Delegations Policy

Section 1 - Preamble

(1) Charles Darwin University ('the University', 'CDU') empowers its people to innovate, make a difference, and make courageous decisions.

(2) Delegating authority enables leaders at all levels to pursue the University's goals and objectives efficiently and effectively.

(3) The University is committed to ensuring actions and activities are conducted responsibly, with accountability, and are consistent with law, University governance documents, and industry best practice.

Section 2 - Purpose

(4) This policy sets out the management of delegations at the University, outlines the parameters and limits of delegations held by authorised officers, and promotes consistency in business practices within similar areas of the University.

Section 3 - Scope

(5) This policy applies to all University staff, Council members, and University committees.

Section 4 - Policy

(6) Delegations are a legal authority conferred by the University Council or Vice-Chancellor. The person to whom a power or function is delegated becomes the authorised officer for the task or tasks associated with the delegation.

(7) The University Council may delegate some of its powers and functions to any position or committee of the University or to any other person or body prescribed by the Council, except:

a. a power or function referred to in Section 8(2) of the Charles Darwin University Act 2003;
b. this power of delegation; or
c. the power to make by-laws or rules.

(8) The Vice-Chancellor may delegate some of their powers and functions to any position or committee of the University except this power of delegation.

(9) Delegations are not permanent and may be withdrawn from a position or delegation banding by the University Council or the Vice-Chancellor at any time.

Essential parameters

(10) When exercising their delegations, authorised officers are bound by four (4) essential parameters.

(11) If exercising a delegation would contravene any of the essential parameters, then the authorised officer may not exercise the delegation.

(12) The four (4) essential parameters are:

a. Act within limit of roles: Each authorised officer must act within the limits of the roles and responsibilities of their role, position, or office.
b. Act consistently with governance documents: Each authorised officer must act consistently with any governance document adopted by the University, or with any instruction given by a superior officer or position.
c. Act within budget: Each authorised officer must act within the budgetary constraints relevant to the duty, function, or power being exercised.
d. No sub-delegation: Each authorised officer must not sub-delegate their duty, function, or power.

Delegation bandings

(13) The University's standard approach is for delegations to be assigned according to banding. Each role and position is allocated to a banding, consistent with similar positions across the University.

(14) Staff employed or acting in a position become authorised officers for the delegations conferred on that position's banding. For example, delegations conferred on banding three (3) are held, and may be exercised, by all members of the Senior Executive Team.

(15) Each banding automatically holds and may exercise the delegations held by lower bandings.

(16) Specific roles, positions, or offices may be granted delegations that are not also held by a broad banding.

(17) Role-specific delegations are assigned to a role or position and not to an individual staff member.

(18) When a position is created, updated, or removed, it must be assigned to a banding. Banding allocations for new, updated, and removed positions must be sent to delegations@cdu.edu.au for approval.

(19) The Vice-Chancellor approves Delegations Bandings, which details the positions in each banding.

Publication of delegations

(20) Governance, as the administrator, publishes delegations in the Delegations Register.

(21) All staff with delegations, whether banded or role-specific, must ensure they operate within the four (4) essential parameters outlined above.

(22) For advice on any aspect of delegations, staff should contact delegations@cdu.edu.au.

Scope of delegated functions

(23) A position or committee to whom Council has delegated a power or function must act within the scope of, and must not exceed, the powers or functions Council itself is allowed to perform according to the Charles Darwin University Act 2003.

(24) Authority for an action cannot be granted retrospectively and a delegation is effective only from the date it is approved and published in the Delegations Register.

(25) Even though the Council has conferred a delegation of its powers or functions to a position or committee of the University, the Council retains and can exercise all those same powers and functions.

(26) Where a function is not specifically conferred to a position or committee, the Council is the sole body that may exercise that function.

Chancellor's general delegation

(27) The Chancellor has the authority to exercise any delegation conferred by the Council on the Vice-Chancellor. However, this may only be exercised where the Vice-Chancellor is unable to exercise the delegation in their own right, for example, where there is a conflict of interest. This does not include delegations:

a. made to a specific member of the Council;
b. made to a committee of the Council;
c. made to the Vice-President Governance and University Secretary (in respect of that position holder's duties in relation to the Council or its members);
d. that would exceed the expenditure delegation of the Vice-Chancellor;
e. that constitute a benefit to the Chancellor; or
f. pertaining to the position of Chancellor (for example, the appointment, term and/or resignation of the Chancellor).

(28) The Deputy Chancellor may exercise the delegations conferred on the Chancellor during an official absence of the Chancellor, while the Chancellor is outside Australia, or during a vacancy in the office of the Chancellor.

Vice-Chancellor's general delegation

(29) The Vice-Chancellor has the power and authority to exercise any delegation conferred by the Council on any position or committee, except delegations:

a. made to a member of the Council;
b. made to a committee of the Council;
c. made to the Vice-President Governance and University Secretary (in respect of that position holder's duties in relation to the Council or its members);
d. that would exceed the expenditure delegation granted by the Council to the Vice-Chancellor; or
e. pertaining to the position of Vice-Chancellor, for example, the appointment, terms and conditions and/or resignation of the Vice-Chancellor.

(30) The Acting Vice-Chancellor may exercise all the powers or functions conferred on the Vice-Chancellor during an official absence of the Vice-Chancellor, while the Vice-Chancellor is outside Australia, or during a vacancy in the office of the Vice-Chancellor.

(31) The Vice-Chancellor or their agent may assign, amend or vary delegations.

(32) Amendments to the Delegations Register will be reported to each meeting of the Audit, Risk and Compliance Committee.

