College in a manner that facilitates efficiency and effectiveness and increases the accountability of the staff for their performance.</p> <p>The policy applies to all members of the Board and the staff of Ohana College who have been delegated authority to act and sign documents on behalf of Ohana College.</p> <p>Delegations of authority within Ohana College are intended to achieve four objectives:</p> <ol style="list-style-type: none"> <li>1. to ensure the efficiency and effectiveness of the school's administrative processes;</li> <li>2. to ensure that the appropriate officers have been provided with the level of authority necessary to discharge their responsibilities;</li> <li>3. to ensure that delegated authority is exercised by the most appropriate and best-informed individuals within the school; and</li> <li>4. to ensure internal controls are effective.</li> </ol> <p>Delegations are a key element in effective governance and management of Ohana College and provide formal authority to particular staff to commit the College and/or incur liabilities for the College.</p>	
<p><b>Scope:</b></p>	<p>Board of Directors, CEO and relevant staff</p>	
<p><b>Status:</b></p>	<p>APPROVED</p>	<p><b>Supersedes:</b> DAP2021-1.0</p>
<p><b>Authorised by:</b></p>	<p>Board Chair</p>	<p><b>Date of Authorisation:</b> 17 August 2022</p>
<p><b>References:</b></p>	<p><i>Corporations Act 2001 (Cth) (the Act)</i> Code of Conduct</p>	

	Conflicts of Interest Policy Related Party and Conflicts of Interest Register	
<b>Review Date:</b>	Annually	<b>Next Review Date:</b> August 2023
<b>Policy Owner:</b>	Board of Directors	

## Policy Statement

The Board of Ohana College is responsible for the management of the organisation.

Under the Act, and the College's Constitution, the Board can delegate any of its functions except:

- (a) the power of delegation and
- (b) any functions reserved to the Board under the Act.

The Board may delegate its functions to:

- A member or members of the Board; and
- A sub-committee of the Board; and
- The Chief Executive Officer and through the CEO to members of the staff of the school.

However, the Board may not delegate its power:

- to adopt the school's strategic plan; or
- to adopt the school's business plan; or
- to adopt the school's annual budget.

The CEO:

- (a) is charged with the duty of promoting the interests and furthering the development of the College; and
- (b) is responsible for the administrative, financial and other business of the College; and
- (c) exercises a general supervision over the staff and volunteers of the College.

The CEO may seek the approval of the Board to delegate any function or any power or duty conferred or imposed upon them, subject to this Delegation of Authority Policy, to any member of the staff of the organisation, or any person or persons, or any committee of persons.

The College is committed to the highest standards of integrity, fairness and ethical conduct, including full compliance with all relevant legal requirements, and in turn requires that all its Board members, officers (including its CEO), managers, employees, volunteers and contractors acting on its behalf meet those same standards of integrity, fairness and ethical behaviour, including compliance with all legal requirements.

There is no circumstance under which it is acceptable for the College or any of its employees or contractors to knowingly and deliberately not comply with the law or to act unethically in the course of performing or advancing the College's business.

## **Delegations Procedures**

### **Responsibilities**

The Board Secretary must maintain records of any delegations to members of the Board and of the terms of reference of any sub-committees of the Board.

The CEO must prepare delegation schedules within the framework of the Delegations Policy for approval by the Board.

### **Processes**

The overarching Delegation of Authority policy applies to the College as a whole entity.

Delegations are to be exercised within the framework of the Act, regulations, rules, policies, and any external legislative requirements.

Any delegation may be made subject to any conditions and limitations as the Board shall approve.

### **Delegations to members of the Board**

Delegations to members of the Board shall be made by resolution of the Board and recorded in the minutes of the Board.

### **Delegations to sub-committees of the Board**

Delegations to sub-committees of the Board shall be made by resolution of the Board and recorded in the terms of reference or charter of the sub-committee.

### **Delegations to the CEO**

Delegations to the CEO and through the CEO to members of the staff of the College shall be made by resolution of the Board and recorded in the Delegation Schedules approved by the Board.

Delegations are attached to the position occupied, not to the occupant of the position. The responsibilities of a position appear in a duty statement, role statement or statement of responsibility appropriate to the position.

Delegations reflect the College's organisational structure. Levels of authority are hierarchical through relevant lines of responsibility up to and including the CEO. This means that formal authorities held by any delegate are included in those held by that delegate's supervisor or line manager. A delegate who sub-delegates authority remains responsible and accountable for the decision or action.

The CEO may at any time vary or terminate any delegation, subject to confirmation by the Board at its next meeting.

### **General**

A delegation cannot be exercised where the staff member holding the delegation has a conflict of interest or where the delegation will result, either directly or indirectly, in any tangible benefit to the delegate. In such cases a transfer of the function to another appropriate position must be arranged with the CEO.

Permanent changes to delegations, either permissive or restrictive, require a written authority from the CEO. Any major variation to the standard delegations must be approved by the CEO.

Sub-delegation on a temporary basis is appropriate in circumstances where the staff member normally responsible is absent for a period of less than two weeks by reason of authorised leave or secondment to other duties. Sub-delegations require a written authority from the individual with the delegated power, or a person in a position to approve the delegated authority.

