

TITLE: DELEGATION OF POWERS TO THE
CHIEF EXECUTIVE OFFICER

DOC ID: NMIT/IR/03

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EDITION: NA
DATE: 24/2/2003

APPROVED FOR USE: Institute Board

Resolution of Council, the 24th day of February 2003, pursuant to clause 16 of the Institute Constitution.

1. It is necessary and expedient for the proper management of the Institute and effective exercise of the powers conferred on the Council by the Constitution to delegate to the Chief Executive Officer certain powers, authorities and duties vested in the Council.

This delegation is valid from the date approved by Council until such time as amended or revoked by Council resolution.

2. Words used herein shall have the meaning ascribed to them in the Constitution, unless inconsistent with the subject matter.

“Institute” shall mean the Northern Melbourne Institute of Technical and Further Education.

“Council” shall mean the Council of the Institute.

“Constitution” shall mean the Constitution of the Council of the Institute.

“Chief Executive Officer” shall mean the person appointed by the Council and presently holding office as the Chief Executive of the Institute.

3. Subject to the Constitution and until further resolution of the Council, the Council hereby confers and imposes upon the Chief Executive Officer the authority to exercise each and every power and duty vested otherwise in the Council, subject to any limitation prescribed by the Constitution.

4. The Chief Executive Officer has the delegated authority of Council to do all lawful things to achieve the proper management of the operations and activities of the Institute including:

- (i) Determine the terms and conditions under which students of the Institute and any other persons may attend classes or make use of any premises, equipment, facilities or services of the Institute.

- (ii) The fixing of any fee payable and the time and method of payment including the power in any proper circumstances to waive the payment of any fee in whole or in part.

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- (iii) Hold examinations and make assessments whenever it deems necessary or desirable in the several subjects and educational programs offered by the Institute and issue appropriately entitled documentary evidence other than the award of Degrees or Graduate Diplomas to students who reach the required standard in any subject or educational program.
- (iv) Do all such things as are calculated to advance the interests of the students and staff generally.
- (v) To appoint and employ non-teaching staff under the terms and conditions prescribed and subject to staff ceilings, qualifications and requirements laid down by Council from time to time.
- (vi) To appoint and employ teaching staff under the terms and conditions prescribed and subject to staff ceilings, qualifications and requirements laid down by Council from time to time.
- (vii) Define the duties of teaching and non-teaching staff subject to the provisions of awards, certified agreements and determinations or guidelines established by appropriate authorities.
- (viii) Suspend, dismiss or otherwise discipline any member of the staff employed by the Council in accordance with the procedures laid down in the industrial award under which they are employed or if no procedures are so laid down, in accordance with procedures from time to time prescribed.
- (ix) Enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the Institute on such terms as the Council thinks fit.
- (x) Negotiate arrangements with all relevant parties for the secondment of staff to other employment, provided that secondment of a member of staff may not be made except with the consent of such member of staff.
- (xi) Provide for the delivery and holding of lectures, exhibitions, demonstrations, seminars, tutorials, public meetings, classes, external studies, conferences and employ such other means as may be necessary or desirable to advance directly or indirectly technical and further education.
- (xii) Provide, maintain and establish lecture rooms, theatres, laboratories,

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libraries, scientific, engineering, trade and technical machinery and equipment and such other places and things as may be necessary or desirable for the purpose of promoting, encouraging or carrying on technical and further education in all its aspects.

- (xiii) Purchase, take on, or in exchange or hire, sell or dispose of any real or personal property, and enter into agreements for the supply of services or the carrying out of any work for the Institute, and in the case of the sale or disposal of real property only with the consent of the appropriate Minister on the recommendation of the Office of Training and Tertiary Education/ Department of Education & Training, provided that no expenditure outside the current Government policies and procedures relating to the purchase and disposal of goods, works and services is incurred without express resolution of Council.
- (xiv) Let, hire, or make available the premises, amenities and property of the Institute to such person or persons as the Council shall determine.
- (xv) Invest and deal with the money or property of the Institute not immediately required, provided that the power or investment shall be limited to investments in any securities which are authorised investments within the meaning of the law relating to trustees.
- (xvi) Borrow monies:
 - (a) at interest for the purpose of carrying out or performing any of its powers, authorities, duties and functions, or for the repayment or partial repayment of any sum previously borrowed;
 - (b) on overdraft or current account at any bank within such limit and upon such conditions as to security and otherwise as the Governor-in-Council upon the recommendation of the Treasurer of Victoria may from time to time approve.
- (xvii) Foster the establishment and maintenance of facilities and amenities for the cultural, social, recreational and sporting activities of the students and staff and generally foster the health and welfare of students and staff.
- (xviii) Accept gifts of real or personal property to the Institute.
- (xix) Engage architects and other professional advisers, and enter into contracts for the erection of buildings, the making of improvements or alterations or the carrying out of repairs on any land or buildings vested in or occupied or used by the Institute provided that no expenditure

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outside the current Government policies and procedures relating to the purchase and disposal of goods, works and services is incurred without express resolution of Council.

- (xx) Constitute and appoint such committees as are determined.