



Delegations Register 2023

Reviewed by Council: 30 March 2023

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1. Local Government Act 1995 Delegations

1 Local Government Act 1995 Delegations

1.1 Council to CEO

1.1.1 Appointment of Acting CEO

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power enabling a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	Sections 5.36, 5.39(1a) Local Government Act 1995 Regulation 18A(1)(b) Local Government (Administration) Regulations 1996
Delegate:	Chief Executive Officer
Function: This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Authority to appoint an officer in the role of Acting Chief Executive Officer, in the absence of a Chief Executive Officer.
Council Conditions on this Delegation:	The appointment must be made in writing and is to be for a maximum period of four (4) weeks. The role of Acting Chief Executive Officer will assume all of the Authorisations and Delegations of the Chief Executive Officer, unless expressly written otherwise.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: Appointed by CEO	Nil
CEO Conditions on this Sub-Delegation: Conditions on the original delegation also apply to the sub-delegations.	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	Adopted by Council 02/12/2010
2	Last Reviewed 7/10/2021
3	This review 30/03/2023 (no changes)

1. Local Government Act 1995 Delegations

1.1.2 Performing Functions Outside the District

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power enabling a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district
Delegate:	Chief Executive Officer
Function: This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Council Conditions on this Delegation:	A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Communications & Education Staff
CEO Conditions on this Sub-Delegation: Conditions on the original delegation also apply to the sub-delegations.	Nil

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	Adopted by Council at Item 10.6 of Ordinary Council Meeting 7/10/2021
2	Last Reviewed 7/10/2021
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1. Local Government Act 1995 Delegations

1.1.3 Expressions of Interest for Goods and Services

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power enabling a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Council Conditions on this Delegation:	Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Operations, Manager Communications & Education, Manager Finance & Governance
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<ul style="list-style-type: none"> Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures. WALGA Subscription Service – Procurement Toolkit Council Policy – Purchasing.
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	Adopted by Council at Item 10.6 of Ordinary Council Meeting 7/10/2021
2	Last reviewed 7/10/2021
3	This review 30/03/2023 (no changes)

1. Local Government Act 1995 Delegations

1.1.4 Tenders for Goods and Services – Call Tenders

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power enabling a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(1), (2) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
Council Conditions on this Delegation:	<p>Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where:</p> <ol style="list-style-type: none"> 1. the proposed goods or services are required to fulfil a routine contract related to the day-to-day operations of the Local Government; or 2. a current supply contract expiry is imminent; and 3. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and 4. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Operations, Manager Communications & Education, Manager Finance & Governance
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.

Compliance Links:	<ul style="list-style-type: none"> • Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. • Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures. • WALGA Subscription Service – Procurement Toolkit. • Council Policy – Purchasing.
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

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1	Adopted by Council on 2/12/2010
2	Last Reviewed 7/10/2021
3	This review 30/3/2023 (no change)

1. Local Government Act 1995 Delegations

1.1.5 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power enabling a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2)(j) Exercising contract extension options r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders r.20(1), (2), (3) Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine whether to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: <ol style="list-style-type: none"> a. The extent to which each tender satisfies the criteria for deciding which tender to accept; and b. To accept the tender that is most advantageous within the \$250,000 detailed as a condition on this Delegation [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 10% or to a maximum of \$25,000 whichever is the lesser value [F&G r.21A(a)]. 9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. Exercise of authority under F&G.r.18(2) requires consideration of whether the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications. 2. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where: <ol style="list-style-type: none"> a. The total consideration under the resulting contract is \$250,000 or less; b. The expense is included in the adopted Annual Budget; and c. The tenderer has complied with requirements under F&G r.18(2) and (4). 3. A decision to vary a tendered contract before entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in

1. Local Government Act 1995 Delegations

	<p>comparison to the total goods or services that tenderers were invited to supply.</p> <p>4. A decision to vary a tendered contract after entry into the contract [F&G r.21A(a)] must comply with the adopted Council Policy – Purchasing and must include evidence that the variation is necessary and does not change the scope of the contract.</p> <p>5. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering the extended term.</p>
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Operations, Manager Communications & Education, Manager Finance & Governance.
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.

