

Delegations Policy

Section 1 - Policy Statement

(1) The [Charles Darwin University Act 2003](#) allows the Council to delegate its authority to positions or committees of the University. Council makes these delegations under Section 42 of the [Charles Darwin University Act 2003](#).

(2) These delegations constitute a legal authority conferring to a position the authority of the Council of the University. With the delegation conferred to a position, the person appointed to that position then becomes the Authorised Officer, to perform the specific task associated with the delegation.

Section 2 - Policy Principles

(3) The University Council, under the [Charles Darwin University Act 2003](#), 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);
- b. this power of delegation; or
- c. the power to make By-laws or Rules.

Guiding Principles

(4) This Policy is underpinned by the following guiding principles:

- a. Consistency in business practices within similar areas of the University;
- b. clear accountabilities and responsibilities;
- c. a performance culture that supports efficient and effective delivery in an innovative environment; and
- d. responsibility and autonomy are to be delegated to allow for the needs and requirements of a specific role.

Scope of Delegated Functions

(5) The scope of the power or functions of a delegation conferred to a position or committee by Council is limited to the functions the Council itself is allowed to perform. 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 in accordance with Section 42(4).

(6) 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

(7) In addition to any delegation conferred on the Chancellor, 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 his or her 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; or
- e. that constitutes a benefit to the Chancellor or pertaining to the position of Chancellor (for example, the appointment, term and/or resignation of the Chancellor).

(8) The Deputy Chancellor may exercise the powers or functions 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

(9) The Vice-Chancellor has the power and authority to exercise any delegation conferred by the Council on any position or committee in accordance with section 42(5), except delegations:

- a. made to a member of the Council;
- b. made to a Committee of the Council;
- c. made to the 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 to the Council on the Vice-Chancellor;
- e. pertaining to the position of Vice-Chancellor, for example, the appointment, terms and conditions and/or resignation of the Vice-Chancellor.

(10) To avoid any doubt, 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.

(11) The Vice-Chancellor has the temporary power and authority to assign, amend or vary any delegation between meetings of Council in order to ensure the proper management of the University. Principally this will be the case with the establishment of new positions, committees, other bodies or new financial management arrangements.

(12) All such temporary modifications will be presented to the next meeting of Council for conferral (including amendment) or cancellation.

Authorised Officer Subject to Direction by Council on the Vice-Chancellor

(13) Except where a position is responsible to the Council directly, the Authorised Officer remains subject at all times to the direction and authority of the Council on the Vice-Chancellor in accordance with Section 15 of the [Charles Darwin University Act 2003](#).

Delegations Exercised Subject to Conditions

(14) An Authorised Officer must exercise a delegation or assignment in accordance with any conditions to which the delegation or assignment is subject.

(15) Delegations may also be referenced in University policies, procedures, guidelines and individual position descriptions, however, these documents must be consistent with the delegated authorities set out in this policy. Where any inconsistency arises between the approved delegations and those other documents, then the approved delegations in this policy takes precedence.

Delegation Hierarchy

(16) The delegations conferred on a position are included in those held by the supervisor or line manager of that position and each position in line of organisational authority superior to that position in turn.

(17) If an Authorised Officer is unable to carry out the duties associated with that delegation for any reason, including a potential or actual conflict of interest or an absence or incapacity, the delegation must be exercised by the supervisor of the position holder in the first instance followed by the next superior position in the line of authority.

Delegations to Position and Officer Acting in the Position

(18) A delegation is to a position and not the individual occupying the position.

(19) A power or function delegated to a position extends to the substantive Authorised Officer of that position and any staff member acting in the position on a temporary basis, during the term in which the staff member is authorised to act, unless otherwise specified in the appointment to act.

(20) A power and function assigned to a position only extends to the substantive Authorised Officer of that position and not any staff member acting in the position on a temporary basis.

Continuous Exercise of Delegations

(21) A delegation may be exercised from time to time, as occasion requires and more than once during the life of a function, activity or project.

Delegations Limited by Budget

(22) 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 an approved source of funds.

Administrative Delegations Limited by Expenditure Delegation

(23) All delegations are subject to the expenditure delegation conferred by Council on that position. While a position may be conferred an administrative authority, where this involves any expenditure this may only be exercised within that expenditure limit.

