

## GOVERNANCE DOCUMENTS POLICY

### Section 1 - Purpose and Scope

(1) The purpose of this Policy is to:

- a. establish the framework and principles for developing and reviewing College-wide Policies, Procedures and Guidelines; and
- b. establish and define the documents constituting the Governance document hierarchy.

#### Scope

(2) This Policy applies to College Policies, Procedures and Guidelines.

### Section 2 - Definitions

(3) In this Policy:

- a. **Academic Board** means the principal academic decision-making body for the College.
- b. **ACPE or College** means ACPE Ltd operating under the name Australian College of Physical Education.
- c. **Approval Authority** means the Board of Directors, or other committee or member of staff to whom the Board has delegated responsibility for approval of Governance documents in accordance with clause 12.
- d. **Australian law** means Australian common law, federal laws enacted by the Parliament of Australia, and laws enacted by the Parliaments of the Australian states and territories.
- e. **Board or Board of Directors** means the ACPE Board of Directors.
- f. **Chief Executive Officer (CEO)** means the person appointed as Chief Executive Officer, who also serves as Dean of the College.
- g. **Governance document** means the documents set out at clause 6.
- h. **Guideline** means non-mandatory approaches to implementing a higher document in the Governance Document Hierarchy. Guidelines provide additional detail and context on aspects of a College policy or procedure. They are advisory or explanatory only, providing flexible "good practice" recommendations and advice to assist a higher document's implementation.
- i. **Policy** means a concise, formal statement of the principles underpinning the College's activities and decision making which has College-wide application, and has been approved by the Board of Directors. Policies are mandatory, apply College-wide and are designed for longevity in application.

- j. **Procedure** means a statement of the College's standard and required practice, approved by an Approval Authority. It sets out in more detail the actions, standards and processes needed to operationalise a Policy and assigns specific responsibilities for those processes. Procedures are mandatory and apply College-wide.
- k. **Senior Executive** means a senior manager of ACPE, involved as a member of the Senior Management Team.

### Section 3 - Policy Statement

(4) The College requires its operations to be managed in accordance with good governance practice and the hierarchy of Governance documents is intended to support this objective.

#### Governance document hierarchy

- (5) The College's Governance documents operate in the following hierarchy, from highest to lowest:
  - a. Australian laws;
  - b. ACPE Governance Charter;
  - c. Policies;
  - d. Procedures; and
  - e. Guidelines.
- (6) For the purpose of the Governance document hierarchy, the Risk and Audit Framework is considered a Policy.
- (7) Documents lower in the hierarchy must be consistent with higher documents, and to the extent there is any inconsistency, the higher document prevails.
- (8) Where there is doubt about the inconsistency between Governance documents, clarification may be sought from the Board of Directors or the CEO.

#### Principles

- (9) Policies, Procedures and Guidelines must:
  - a. provide measurable and transparent limits within which members of the College will manage their College related activities;
  - b. be concise and written in plain English;
  - c. use positive, inclusive and consistent language;
  - d. identify what is mandatory and what is discretionary;
  - e. sequence information logically;
  - f. seek to mitigate risks and maximise opportunities for the College;
  - g. not be unnecessarily burdensome; and

- h. be consistent with:
  - i. relevant laws and regulations;
  - ii. the College's vision, mission and values set out in its strategic framework;
  - iii. community expectations; and
  - iv. higher Governance documents.

(10) A schedule or other document added to a Policy or Procedure forms part of that document.

(11) Approved Policies, Procedures and Guidelines will be made accessible via the College's website.

### **Approval, amendment and repeal**

(12) Policies, Procedures and Guidelines must only be approved by the appropriate Approval Authority:

- a. the Board of Directors approves Policies and Procedures relating to the governance and management of the College; and endorses or otherwise determines, as the ultimate governing authority, academic policies developed by the Academic Board. If the Board of Directors chooses not to endorse an academic policy, it shall be sent to the Academic Board for further consideration. There may be iterations between the Academic Board and the Board of Directors to arrive at a final position. However, if agreement cannot be reached, the Academic Board decision shall prevail, except with respect to academic matters which the Board of Directors deems are characterised by significant corporate risk and/or resource considerations, in which case the Board of Directors will have the final authority;
- b. the Academic Board approves Procedures and Guidelines relating to the academic governance at the College;
- c. the CEO approves:
  - i. Procedures and Guidelines relating to the management and administration at the College;
  - ii. minor amendments in line with clause 19; and
- d. a Senior Executive approves Guidelines where so designated in the Policy or Procedure.

(13) Compliance with Policies and Procedures is mandatory for members of the College, as applicable:

- a. from the "effective date" and within the scope of the relevant document; and
- b. until the Policy or Procedures document is repealed by the relevant Approval Authority or otherwise superseded.

- (14) The CEO, Senior Executive and the Chair, Academic Board must review Policies within their portfolio at least every three years, to examine whether they remain relevant, accurate and achieve their objectives.
- (15) Procedures and Guidelines should be reviewed on an as needed basis by the relevant Senior Executive or Chair, Academic Board.
- (16) Policies, Procedures and Guidelines must only be amended or repealed with the approval of the relevant Approval Authority.

### **Transitional Provisions**

- (17) All duly authorised Policies, Procedures and Guidelines that were effective as at 1 April 2021 will continue to be effective as prescribed until they are amended or repealed.

### **Interpretations**

- (18) In interpreting Policies and Procedures:
- a. unless the context requires another meaning, a reference:
    - i. to the singular includes the plural and vice versa;
    - ii. to gender includes all genders;
    - iii. to a law includes any amendments made to that law from time to time and reference to any of its regulations, by-laws or other subordinate legislation;
    - iv. to the word "including" or "includes" means "including, but not limited to", or "includes, without limitation" respectively;
  - b. where a word or phrase is defined, its other grammatical forms have a corresponding meaning;
  - c. a provision will not be interpreted against the College just because it drafted it;
  - d. the word 'may' indicates that the action or decision is discretionary;
  - e. the words 'will', 'must' or 'shall' indicates that the action or decision is mandatory; and
  - f. New South Wales laws apply.

### **Minor Amendments**

- (19) The CEO may approve minor amendments to any Policy or Procedure where they do not result in any change to the document's content or meaning. A minor amendment includes:
- a. textual and editing changes to maintain accuracy and currency;
  - b. obvious clerical, typographical, grammatical and numbering errors in the text of the document; or
  - c. updating references due to changes in:

- i. position or work unit titles;
- ii. organisational structure and associated operational workflows;
- iii. legislation; and
- iv. regulatory bodies.

#### **Section 4 - Procedures**

(20) Nil.

#### **Section 5 – Guideline**

(21) Nil.

#### **Related documents**

This Policy should be read in conjunction with but is not limited to:

- ACPE Strategic Framework
- ACPE Governance Charter
- Policy on Delegations of Authority and Authority Limits

#### **Document Administration**

<b>Policy Name</b>	Governance Documents Policy
<b>Policy Owner</b>	Board of Directors
<b>Approval Authority</b>	Board of Directors
<b>Approval Date</b>	19 March 2021
<b>Effective Date</b>	As at Approval Date
<b>Next Review #</b>	Three years from the Approval Date
<b>Amendment history</b>	
<b>Version 1:</b>	Document developed and implemented

# Unless otherwise indicated, this Policy will still apply beyond the Review date