This policy applies only to formal delegations. All delegations of an informal nature where no commitment or liability is incurred on behalf of the College, are carried out in the normal business of the school without the requirement for a written authority.

Where an employee is acting in a higher position, that person will hold the delegation level appropriate to the higher position unless otherwise determined by the CEO.

A financial delegation can be exercised only within the approved line-item budget.

A staffing delegation cannot be exercised in regard to staff for whom the delegate does not hold line management responsibility.

The Board will, on advice from the CEO, approve the Delegations Schedule on an annual basis.

The Delegations Schedule will be accessible to all staff.

### **Breaches of Delegation**

The breach of a delegation may expose the College to an unintended claim by an outside party. As soon as a breach is recognised, the matter should be referred to the Board Chair.

## Ohana College Schedules of Delegations

### Financial

Area	For Board	For CEO	COO/CFO	PRINCIPAL
Recurrent Operating Expenditure	Approval of annual operating budget  (This cannot be subdelegated)	All purchasing within approved budget	All purchasing within approved budget	\$5,000 limit per purchase within allocated recurrent budgets
	Approval of budget variations of individual line or items over \$50,000	Approval of budget variations of individual line or items below \$50,000  Authorise progress payments	Approval of budget variations of individual line or items below \$20,000  Authorise progress payments	
Capital Expenditure	Approval of capital budget on recommendation of CEO.  (This cannot be subdelegated)	Substitutions within approved budget under \$100,000  Approval of progress payments for contracts approved by the Board	Approval of Capital Expenditure to \$20,000	
Disposal of Assets (other than Land or Real Property)	Equipment/Furniture - if surplus to requirements, items in excess of depreciated value of \$50,000.	Equipment/Furniture - if surplus to requirements, up to depreciated value of \$50,000.	Equipment/Furniture - if surplus to requirements, up to depreciated value of \$20,000	

External Contractors (excluding consultants) - Operating Budget non capital	Approval of contracts which lie outside project and / or budget parameters >\$50,000	Approval of contract up to \$50,000	Approval of contract up to \$20,000
Reimbursement of Expenses	Board and CEO expenses	All other up to \$20,000	All other to \$5,000
Waive student Levies due to hardship	N/A	Case by case basis \$250 per student per term	Case by case basis \$250 per student per term
Ohana College Credit Card - issuing		Approval. (This cannot be subdelegated).	

### Administrative Delegations

Area	For Board	For CEO	Other staff
Common Seal – use	Board Member and CEO with a resolution of Board to approve use of Seal  (This cannot be subdelegated)	No delegation	N/A
Contracts/Agreements with funding agencies	Resolution of the Board	Programs or services up to \$50,000	N/A

Public Relations	Respond publicly to significant sector issues on behalf of Ohana Education Ltd	Authorise routine public/media statements on behalf Ohana Education Ltd  Respond publicly to significant sector issues on behalf of Ohana Education Ltd	N/A
Information Dissemination		All information disseminated to Ohana Education Ltd contact database to be approved.	N/A

### Policy Delegations

Area	For Board	For CEO	Other staff
New Policy, including revisions, updates and cancellations.	Approve policies in respect of: Board Governance; Board Process; CEO Limitations; Delegation; Risk Management, OHS, Strategic Plan, Financial Management  (This cannot be subdelegated)	Approve Ohana Education Ltd policies and procedures following consideration by Board.	N/A
Related Party Transactions Approval	Over \$50,000 value  Approve the Shared Services Agreement	Up to \$50,000 value  Payments as per shared services agreement – unlimited	



## Human Resource Delegations

Area	For CEO	For COO	For Staff
Acceptance of Resignation	N/A – Employment with OFY	CEO	N/A
Approval of Outside Employment	Board Chair	CEO	CEO & COO
Appointment of temporary staff	N/A	CEO	CEO & COO
Approval to fill vacant position employment	Board Chair	CEO	CEO
Authorisation of time sheets, hours of work and rosters	Board	CEO	CEO & COO
Travel and accommodation – Interstate	CEO	CEO	CEO & COO
Travel and accommodation – International	Board Chair	CEO (This cannot be subdelegated)	CEO
Classification Change (of existing position)	Board	CEO	CEO
Creation and classification of permanent new position	N/A	CEO	N/A
Dismissal	Board	CEO (This cannot be subdelegated)	N/A
Employment Contracts (signing)	Board	CEO (This cannot be subdelegated)	N/A

<b>Area</b>	<b>For CEO</b>	<b>For COO</b>	<b>For Staff</b>
Enterprise Bargaining, Workplace Agreements, Certified Agreements	Board	CEO	N/A
Leave Approvals	Board Chair	CEO	CEO & COO & Line manager.
Part-time employment change of hours	Board	CEO	N/A
Payment of allowances, approval of allowances as per awards and workplace agreements and as included in approved operating budget	N/A	CEO	CEO & COO
Salary Increments Approval	Board	CEO	N/A
Redundancy	Board	CEO (This cannot be subdelegated)	N/A
Secondment to outside agency	N/A	CEO	CEO & COO
Work Experience (Employer Authorisation)	N/A	CEO	N/A
Bonus and incentive payments	Board	CEO (advise Board) (This cannot be subdelegated)	N/A

Approved by the Chair – Trina Hockley

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Dated: