

Council Delegations (Financial and Non-Financial)

First Produced:	May 2006	Authorisation:	Council
Current Version:	30/01/18	Date:	30/01/18
Past Revisions:	17/05/06, 27/07/10, 27/08/13	Council Minute:	
Review Cycle:	Every 3 years, or upon appointment of Chief Executive	Queries:	Council Chair or Council Secretary
Applies From:	Immediately		

1 Introduction

1.1 Purpose

The purpose of this policy is to set down levels of authority (financial and non-financial) delegated by the **Ara Institute of Canterbury¹ Council**, as provided for in s222 of the Education Act 1989, Delegation by Council.

1.2 Scope and Application

- a This policy applies only to delegations made to individual Ara employees or Ara Committees as detailed in the accompanying schedule.

1.3 Formal Delegations

Section 222 of the Education Act 1989 provides for the Council to “*delegate any of its functions and powers... (except the power to appoint a chief executive) to the Chief Executive of the institution or to a committee appointed under section 193(3)*”. The Act also provides for the Chief Executive or a committee to sub-delegate to a member of the staff or to “*persons of a specified class or holders of a specified office*”.

The Council may from time to time resolve to delegate particular functions and powers, or to revoke any delegation previously made. Directly affected parties will be consulted before any decision is made to revoke a delegation.

The Ara Council has resolved to delegate the functions and powers listed in the Schedule of Council Delegations appended to this policy.

1.4 Definitions

- a **Academic Board:** A committee established by the Council, consisting of the institution’s chief executive, and members of the staff and students of the institution, to (a) advise the Council on matters relating to courses of study or training, awards, and other academic matters; and (b) exercise powers delegated to it by the Council (see s182.2 of the Education Act 1989).
- b **Budget:** the annual budget prepared by the Chief Financial Officer in conjunction with the Chief Executive and the Te Kāhui Manukura and ratified by the Council.

¹ From herein referred to as Ara

- c **Chief Executive (CE):** the manager of the academic and administrative affairs of Ara under s196 of the Education Act 1989 appointed and employed under s77IA-D of the State Sector Act 1988.
- d **Ara Council (ARAC):** the governing body of Ara established under s165 and s222AA of the Education Act 1989; the Council is the employer of the Chief Executive under s77I of the State Sector Act 1988.
- e **Education Act:** The Education Act 1989 [1989/80] as amended in 1990 and 2009/10 (at 20 May 2010) and since; Section 222 deals with Delegation by Council.
- f **Staff:** a person or persons employed by Ara.
- g **Student:** a person enrolled at Ara.

2 Principles

- 2.1 Delegations from Ara Council shall be those that enable the institution to perform its functions efficiently and effectively (s1931(1)).

Related Ara Procedures (indicate if attached to policy or where they can be found) <ul style="list-style-type: none"> • 	Related Ara Policies <ul style="list-style-type: none"> • CPP120 Delegations
Related Legislation or Other Documentation <ul style="list-style-type: none"> • Extract from s222 of the Education Act 1989 	Good Practice Guidelines (indicate if attached to policy or where they can be found) <ul style="list-style-type: none"> •
References <ul style="list-style-type: none"> • 	
Notes <ul style="list-style-type: none"> • Schedule of Council Delegations resolved by the CPIT Council on 27 July 2010. 	

3 Associated procedures for

Ara Corporate Policy on: Council Delegations

Contents:	3.1	General
	3.2	Council Delegations

3.1 General

- a The Ara Council may from time to time resolve to delegate any of its functions and powers, except the power to appoint a chief executive.
- b Motions to delegate will normally be moved and discussed at an ordinary meeting of the Council in open meeting.
- c The Schedule of Council Delegations shall be available as a public document.
- d If the Chief Executive or an approved Council Committee sub-delegates any function or power to a member or members of staff, a schedule will be maintained of such sub-delegations, and this schedule will be made available to the Council on request.

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3.2 Council Delegations

At the meeting of the Ara Council, held on 30 January 2018 it was **resolved** to approve the Chief Executive Employment Policy on ***Delegations (Financial and Non-financial)***.

Delegations to Chief Executive		Relevant Section of Education Act 1989 No 80 (as at 20 May 2010)
To sub delegate in accordance with relevant policies.		
Academic and Administrative		
1	To refuse or cancel the enrolment of a person as a student	s224(12)
2	To grant fellowships, scholarships, bursaries or prizes within budget	s193(2)(b)
Finance		
3	To commit operational expenditure within approved budget categories to a maximum of \$500,000 per individual item of expenditure	s201A
4	To commit unbudgeted capital expenditure for individual projects/contracts up to \$150,000	s201A
5	To commit unbudgeted operational expenditure for individual projects/contracts up to \$100,000	
6	To prescribe fees for programmes and courses within the limits or guidelines set by the Council annually	s193(2)(h)
7	To invest Ara funds within statutory requirements and policy.	s201A
8	To establish, maintain and operate bank accounts in the name of Ara at any registered bank with signatories approved by Council within policy.	s200(1)
9	Subject to the Minister's determination under s192 to dispose of surplus assets at market value up to a maximum individual amount of \$50,000	s192(4)(a) and (5)(a)
10	To authorise loans or grants to staff or students up to \$1,000 per loan/grant and loans or grants to any association of staff or students up to \$2,000 per loan/grant	s193(2)(c)
Other		
11	To arrange for the manufacture and distribution of any article or thing bearing a mark, symbol or writing that is associated with the institution	s193(2)(f)
12	To arrange for the provision of goods or services to staff or students	s193(2)(g)

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Delegations to Academic Board		Relevant Section of Education Act 1989 No 80 (as at 20 May 2010)
Academic and Administrative		
1	To approve new and existing programmes and courses which are in accordance with the Ara Strategic Plan and Investment Plan	s193(2)(a)
2	To admit students to approved programmes and courses	s193(2)(a)
3	To grant awards (that is, Ara qualifications)	s193(2)(a)
4	To develop, monitor, review and maintain policies on academic matters, including research	

These delegations were made in terms of s222 of the Education Act 1989 and all its subsequent amendments and include the power for the Chief Executive or a Council Committee to sub-delegate to one or more members of the staff such of the functions and powers as they see fit.

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