

B.2 Board Delegations

1.0 INTRODUCTION/BACKGROUND

The Mercy Services Board Governance and Policy Document states that:

1. *“The Trustees of the Congregation as guardians and interpreters of the Mission of Mercy (‘the Mission’) and the owners of the services,*
2. *The Board of Directors was appointed and authorised as stewards of the Mission by the Trustees and appointed to oversee the management and operation of Mercy Services.;”*

The next level of management is:

3. The General Manager is employed to develop and implement the Policies that ensure that the day-to-day operations of Mercy Services are in accord with the direction set by the Board and Trustees.

This Policy sets out the delegation of roles and responsibilities across these three levels of Governance/Management. The Organisation Management section of the Mercy Services Policy Manual clarifies roles and responsibilities between the General Manager and other Mercy Services staff.

Delegations in this Policy are always subject to:

- i) The Constitution of Mercy Services- as amended from time to time;
- ii) Policies and Funding Agreement Conditions and conditions agreed to by Mercy Services in relation to funded services;
- iii) Public Accounts and Audit Determinations; and
- iv) Applicable Acts, Statutes and Regulations and the like.

Within this Policy the following definitions apply:

Budget: means the Annual Budget allocations approved by the Board of Mercy Services and the Trustees of the Sisters of Mercy - Singleton

Board: means the Board of Mercy Services

Congregational Leader: means the Congregational Leader of the Religious Congregation known as the Sisters of Mercy (Singleton)

Trustees: means the Trustees of the Sisters of Mercy (Singleton)

General Manager: means the General Manager of the Mercy Services

2.0 PURPOSE

This Policy formalises delegated functions and guides and determines decision making at Mercy Services particularly in respect of financial expenditure limits and approval to take certain actions.

3.0 POLICY STATEMENT

The respective roles of the Trustees, Board and General Manager will be clearly articulated and will reflect the four basic principles (collegiality, subsidiarity, accountability and co-responsibility) set out in the Mercy Services Mission and Philosophy Policy.

4.0 PROCEDURES

4.1. Trustees roles and responsibilities

- a) The function of the Trustees is to appoint the Board and ensure that the Board fulfils its role.
- b) The function of the Board is to govern Mercy Services and to ensure that the services provided by Mercy Services comply with the requirements of the organisational philosophy and mission, funding bodies and of relevant legislation.
- c) The Board is responsible for promoting the objectives of Mercy Services and their activities in setting in place those structures, policies, practices and procedures which will promote an efficient and effective use of available financial, human and physical resources in the provision of an appropriate standard of client care and related services.
- d) Where this Policy specifies a delegate, the position to whom that position reports is also deemed to have the delegated authority. Unless otherwise stated in this Policy, a person who acts in the place of a delegate assumes the responsibility and delegated authority of that delegate.
- e) Any delegate having a pecuniary interest in any purchase decision must advise the General Manager in writing of such interest and that delegate must not authorise the incurring of expenditure in relation to that interest.
- f) Members of the Board must advise the General Manager in writing when they hold a pecuniary interest.
- g) The General Manager must advise the Chairperson of the Board in writing when he/she holds a pecuniary interest.
- h) The dollar valuations in this Policy relate to total cost of the project.
- i) Approval for expenditure covers all funds of the Mercy Services and those funds set up on behalf of the Mercy Services and includes operating, capital and any special purpose funds.

- j) Ownership by the Trustees includes power to:
- i) Establish a philosophy and mission for Mercy Services;
 - ii) Approve the extension of services or the establishment of new services
 - iii) Approve the sale, lease or encumbrance of assets;
 - iv) Approve mergers or dissolutions;
 - v) Approve major capital expenditure in excess of \$50,000;
 - vi) Approve structural alterations to buildings or grounds;
 - vii) Appoint or dismiss the General Manager in consultation with the Board in accordance with clause 18.1-2 of the Constitution.
 - viii) Signing of the funding agreements when the seal/approval of the Trustees is required.
 - ix) Appoint or dismiss Board members
 - x) Approve or reject the Annual Budget

4.2. Board roles and responsibilities

- a) Develop Board Policies & Procedures for approval by the Trustees.
- b) Signing of funding agreements
- c) Dismissal of senior staff
- d) Establishment and closure of all special purpose, trust and investment funds as recommended by the General Manager
- e) Approval of the Budget for final adoption by the Trustees.
- f) Approval of audited financial reports
- g) Cannot effect sale, lease or encumber assets, cause mergers or dissolutions, incur major capital expenditure in excess of \$100,000, effect structural changes to buildings or grounds or appoint or dismiss the General Manager without the formal approval of the Trustees.
- h) Expenditure on the following items requires the approval of the Board on the recommendation of the General Manager:
 - Purchase of items where the purchase involves additional staff or the expenditure of more than \$50,000 but less than \$100,000.
 - Purchase of additional motor vehicles (other than replacement vehicles) in excess of \$50,000 and where funding is not provided from a particular program.
 - Conference/course expenses involving expenditure of more than \$25,000 other than approved Award entitlements

- Approval of Tenders greater than \$50,000
- Major capital expenditure up to \$100,000

4.3 General Manager roles and responsibilities

- Advertising for and recruitment of staff to approved positions within the funded establishment.
- Recruitment and appointment of all staff employed at Mercy Services.
- Salaries and allowances in accordance with Award provisions.
- Salaries and allowances of staff including overtime in accordance with Award provisions.
- Approval of time-in-lieu for staff without requiring additional staff to fill the vacancy caused by staff taking time in lieu.
- Authorisation of all timesheets.
- Payroll authorisation.
- Paid leave (including relief arrangements) for all staff.
- Leave without pay for all staff up to twelve (12) months.
- Paid leave in accordance with Award provisions and entitlements (including approving adequate relief leave arrangements).
- Payment of higher duty allowance in accordance with Award provisions.
- Regrading of staff in accordance with Award provisions.
- Use of official vehicles - may include standing arrangements for travel by employees to and from work and garaging of vehicle at the home of employees and private usage from time to time.
- Travel on official business outside the Hunter.
- Media contact in relation to policy, program and service delivery matters.
- Approval to open and close Bank and Investment Accounts
- Investment of funds in accordance with plans approved by Board.
- Purchase of and sale of all replacement motor vehicles.
- Payment to external contractors in accordance with determination/contract provisions.
- Expenditure of funds as required or the needs of all services in accordance with policies and budgets.
- Expenditure of Special Purpose and Trust Funds in accordance with the purpose(s) of the fund(s) up to a limit of \$50,000 for any one item or project.