Compliance Links:	<ul style="list-style-type: none"> Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures. WALGA Subscription Service – Procurement Toolkit. Council Policy – Purchasing.
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	Adopted by Council at Item 10.6 of Ordinary Council Meeting held 7/10/2021.
2	Last reviewed 7/10/2021
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1. Local Government Act 1995 Delegations

1.1.6 Tenders for Goods and Services - Exempt Procurement

Delegator: Power / Duty assigned in legislation to:	Local Government														
Express Power to Delegate: Power enabling a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO														
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2) When tenders have to be publicly invited (<i>exemptions</i>)														
Delegate:	Chief Executive Officer														
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&G.r.11(2)]. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&G r.11(2)(f)].														
Council Conditions on this Delegation:	<p>1. Tender exempt procurement under F&G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum \$value specified for the following categories:</p> <table border="1"> <thead> <tr> <th>Category</th><th>Maximum Value for individual contracts</th></tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program [F&G.r.11(2)(b)]</td><td>\$250,000</td></tr> <tr> <td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]</td><td>\$250,000</td></tr> <tr> <td>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]</td><td>\$250,000</td></tr> <tr> <td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]</td><td>\$250,000</td></tr> <tr> <td>Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]</td><td><\$250,000* *as specified in F&G.r.11(2)(h)(ii)</td></tr> <tr> <td>Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]</td><td>\$250,000</td></tr> </tbody> </table> <p>2. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ol style="list-style-type: none"> A detailed specification; The outcomes of market testing of the specification; The reasons why market testing has not met the requirements of the specification; 	Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$250,000	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$250,000	Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$250,000	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$250,000	Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	<\$250,000* *as specified in F&G.r.11(2)(h)(ii)	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$250,000
Category	Maximum Value for individual contracts														
WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$250,000														
Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$250,000														
Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$250,000														
Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$250,000														
Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	<\$250,000* *as specified in F&G.r.11(2)(h)(ii)														
Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$250,000														

1. Local Government Act 1995 Delegations

	<p>d. Rationale for why the supply is unique and cannot be sourced through other suppliers; and</p> <p>e. The expense is included in the adopted Annual Budget.</p> <p>3. Where the total consideration of a Tender Exempt procurement contract exceeds the value delegated above, the decision is to be referred to Council.</p>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Operations, Manager Communications & Education, Manager Finance & Governance.
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.

Compliance Links:	<ul style="list-style-type: none"> Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy - Purchasing
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

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3	This review 30/3/2023

1. Local Government Act 1995 Delegations

1.1.7 Disposing of Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power enabling a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to dispose of property to: <ol style="list-style-type: none"> the highest bidder at public auction [s.3.58(2)(a)]. the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether it is the highest tender [s.3.58(2)(b)] Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$250,000 or less. When determining the method of disposal: <ul style="list-style-type: none"> Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> Reserve price has been set by independent valuation. Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> Negotiate the sale of the property up to a -10% variance on the valuation; and Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. Where the market value of the property is determined as being less than \$20,000 (F&G r.30(3) excluded disposal) may be undertaken: <ul style="list-style-type: none"> Without reference to Council for resolution; and In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Operations, Manager Communications & Education, Manager Finance & Governance.
CEO Conditions on this Sub-Delegation:	

1. Local Government Act 1995 Delegations

Conditions on the original delegation also apply to the sub-delegations.	
Compliance Links:	<ul style="list-style-type: none">Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.Local Government Act 1995 – s.3.58 Disposal of PropertyLocal Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

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1. Local Government Act 1995 Delegations

1.1.8 Payments from the Municipal or Trust Funds and Transfer to and from Reserve Accounts

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995</i> 6.11 Reserve Accounts <i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. Authority to make payments is subject to annual budget limitations. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates within Group A, or one in Group A and one in Group B.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Group A: Manager Operations, Manager Communications & Education, Manager Finance & Governance Group B: Customer Services & Finance Officer.
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> 1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates within Group A, or one in Group A and one in Group B.

Compliance Links:	<ul style="list-style-type: none"> • Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. • Local Government Act 1995 • Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. • Local Government (Audit) Regulations 1996 • Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards • Department of Local Government, Sport and Cultural Industries: Accounting Manual
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	Adopted by Council on 02/12/2010
2	Last Reviewed 7/10/2021
3	This review 30/3/2023 (no changes)

1. Local Government Act 1995 Delegations

1.1.9 Authorisation of Expenditure from Municipal and Trust Funds

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power enabling a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.7, s6.9 -
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to authorise expenditure from the municipal fund and trust fund.
Council Conditions on this Delegation:	All purchases must be within budget allocation or through Council resolution. All purchases must be made in accordance with Council Policy – Purchases
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Those as listed in the Purchasing Authority Limits form.
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Expenditure authorised must be within the limit detailed in the Purchasing Authority Limits form.

