

Policy Document

LEVNT DELEGATIONS OF AUTHORITY POLICY

1. BACKGROUND:

The Lutheran Church of Australia Victorian District (LCAVD) By-Law describing the Council for Lutheran Education Victoria, New South Wales & Tasmania (By-Law Part B IV.N) is being rewritten to more fully describe the District Education Department and to specifically set out the delegations of authority given to this Department.

Redrafting of the By-Law, including appropriate stakeholder consultation, will take significant time. In the interim Government Departments and Regulatory Authorities are seeking clear documented delegations of authority.

The Lutheran Education Victoria, New South Wales & Tasmania Education Department operates in two Districts of the Church. Due to the different legal structures within the two Districts, and because this Department is a Department of the Victorian District, this document only deals with delegation of authorities from the Victorian District.

2. DEFINITIONS

- 2.1. "District" means the Lutheran Church of Australia Victorian District (including Tasmania)
- 2.2. "Region" means the joint area defined in the Memorandum of Understanding between the Lutheran Church of Australia Victorian District (including Tasmania) (District) and the Lutheran Church of Australia New South Wales District (LCANSWD)
- 2.3. "Education Department" means the Victoria, New South Wales & Tasmania Lutheran Education Department which oversees Educational Bodies of the Region and refers to both the LEVNT Regional Office staff and the governing council, CLEVNT
- 2.4. "CLEVNT" means the governing council for Lutheran Education in the Region
- 2.5. "LEVNT" means the staff and general operations of the Regional Office of Lutheran Education which are responsible to the District via CLEVNT
- 2.6. "Educational Bodies" means Lutheran schools, colleges, kindergartens and early learning centres
- 2.7. "LEVNT Officers" are the members of the LEVNT Executive leadership team (each an 'Officer'). The roles included within the LEVNT Executive leadership team (each an Officer) are the:
 - 2.7.1. Executive Director
 - 2.7.2. Director: Leadership and School Improvement
 - 2.7.3. Director: Business Services
 - 2.7.4. Director: Operations

3. OVERARCHING DELEGATION OF AUTHORITY STATEMENT (TO BE INCLUDED IN UPDATED LCAVD BY-LAW IV.M)

3.1. The District delegates to the Education Department:

- 3.1.1. the role of Approved System Authority for the purposes of Commonwealth and Victorian State government funding under the *Australian Education Act 2013* and the *Australian Education Regulation 2015* and the *Victorian Education and Training Reform Amendment (Funding of Non-Government Schools) Act 2015*
- 3.1.2. the primary management and administrative responsibility of the Approved Provider for Early Childhood Services under the National Quality Framework operating under an applied law system, comprising the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations*
- 3.1.3. the primary responsibility for the oversight of Educational Bodies in the District to ensure they are complying with all appropriate Church, legal, financial, educational and operational requirements
- 3.1.4. the authority to direct Educational Bodies of the District in so far as to ensure compliance with all appropriate legal, financial, educational and operational requirements as Approved System Authority/Approved Provider and to ensure ongoing registration to operate
- 3.1.5. the authority to sign or execute all documents related to Educational Bodies of the District on behalf of the District and to do any act or thing subject only to the limitations described in this policy.

3.2. The District reserves the authority to:

- 3.2.1. adopt a budget, auditor's report or annual financial statements for the Education Department
- 3.2.2. approve a loan application to a financial institution or approved lending authority for any Educational Body within the District
- 3.2.3. approve the commencement, variation of scope or closure of Educational Bodies of the District
- 3.2.4. appoint or remove the LEVNT Executive Director
- 3.2.5. direct Educational Bodies of the District to comply with appropriate Church policies in relation to theological matters
- 3.2.6. execute documents required to be signed under Seal

4. ASSIGNMENT OF ROLES AND RESPONSIBILITIES (TO REMAIN IN POLICY)

CLEVNT assigns the roles and responsibilities associated with carrying out the functions of the Education Department to the staff of the Department, under the direction of the Executive Director.