- Expenditure of funds from specific grants in accordance with purpose of the grant and conditions attached thereto up to a limit of \$50,000.
- Expenditure for conference/courses where the cost over and above Award entitlements totals up to \$25,000 providing funds are available.
- Expenditure from funds as required for the operation of the services in accordance with Board as they affect Mercy Services.
- Authority to sign all official Purchase Order Forms (over \$50,000 requires second signatory to be a Board Member).
- Petty cash determined from time to time.
- Goods and Services and Repairs Maintenance and Renewal (RMR) with budget allocation \$50,000 per item or order for non-stock purchases.
- Applications for external funds for expansion of current services, for new services for research projects or equipment/resources.
- Development & approval of policies and procedures that relate to the operation and management of Mercy Services.

4.4 Authority to sign Taxation Payment Summaries.

The occupants of the following positions are authorised to sign Taxation Payment Summaries for the employer:

Board Representatives

General Manager or Acting General Manager

4.5 Authority to sign cheques

All Mercy Services cheques must be signed by two (2) approved signatories (see also D.04 Payments Policy). Cheques over \$25,000 must be signed by:

- A delegated Board Member
- General Manager
- Manager Tighes Hill

5.0 REFERENCES

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|-----------------------------------|---|
| 1. Australian Standards | a) AS/NZS 4360:1999 - Risk Management |
| 2. Legislation | <ul style="list-style-type: none"> a) Industrial Relations Act 1996 (NSW) b) Annual Holidays Act 1944 (NSW) & Long Service Leave Act 1985 (NSW) c) Anti-Discrimination Act 1997 (NSW) & Racial Discrimination Act 1975 (Cth) & Sex Discrimination Act 1984 (Cth) & Disability Discrimination Act 1992 (Cth) d) Charitable Fundraising Act 1991 (NSW) e) Children and Young Persons (Care and Protection) Act 1998 (NSW) f) Common (court-made) Law g) Copyright Act 1968 (Cth) & Copyright Act 1952 (NSW) Corporations Act 2001 (Cth) h) Disability Service Act 1986 (NSW) i) Protection of the Environmental Operations Act 1997 (NSW) and Waste Avoidance and Resource Recovery Act 2001(NSW) j) Food Act 2003 (NSW) k) Fringe Benefits Tax Act 1994 (Cth) l) Goods and Services Tax 2000 (Cth) m) Income Tax Assessment Act 1997 (Cth) n) Occupational Health and Safety Act 2000 (NSW) o) Privacy Act 1988 (Cth) & Privacy and Personal Information Protection Act 1998 (NSW) & Health Records and Information Privacy Act 2002 (NSW) p) Superannuation Guarantee Act 1992 (Cth) q) Trade Practices Act 1974 (Cth) |
| 3. Professional guidelines | a) nil |
| 4. Codes of Practice | a) nil |
| 5. Codes of Ethics | a) Mercy Services Values Policies A.1-5 including Code of Conduct |
| 6. Evidence | a) Mercy Services Constitution (Nov 2005) |
| 7. Mercy Services Values | a) Justice, Respect, Care, Unity, Service |

6.0 OTHER RELATED OHS POLICIES AND PROCEDURES

All Mercy Services Policy

7.0 RELATIONSHIP WITH STANDARDS

| Community Care Common Standards | Disability Standards | EQUIP Standards |
|--|-----------------------------|------------------------|
| 1.1, 1.2, 1.6 | 8.5 | 3.1.2 |

8.0 DOCUMENT CHANGES RECORD

| Date of change | Section altered | Natures of changes made |
|-----------------------|--|---|
| July 2001 | First record of document | |
| July 2004 | Whole document | Revised |
| 06/07/2009 | Whole document | Revised |
| 12/10/2009 | a) New 1.0 b) New 2.0 c) New 3.0 d) New 4.0 e) New 5.0 f) New 6.0 g) New 7.0 h) New 8.0 | a) Created using both old and new text b) Created using old text c) Created using new text d) Created using text from old Introduction and Schedule 1, 2 & 3 – with “manual” replaced by “Policy”; restriction of GM expenditure to “budget” as well as “policies” and reorder of roles within Board and GM so similar roles (e.g. expenditure) are sequential. Deleted Coordinator and Admin roles as they appear in Policies C.1 and D.1-14, deleted list of current bank accounts (as these change and Policy is publicly available), changed job titles of Mercy Services staff to reflect Policy C.1 Management Roles e) Created using new text f) Created using new text g) Created using new text h) Created using record of previous versions and new text |
| 19/10/2009 | 4.5 | List of authorised signatories for cheques under \$25,000 moved to D.04 Payments Policy |
| 23/03/2011 | 7.0 | Replace HACCP Standards and CACP Standards with Community Care Common Standards and update to EQUIP 5 Standards |
| 14/11/2012 | All Sections | Organisation name updated |
| Review due 14/11/2015 | | |