Financial Delegations and the Goods and Services Tax

(24) All financial delegation limits are based on being exclusive of the Goods and Services Tax.

Financial Delegation Exclusions

(25) The following categories of positions are not generally eligible for a financial delegation or assignment:

- a. HEW 1 - no financial delegation
- b. HEW 2 - no financial delegation
- c. HEW 3 - no financial delegation
- d. HEW 4 - no financial delegation
- e. Academic A - no financial delegation
- f. Academic B - no financial delegation

(26) The following categories of positions where an assignment is made have as a default a limited financial delegation:

- a. HEW 5 - \$5,000
- b. HEW 6, 7 and 8 - \$7,500
- c. HEW 9 and 10 - \$10,000
- d. Academic C - \$5,000
- e. Academic D - \$7,500
- f. Academic E - \$10,000

(27) Request for an exception to these default positions can be submitted the Director Strategic Services and Governance, via the [E-centre workflow](#), and are ultimately approved by the Vice-Chancellor. Approval is based on the requirement of individual positions need for operational continuity.

Assignment of Delegation

(28) An Authorised Officer may assign a delegation to perform parts of the delegations conferred on their position. In general, an Authorised Officer with an assignment of a delegation may only act on behalf of the higher-level Authorised Officer when making routine decisions that do not require the exercise of significant independent judgment.

(29) An Authorised Officer cannot sub-delegate their delegated function.

Delegate Responsible for Decisions

(30) An Authorised Officer who authorises or assigns another staff member or committee to exercise a power or function must ensure that the staff member or committee is qualified to exercise the power or function and is fulfilling their responsibilities at all times.

(31) An Authorised Officer retains personal accountability for the exercise of the delegation conferred by Council including compliance with applicable laws and University governance documents.

Conflicts of Interest and Commitment

(32) An Authorised Officer may not exercise a delegation that would provide them, or an associate, with a direct personal benefit. Therefore, an Authorised Officer may not, among other things, approve their own appointment, any form of remuneration or payment, promotion, transfer or secondment, travel, absence or termination concerning themselves.

(33) 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](#).

Removal of Delegations

(34) A delegation or assignment may be, wholly or partially, withdrawn or restricted (permanently or temporarily) at any time by the substantive Authorised Officer to which that position is immediately or ultimately accountable, or by the Council on the Vice-Chancellor. Such removal must be reported to the next meeting of Council for approval.

Delegations and Governance Documents

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

(36) Where a new by-law, rule, policy, procedure or position requires the granting of a new or varied delegation to a staff member or committee of the University, the new or varied delegation must be approved by Council.

(37) As the Council is the only body that can approve delegations, the commencement date of the by-law, rule, policy,

procedure or positional delegation (where it requires the conferral of a new or varied delegation) will be the date on which any new or varied delegation is approved by Council (unless the by-law, rule, policy, procedure or position holder can operate in whole or part within existing delegations).

Misuse of Delegations or Authorisations

(38) Where a staff member believes a delegation or assignment has been improperly exercised by an Authorised Officer, that staff member should notify the Director Strategic Services and Governance in writing and with sufficient detail.

(39) If deemed to be an incident of improper conduct the University is obligated to make a report to the Independent Commissioner Against Corruption in accordance with the [ICAC Act](#).

(40) All staff members have an individual responsibility to raise any suspicion, allegation or report of bribery or improper conduct in accordance with the [Fraud and Corruption Control Policy](#) and [Whistleblower Reporting \(Improper Conduct\) Procedure](#).

Transitional Arrangements

(41) To allow for the transition to the new Delegations system, despite any other provision of this Policy, a delegation that has been given, generally or specifically, under a Rule, policy, procedure, guideline or other instrument approved by the Council or the Vice-Chancellor prior to the date of commencement of this Policy shall cease to be in force but not invalid as at the date of approval of this Policy, unless otherwise determined by the Council.

Section 3 - Non-Compliance

(42) Non-compliance with Governance Documents is considered a breach of the [Code of Conduct – Staff](#) 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 2022](#) and the [Code of Conduct – Students](#).

(43) Complaints may be raised in accordance with the [Code of Conduct – Staff](#) and [Code of Conduct - Students](#).

(44) 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	Historic
Effective Date	15th January 2022
Review Date	16th November 2023
Approval Authority	University Council
Approval Date	17th November 2020
Expiry Date	21st August 2024
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