

DELEGATION OF AUTHORITY POLICY

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1 PURPOSE

- 1.1 The [Central Queensland University Act 1998](#) (Qld) sets out the authority (termed 'powers' in the Act) and functions of the University, the Council of the University, and the Vice-Chancellor and President and the authority that may be delegated. This policy sets out the framework for documenting and approving delegations of authority within the University and its controlled entities and establishes an [Authorities and Delegations Register](#) which documents authorities and delegations of those authorities.
- 1.2 CQUniversity has implemented this policy to ensure documentation of the appropriate legal authority to exercise powers and carry out certain actions for which employees and officers of the University are accountable. Its implementation is part of CQUniversity's commitment to responsible corporate governance. Delegation of authority is accompanied by appropriate internal control structures and systems to enable efficient but controlled operation of the business.

2 SCOPE

- 2.1 This policy applies to all employees and officers of the University and entities controlled by the University.

3 POLICY STATEMENT

- 3.1 Under the *Central Queensland University Act*, the University has all the powers of an individual and may:
 - enter into contracts
 - acquire, hold, dispose of, and deal with property
 - appoint agents and attorneys

- engage consultants
 - fix charges, and other terms, for services and other facilities it supplies, and/or
 - do anything else necessary or convenient to be done for, or in connection with, its functions.
- 3.2 The University may exercise its powers inside or outside Queensland and Australia.
- 3.3 The *Central Queensland University Act* specifies the Council of the University has the powers to appoint University employees, to manage and control the University's affairs and property and to manage and control the University's finances, and must exercise these powers in the way that appears to it most likely to promote the interests and purposes of the University.
- 3.4 In carrying out its functions the Council may delegate its powers to:
- an appropriately qualified member of the Council
 - an appropriately qualified committee that includes one or more members of the Council, or
 - an appropriately qualified employee of the University.
- 3.5 However, the Council may not delegate its power:
- to make an election policy, or
 - to adopt the University's annual budget.
- 3.6 The Vice-Chancellor and President is the Chief Executive Officer of the University and may exercise the powers and perform the functions conferred on the Vice-Chancellor and President by the *Central Queensland University Act* (or another act) or by the Council. The Vice-Chancellor and President's powers under the *Central Queensland University Act* (or another act) may be delegated to an appropriately qualified University employee. A delegation of power by the Council to the Vice-Chancellor and President may permit the sub-delegation of the power to an appropriately qualified University employee.
- 3.7 By virtue of office, the Vice-Chancellor and President is empowered to make the decisions and approvals necessary to deliver the functions of the University (as set out in the *Central Queensland University Act*), except for those governance decisions which must be made by the University Council. As a consequence, the Vice-Chancellor and President must, in order to carry out their responsibilities, delegate a range of authorities to the University's executives and the positions reporting to them.
- 3.8 The delegated authorities are designed to:
- be clear and easy to understand
 - set out responsibility and accountability for various administrative functions
 - establish decision-making at appropriate levels.

Delegation requirements

- 3.9 Delegation may be for a specific occasion or on a continuing basis. All continuing delegations must be included in the Authorities and Delegations Register. Continuing delegation to a committee must also be included in the committee's terms of reference. Continuing delegations may be withdrawn at any time by the delegating body or person.
- 3.10 All delegations apply to positions and not to individuals. A person who has been formally appointed to a position (hereafter 'officer') has been deemed appropriately qualified for that position and can exercise any delegations that attach to that position, subject to any limits or conditions that may be imposed.
- 3.11 Any authority delegated by the Council or the Vice-Chancellor and President to a particular position includes any person acting in that position on a temporary basis, unless otherwise specified at the commencement of the period of acting. If an officer with a delegated authority is unable to carry out the duties associated with that delegation for any reason, including a conflict of interest or temporary incapacity or absence, the delegated authority escalates to that officer's immediate supervisor.

- 3.12 Officers with delegations have a responsibility when using a delegation to ensure:
- the action is within the authority and limitation (including any responsibility areas and financial limits) of their delegation
 - they are acting in the interests of the University, and
 - they have followed all relevant policies and procedures.
- 3.13 A delegate can appoint a person or group, such as a committee, to advise about the exercise of a delegation, but the delegate remains responsible for making the decision.
- 3.14 Officers are not compelled to exercise delegations. The fact that an officer holds a delegation does not oblige the officer to exercise the delegation if, in the opinion of the delegate, some special or unusual circumstances are involved which makes it sensible that the issue should receive consideration at a more senior level.
- 3.15 Delegates are responsible to the Vice-Chancellor and President for the results of exercising their delegations and the responsibilities allocated to them.

