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## DELEGATIONS TO THE CHIEF EXECUTIVE

|                      |                                     |                                |                 |
|----------------------|-------------------------------------|--------------------------------|-----------------|
| <b>Section</b>       | Institute Governance and Management |                                |                 |
| <b>Approval Date</b> | 27.06.2019                          | <b>Approved by</b>             | Council         |
| <b>Next Review</b>   | 10.06.2020                          | <b>Responsibility</b>          | Chief Executive |
| <b>Last review</b>   | 10.06.2019                          | <b>Key Evaluation Question</b> | 6               |

### PURPOSE

To establish delegations from Council to the Chief Executive (CE).

### SCOPE

Delegations as described in Government Acts. (Refer: References)

### RESPONSIBILITIES

Council shall review CE delegations annually.

CE to report to Council Chair whenever a delegation has been exercised by the CE.

The Executive Director - Finance, Compliance and Business Intelligence will provide a list detailing any expenditure over \$250,000 to the Audit Committee at each meeting.

|          |                            | DELEGATION | RELEVANT SECTION OF ACT   | DATE APPROVED  |
|----------|----------------------------|------------|---|--|
| <b>A</b> | <b>Course Related</b>      | 1          | To approve new and existing programmes and courses which are in accordance with the Strategic Plan within approved budget limits and reflect the Institution's Investment Plan and agreed 'mix of provision'. | Education Amendment Act (EEA) 1990<br>Section 193(2)(a)<br>28.2.91 |
|          |                            | 2          | To admit students to approved courses.  | EAA 1990<br>Section 193(2)(a)<br>28.2.91                           |
|          |                            | 3          | To grant awards (ie Nelson Marlborough Institute of Technology qualifications).   | EAA 1990<br>Section 193(2)(a)<br>28.2.91                           |
|          |                            | 4          | To grant fellowships, scholarships, bursaries or prizes <b>within</b> budget.   | EAA 1990<br>Section 193(2)(b)<br>28.2.91                           |
| <b>B</b> | <b>Capital Expenditure</b> | 1          | To commit Capital Expenditure for individual projects/contracts <u>approved by Council</u> and within the Capital Expenditure budget approved by Council and report to next Council meeting.                  | EAA 1990<br>Section 222(1)(3)<br>28.2.91                           |

|          |   | DELEGATION   | RELEVANT SECTION OF ACT       | DATE APPROVED |
|----------|---|--|-------------------------------|---------------|
|          | 2 | Full Council approval must be sought for proposals on any individual items over \$250,000.   | EAA 1990<br>Section 222(1)    |               |
|          | 3 | Any individual item in the Council approved annual capital expenditure budget with a budgeted value of less than \$250,000 may be substituted for another item, provided that the substitution does not cause total capital expenditure to exceed the annual approved budget.  |                               |               |
| <b>C</b> |   | <b>Unbudgeted Capital Expenditure</b>  |                               |               |
|          | 1 | <p>A maximum of \$750,000 of unbudgeted capital expenditure may be incurred in any financial year in accordance with this policy. The following authority levels may be exercised for unbudgeted capital expenditure:</p> <ul style="list-style-type: none"> <li>• The Chief Executive may approve up to \$250,000 unbudgeted capital expenditure in aggregate, where there is urgent need;</li> <li>• The Chief Executive and Chair of Council, and in his/her absence, the Deputy Chair of Council may approve a further \$500,000 unbudgeted capital expenditure in aggregate, where there is urgent need.</li> </ul> <p>Where outside of \$750,000 NMIT Council must approve unbudgeted capital expenditure on the basis of an acceptable Business Case or proposal for capital expenditure.</p> | EAA 1990<br>Section 222(1)    | 28.2.91       |
| <b>D</b> |   | <b>Financial</b>   |                               |               |
|          | 1 | Any Operating Expenditure over \$250,000 per year for individual projects/contracts (including the aggregate of the project/contract) shall be reported to Council at the next Council meeting.  | EAA 1990<br>Section 222(1)    | 28.2.91       |
|          | 2 | To prescribe fees for courses and programmes within the policy set for fees (3N12).  | EAA 1990<br>Section 193(2)(h) | 28.2.91       |

|   |                                 | DELEGATION   | RELEVANT SECTION OF ACT   | DATE APPROVED                     |         |
|---|---------------------------------|--|---|-----------------------------------|---------|
|   | 3                               | To invest cash surplus to current operational requirements in accordance with Council's approved Investment Policy (IU1).  | Public Finance Act<br><br>Section 23  | 23.10.91                          |         |
|   | 4                               | To establish, maintain and operate bank accounts in the name of Nelson Marlborough Institute of Technology at any registered bank with signatories approved by the Council (IU2).                              | EAA 1990<br><br>Section 200(1)  | 28.2.91                           |         |
|   | 5                               | Subject to the Minister's determination under Sec 192(5)(a) to dispose of surplus assets at market value up to a maximum individual amount of \$50,000.  | EAA 1990<br><br>Section 192(4)(a) and (5)(a)  | 28.2.91                           |         |
|   | 6                               | To authorise loans or grants to students up to \$1,000 per loan or grant; and loans or grants to any association of staff or students up to \$2,000 per loan or grant; in each case within operational budget. | EAA 1990<br><br>Section 193(2)(c)   | 28.2.91                           |         |
| E | Brand and reputation protection | 1  | To authorise the use of the Institution's name and to protect the name marked symbol, logo and any writing that is associated with the Institution. | EAA 1990<br><br>Section 193(2)(f) | 28.2.91 |
| F | Other                           | 1  | To arrange for the provision of goods or services to staff or students using or attending the Institute, within operational budget.                 | EAA 1990<br><br>Section 193(2)(g) | 28.2.91 |
|   |                                 | 2  | To sub-delegate to staff members such of the above functions and powers as he or she sees fit.  | EAA 1990<br><br>Section 222       | 28.2.91 |
|   |                                 | 3  | Any commitment that involves legal liability for \$250,000 and over shall be reported to Council.   |                                   |         |

## PERMANENT DELEGATIONS UNDER SECTION D2 (REFER ABOVE)

The Chief Executive has made the following delegations:

- The Chief Executive delegates to the nominated Executive Director the authorities and responsibilities described in this policy at such times when the Chief Executive is not available to authorise required decisions and expenditure.
- The Chief Executive delegates to the nominated Executive Director the authority to negotiate and agree contracts for services on behalf of the Institute.

## REFERENCES

### EXTERNAL

Education Amendment Act (EAA), 2009

Public Finance Act, 1977, 1989 and Amendment, 1993