General principles for the exercise of delegations

Authorised officer subject to direction by Council and Vice-Chancellor

(33) An authorised officer remains subject at all times to the direction and authority of the Council and the Vice-Chancellor.

Delegations exercised subject to conditions

(34) Delegations may be referenced in University policies, procedures, and individual position descriptions. Where any inconsistency arises between the approved delegations and other documents, then the approved delegations in the Delegations Register take precedence.

Delegation hierarchy

(35) An officer holds and may exercise any banding-based delegations conferred on a position below theirs in the relevant organisational hierarchy.

(36) Role-specific delegations are held only by the position or positions upon which they are conferred. They are not automatically held by positions superior in the organisational hierarchy.

(37) If an authorised officer, including for role-specific delegations, is unable to carry out the duties associated with their delegations for any reason, including an actual, potential, or perceived conflict of interest or an absence or incapacity, the delegation must be exercised by their supervisor in the first instance, followed by the next superior position in the line of authority.

Delegations to position and officer acting in the position

(38) A delegation is conferred on a position and not the individual occupying the position.

(39) A power or function delegated to a position may be exercised by any staff member acting in the position on a temporary basis, during the term in which the staff member is authorised to act.

Delegations limited by budget

(40) Any delegation to incur expenditure must be exercised within the limits of the relevant approved available funds of the cost centre to which the position belongs, or another approved source of funds.

(41) If an administrative delegation requires expenditure to operate, the authorised officer may not exercise that delegation without a cost centre or approved source of funds being available to that position.

Calculating the total value of a transaction

(42) Financial delegation limits and limits on the value of contracts which an authorised officer may execute must be applied against the total value of a transaction or contract.

(43) An authorised officer's financial delegation limit must be applied against the total value of a transaction's instalments and/or fees where the transaction is:

a. to be made in a series of instalments;
b. composed of separate fees for various products or services; or
c. modified or increased following the initial purchase.

(44) Financial delegation limits do not include the Goods and Services Tax.

(45) The total value of a contract includes the original contract value and the value of any variations, extensions, or renewals.

(46) Staff must contact delegations@cdu.edu.au for advice if they are unsure whether a transaction may exceed their delegation.

Delegation vacation rules

(47) When an authorised officer goes on leave or is otherwise unable to exercise the responsibilities of their role, they may register a vacation rule to authorise someone to exercise their delegations in their absence.

(48) Vacation rules must be registered by the authorised officer by completing the Vacation Rule eform in eCentre. The eform will workflow to the authorised officer's supervisor for endorsement and to the Governance team for approval and processing.

(49) Vacation rules are published in the Delegations Register.

Delegate responsible for decisions

(50) An authorised officer who assigns another staff member or committee to exercise a power or function must ensure that the staff member or committee:

a. is qualified to exercise the power or function; and
b. is fulfilling their responsibilities at all times.

(51) An authorised officer retains personal accountability for the exercise of the delegation, including compliance with applicable laws and University governance documents.

Conflicts of Interest

(52) An authorised officer may not exercise a delegation that would provide them, or an associate, with a direct personal benefit.

(53) Where a conflict does arise, authorised officers must disclose such conflicts and act in accordance with the Conflicts of Interest Policy and Conflicts of Interest Procedure.

Delegations and governance documents

(54) The development of by-laws, policies, and procedures must conform to the arrangements for delegations.

(55) Where a new by-law, policy, procedure, or position requires the granting or variation of a delegation, the new or varied delegation must be approved by Council, the Vice-Chancellor, or the Vice-Chancellor's agent.

(56) Where a by-law, policy, or procedure requires the granting or variation of a delegation, the by-law, policy, or procedure may not come into effect earlier than the date on which Council, the Vice-Chancellor, or the Vice-Chancellor's agent approves the new or varied delegation.

Misuse of delegations or authorisations

(57) Where a staff member believes a delegation has been improperly exercised by an authorised officer, the staff member should email a detailed written notification to delegations@cdu.edu.au for the attention of the Vice-President Governance and University Secretary.

(58) If deemed to be an incident of improper conduct the University must make a report to the Independent Commissioner Against Corruption in accordance with the Independent Commissioner Against Corruption Act 2017.

Section 5 - Non-Compliance

(59) Non-compliance with governance documents is considered a breach of the Code of Conduct - Employees or the Code of Conduct - Students, as applicable, and is treated seriously by the University. Reports of concerns about non-

compliance will be managed in accordance with the applicable disciplinary procedures outlined in the Charles Darwin University and Union Enterprise Agreement 2025 and the Code of Conduct - Students.

(60) Complaints may be raised in accordance with the Complaints and Grievance Policy and Procedure - Employees and Complaints Policy - Students.

(61) All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the Fraud and Corruption Control Policy and Whistleblower Reporting (Improper Conduct) Procedure.

Status and Details

Status	Current
Effective Date	22nd August 2024
Review Date	22nd August 2027
Approval Authority	University Council
Approval Date	7th December 2023
Expiry Date	Not Applicable
Responsible Executive	Brendon Douglas Vice-President Governance and University Secretary
Implementation Officer	Brendon Douglas Vice-President Governance and University Secretary
Enquiries Contact	Brendon Douglas Vice-President Governance and University Secretary

Glossary Terms and Definitions

"University" - Charles Darwin University, a body corporate established under section 4 of the Charles Darwin University Act 2003. The University is comprised of the various faculties, CDU TAFE, organisational units, and formal committees, including the governing University Council and Academic Board.

"Governance document" - means policy or procedure published in the Governance Document Library. Policies and procedures are collectively called ‘governance documents’ and are often referred to as ‘policy’ or ‘University policy’.