Financial delegations

- 3.16 The exercise of a financial delegation relates to the whole of the transaction, not to parts or instalments thereof, and applies to revenue and expenditure transactions. For example, a delegation limit will have been breached when a delegate approves payment of instalments for the acquisition of an item where the total cost is above the financial limit held by the delegate.
- 3.17 Where a financial commitment extends over time, for the purposes of determining the appropriate delegation level, the value attached to the commitment decision is the whole life of the contract or commitment at the time the commitment is made. For example, the delegation level of a 10 year lease would be determined by the total 10 year expected outlay.
- 3.18 Where there is an increase in the cost of an acquisition from the original commitment, or a variation in scope which results in an increase in the cost, the same delegate giving the original approval should also approve the supplementary amount. If the amount of the increase results in the whole commitment exceeding the delegate's level of delegation, then a more senior officer with the appropriate level of delegation or the Council (if appropriate) must approve the transaction.
- 3.19 No officer may make, or authorise the making of, a decision that could reasonably be expected to result (whether directly or indirectly) in the receipt of revenue or a cost or liability which exceeds their limit of their financial delegation.

Sub-delegation

- 3.20 An officer with authority delegated by the Council or the Vice-Chancellor and President (the delegate) may appoint another officer to exercise their delegation on their behalf (sub-delegation), providing the instrument of delegation allows it.
- 3.21 When appointing a sub-delegate the delegate must specify whether or not the sub-delegate can further delegate the authority sub-delegated to them.
- 3.22 Where a sub-delegation is exercised, the appointed delegate will remain responsible and accountable for any decisions or actions exercised by the sub-delegate.
- 3.23 A sub-delegate must not exercise a delegation in order to approve a recommendation made either wholly or partly by the delegate.
- 3.24 All sub-delegations of functional authority must be approved by the authority holder and the officer's immediate supervisor.

Delegation types

- 3.25 An officer's delegation may include a financial and/or a functional delegation. A financial delegation refers to a financial limit for the expenditure or commitment of University funds. A functional delegation refers to delegations to undertake particular functions, tasks and decisions, other than the expenditure of University funds.
- 3.26 Financial and functional delegations are set out in the Authorities and Delegations Register.
- 3.27 The delegations listed in the Authorities and Delegations Register apply only to the operations and functions within the responsibility of the authorised delegate and within budgetary limits, except where specifically stated.
- 3.28 Unless specifically stated, the financial delegations listed in the Authorities and Delegations Register apply to the cost of the transaction, exclusive of GST, but inclusive of other charges such as freight, taxes or duties.
- 3.29 The Vice-President (Student and Corporate Services) will ensure an employee-specific financial delegations listing is maintained in the University's Financial Management System, which details all employees holding a financial delegation and the organisational unit cost code/s over which their delegation can be exercised. This listing will adhere to the officer level delegations set out in the Authorities and Delegations Register.
- 3.30 In exceptional circumstances, financial delegations may be requested to apply to specific cost centre/s only, and not to the broader operations of the organisation unit. Such financial delegations must be approved by the Vice-President (Student and Corporate Services). The Vice-President (Student and Corporate Services), (or nominee) will maintain a manual Financial Delegations Exceptions Register to document such exceptions.

Delegations in policies and procedures

- 3.31 University policy documents also specify bodies or individuals with authority to determine matters relevant to those documents. These authorities are, in effect, delegations of the overarching power of the Council or the Vice-Chancellor and President and must also be listed in the Authorities and Delegations Register to ensure a central register and single point of reference for all delegations. The [Policy Document Framework](#) defines the University's policy document framework, and prescribes that policy documents must be consistent with the authorities and delegations in this policy.
- 3.32 All new policy documents and amendments to policy documents containing delegations of authority must be submitted to the Director Governance for advice regarding delegations of authority prior to the submission of that policy for approval by the relevant approval authority. The Director Governance will review the proposed delegation to ensure it has been framed in accordance with this policy and liaise with the author to assist with any amendments. Following approval of the policy or procedure, the delegated authority will be added to the Authorities and Delegations Register.