4.1. CLEVNT delegates:

- 4.1.1. the responsibility for carrying out the role of Approved System Authority for the purposes of Commonwealth and Victorian State government funding under the *Australian Education Act 2013* and the *Australian Education Regulation 2015* and the *Victorian Education and Training Reform Amendment (Funding of Non-Government Schools) Act 2015*
- 4.1.2. the primary management and administrative responsibility of the Approved Provider for Early Childhood Services under the National Quality Framework operating under an applied law system, comprising the *Education and Care Services National Law Act 2010* and the *Education and Care Services National Regulations*
- 4.1.3. the primary responsibility for the oversight of Educational Bodies in the District to ensure they are complying with all appropriate Church, legal, financial, educational and operational requirements
- 4.1.4. the authority to direct Educational Bodies of the District in so far as to ensure compliance with all appropriate legal, financial, educational and operational requirements as Approved System Authority/Approved Provider and to ensure ongoing registration to operate

4.2. In undertaking their responsibilities, LEVNT Officers are assigned the authority to sign or execute all documents related to Educational Bodies of the District on behalf of the LCAVD and to do any act or thing subject only to the limitations in this policy.

4.3. CLEVNT reserves the authority to:

- 4.3.1. appoint Council/Board members for Educational Bodies of the Region as defined in individual Educational Body constitutions
- 4.3.2. perform the standard duties of a governing body including:
 - 4.3.2.1. reviewing the performance of the LEVNT Executive Director
 - 4.3.2.2. developing strategic initiatives for LEVNT and for the Educational Bodies of the Region
 - 4.3.2.3. reviewing LEVNT operations
 - 4.3.2.4. approving policies for LEVNT and the Region
 - 4.3.2.5. making recommendations to the District Church Council for decision related to retained authorities of the District
 - 4.3.2.6. ensuring that financial affairs are managed responsibly for LEVNT and for the Educational Bodies of the Region

5. LIMITS OF AUTHORITY

5.1. Authority

LEVNT Officers may perform any of the following actions within the limitations as set out in this policy

- 5.1.1. Award or commit to any recurrent funding Agreement related to Educational Bodies of the District
- 5.1.2. Certify Educational Body information for appropriate Registration or Regulatory Authority for Educational Bodies of the District
- 5.1.3. Award or commit to any Educational Body one off or special purpose funding Agreement related contract for Educational Bodies of the District
- 5.1.4. Award or commit to provide financial assistance for Educational Bodies from LEVNT funds or cash reserves
- 5.1.5. Award or commit to any contract to provide goods or services collectively for the Educational Bodies of the District
- 5.1.6. Award or commit to any contract for the LEVNT office
- 5.1.7. Purchase or dispose of any Asset
- 5.1.8. Commit to budgeted and unbudgeted operating expenditure
- 5.1.9. Appoint or terminate the employment of an employee of LEVNT with the exception of the Executive Director

5.2. Limitations

Each LEVNT Officer must not, in exercising the Officer's powers under this Policy:

- 5.2.1. exceed the limits of authority set out in this policy
- 5.2.2. enact an LEVNT governance or control policy without the approval of the CLEVNT
- 5.2.3. adopt a budget, auditor's report or annual financial statements
- 5.2.4. delegate any of the Officer's powers to another person
- 5.2.5. do anything which would or would be likely to involve a decision which is inconsistent with the Act or the Constitution.

6. FINANCIAL LIMITS

6.1. Purpose

To define levels of financial authority to ensure that transactions are properly authorised by persons acting within their designated authority.

6.2. LEVNT Capital Expenditure Authorisation limits

The following authorisation limits will apply for capital expenditure incurred within approved budgets.