Delegations not in policies and procedures

- 3.33 A delegation may be listed in the Authorities and Delegations Register but not be part of a policy, procedure, guideline, or committee terms of reference.
- 3.34 A proposed delegation of authority not specified within a policy document must be submitted in writing to the Director Governance. The Director Governance will review the proposed delegation to ensure it has been framed in accordance with this policy and liaise with the author to assist with any amendments. Once the proposal contains all necessary information the Director Governance will then submit the application to the relevant authority or delegation holder for approval.
- 3.35 Following approval, the Director Governance will update the Authorities and Delegations Register.

Authorities and Delegations Register

- 3.36 The [Authorities and Delegations Register](#) shall be the complete and authoritative list of all authorities and delegated authorities in the University and shall be accessible to all employees.

3.37 The Authorities and Delegations Register shall specify:

- the function
- the authority holder
- the delegation holder (if delegated)
- the sub-delegation holder (if sub-delegated)
- where delegations or sub-delegations are not permitted
- delegation limits
- authority source
- delegation source (if delegated), and
- the related policy document/s that supports the authority or delegation.

Financial Management Practice Manual

3.38 This policy establishes internal controls regarding financial and non-financial decision-making by bodies and officers who have been delegated authority to do so. As such, this policy forms part of the University's financial management framework, which is the [Financial Management Practice Manual](#) (FMPM) and its associated policies and procedures. This policy is to be read in conjunction with the FMPM.

4 RESPONSIBILITIES

Compliance, monitoring and review

- 4.1 The Vice-Chancellor and President is responsible for establishing this policy, subject to Council approval.
- 4.2 The University Secretary is responsible for implementing, monitoring, reviewing and ensuring compliance with this policy.
- 4.3 The Director Governance is responsible for maintaining the Authorities and Delegations Register and providing advice on the creation of delegations.
- 4.4 The Vice-President (Student and Corporate Services) is responsible for ensuring an accurate listing of financial delegates and delegations is maintained in the University's finance system.

Reporting

- 4.5 No additional reporting is required.

Records management

- 4.6 The Authorities and Delegations Register and all approvals resulting in amendments to the Register will be maintained in Content Manager.
- 4.7 A definitive list of officers who hold and may exercise financial delegation on behalf of the University and its entities, including acting appointments, sub-delegations and cost centre details, will be maintained in a Register of Delegations.
- 4.8 Employees must manage records in accordance with the [Records Management Policy and Procedure](#). This includes retaining these records in a recognised University recordkeeping information system.
- 4.9 University records must be retained for the minimum periods specified in the University Sector Retention and Disposal Schedule on the [Queensland State Archives website](#). Before disposing of any records, approval must be sought through the Records Management Office (email records@cqu.edu.au).

5 DEFINITIONS

- 5.1 Terms not defined in this document may be in the University [glossary](#).

Terms and definitions

Authority: is an authorisation or permission to perform an action or make a decision. It includes the responsibility to perform that action or make that decision appropriately and within limits, as well as the accountability for that action or decision.

Delegated officers: refers to holders of those positions which have been approved pursuant to this policy to hold and exercise a financial or functional delegation.

Delegation: the giving of authority to another to complete a particular task or function for you.

Financial delegation: refers to a financial limit for the receipt and expenditure (or commitment) of University funds. This is the dollar amount to which a delegated officer is authorised to commit and/or make expenditure in respect of an individual transaction.

Functional delegation: refers to a delegation to undertake a particular function, task or decision, other than the receipt or expenditure of University funds.

6 RELATED LEGISLATION AND DOCUMENTS

[Authorities and Delegations Register](#)

[Central Queensland University Act 1998](#) (Qld)

[Financial Accountability Act 2009](#) (Qld)

[Financial and Performance Management Standard 2019](#) (Qld)

[Financial Management Practice Manual \(FMPM\)](#)

[Policy Document Framework](#)

7 FEEDBACK

- 7.1 Feedback about this document may be emailed to policy@cqu.edu.au.

8 APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Approval Authority	Council
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Notes	This document was formerly known as the Delegation of Authority Policy (FMPM) (19/10/2018). The previous appendices of schedules listing authorities and delegations were moved to a standalone Authorities and Delegations Register (02/12/2019).