LEVNT OFFICER TITLE	FINANCIAL LIMIT OF AUTHORITY
6.2.1.Executive Director	\$10,000
6.2.2.Director: Business Services	\$10,000
6.2.3.Executive Director and Director: Business Services jointly	Unlimited up to maximum approved budgeted amount.
6.2.4.Director: Leadership and School Improvement	\$5,000
6.2.5.Director: Operations	\$5,000

CLEVNT approval must be sought for expenditure that will exceed 10% of the total annual LEVNT capital budget.

6.3. LEVNT Operating Expenditure Authorisation limits

The following authorisation limits will apply for operating expenditure incurred within approved budgets and related contracts including Contracts to provide goods or services collectively for Educational Bodies funded by LEVNT and contracts to provide goods or services to LEVNT.

LEVNT OFFICER TITLE	FINANCIAL LIMIT OF AUTHORITY
6.3.1.Executive Director	\$50,000
6.3.2.Director: Business Services	\$50,000
6.3.3.Any other Director and Director: Business Services jointly	Unlimited up to maximum approved budgeted amount.
6.3.4.Director: Director: Leadership and School Improvement	\$10,000
6.3.5.Director: Operations	\$50,000
6.3.6.Any two LEVNT Officers jointly when managing an emergency event*	Up to \$150,000

*An emergency event is an unforeseen event such as disaster recovery incident that requires urgent expenditure above the usual financial delegations. Expenditure must be ratified within 72 hours by the Executive Director or the CLEVNT. Where the Executive Director ratifies the emergency expenditure this must then be notified to the CLEVNT.

CLEVNT approval must be sought for expenditure that will exceed 5% of the total annual LEVNT operational budget.

6.4. Financial assistance to schools from LEVNT budget

The following limits will apply for financial assistance (grants not loans) provided to schools from within the LEVNT budget.

LEVNT OFFICER TITLE	FINANCIAL LIMIT OF AUTHORITY
6.4.1.Executive Director	\$10,000
6.4.2.Director: Business Services	\$10,000
6.4.3.Executive Director and Director: Business Services jointly	\$50,000
6.4.4.Director: Leadership and School Improvement	\$5,000
6.4.5.Director: Operations	\$5,000

6.5. Financial assistance to schools from LEVNT funds and reserve accounts

The following limits will apply for financial assistance (grants not loans) provided to schools from within LEVNT funds (grants or loans) and reserve accounts (loans) to provide immediate and emergency assistance to schools.

LEVNT OFFICER TITLE	FINANCIAL LIMIT OF AUTHORITY
6.5.1.Executive Director and Director: Business Services jointly	\$50,000
6.5.2.CLEVNT from Business Committee recommendation	Unlimited

7. NON-FINANCIAL LIMITS

The first listed LEVNT Officer within each table is the primary signatory, others listed are also authorised to perform these actions if the primary signatory is unavailable in an appropriate timeframe.

7.1. Award or commit to any recurrent funding Agreement related to Educational Bodies of the LCAVD

LEVNT OFFICER AUTHORISED
7.1.1.Director: Business Services
7.1.2.Director: Operations
7.1.3.Executive Director

7.2. Certify Educational Body information for appropriate Registration or Regulatory Authority for Educational Bodies of the LCAVD

LEVNT OFFICER AUTHORISED
7.2.1.Director: Operations
7.2.2.Executive Director
7.2.3.Director: Leadership and School Improvement

7.3. Award or commit to any Educational Body one off or special purpose funding Agreement related contract for Educational Bodies of the LCAVD

LEVNT OFFICER AUTHORISED
7.3.1. Director: Business Services
7.3.2. Director: Operations
7.3.3. Executive Director

7.4. Appoint or terminate the employment of an LEVNT Officer or other member of staff of LEVNT with the exception of the Executive Director

LEVNT OFFICER AUTHORISED
7.4.1. Executive Director

The Executive Director is the only LEVNT Officer who can perform this action.

8. EFFECT

This policy shall have no effect until it has been approved by the District DCC on the recommendation of CLEVNT.

9. REVIEW

This policy is to be reviewed and approved every two years.