Compliance Links:	<ul style="list-style-type: none"> Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. Local Government (Audit) Regulations 1996 Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards Department of Local Government, Sport and Cultural Industries: Accounting Manual.
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	Adopted by Council on 02/12/2021
2	Last Reviewed 7/10/2021
3	This Review 30/3/2023 (no changes)

1. Local Government Act 1995 Delegations

1.1.10 Defer, Grant Discounts, Waive or Write Off Debts

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power enabling a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the WMRC [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the WMRC [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the WMRC [s.6.12(1)(c)]
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. A debt may only be waived for charitable or not for profit community groups. 2. A concession may only be granted for charitable or not for profit community groups. 3. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the WMRC. Limited to individual debts valued below \$20,000 or cumulative debts of a debtor valued below \$30,000. Write off of debts greater than these values must be referred for Council decision. 4. The CEO may grant a one-time or on-going discount on Council approved Fees & Charges of up to 10%.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Operations, Manager Communications & Education, Manager Finance & Governance
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> 1. Managers may waive fees and charges related to their operational responsibilities where such waiver is either to: <ol style="list-style-type: none"> a. rectify a service failure on the part of the WMRC limited to a value less than \$2,000 per customer within a financial year; or b. assist a not-for-profit community group or charitable entity in fulfilling a service, social or cultural outcome within the WMRC. 2. Concessions may only be granted where the debtor is a charitable or not for profit community groups. 3. Managers may only write off debts limited to a value of less than \$5,000 per debtor within a financial year. 4. Managers may not grant on-going discounts on Council Approved Fees & Charges. Managers may approve a one-time discount of up to 10% on Council Approved Fees & Charges.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	Adopted by Council at Item 10.6 of Ordinary Council Meeting held 7 October 2021.
2	Last reviewed 7/10/2021
3	This review 30/3/2023 (no changes)

1. Local Government Act 1995 Delegations

1.1.11 Power to Invest and Manage Investments

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
Delegate:	Chief Executive Officer
Function: This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> 1. All investment activity must comply with the Financial Management Regulation 19C and Council Policy – Finance. 2. A report detailing the investment portfolio's performance, exposures, and changes since last reporting, is to be provided as part of the Monthly Financial Reports. 3. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. 4. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: Appointed by CEO	Manager Finance & Governance, Manager Operations, Manager Communications & Education,
CEO Conditions on this Sub-Delegation: Conditions on the original delegation also apply to the sub-delegations.	<ol style="list-style-type: none"> 1. A decision to invest must be jointly confirmed by two Delegates. 2. Investment decisions are limited to a maximum of \$500,000 per transaction on the short-term money market and up to a value of \$500,000 per transactions for other markets.
Compliance Links:	<ul style="list-style-type: none"> • Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. • Local Government (Financial Management) Regulations 1996 – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) • Council Policy – Finance
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

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1	Adopted by Council at Item 10.6 of Ordinary Council Meeting held 7 October 2021.
2	Last review 7/10/2021
3	This review 30/3/2023 (no changes)

1. Local Government Act 1995 Delegations

1.1.12 Renewal or Extension of Contracts during a State of Emergency

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(ja)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)]. This authority relates to: <ul style="list-style-type: none"> contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250,000, and contracts formed through a public tender.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies: <ol style="list-style-type: none"> It is exercised at the sole discretion of the Local Government; It is in the best interests of the Local Government; It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration; It has potential to promote local and/or regional economic benefits. This authority may only be exercised where the total consideration for the renewal or extension is \$1 million or less. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c). The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy. This authority may only be exercised where the total consideration under the resulting contract is \$1 million or less. The CEO cannot sub-delegate this authority.

Compliance Links:	<ul style="list-style-type: none"> Local Government (Functions and General) Regulations 1996 WALGA Subscription Service – Procurement Toolkit Council Policy - Purchasing Policy
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	Adopted by Council at Item 10.6 of Ordinary Council Meeting 7/10/2021
2	Last review 7/10/2021
3	This review 30/3/2023

1. Local Government Act 1995 Delegations

1.1.13 Procurement of Goods or Services to address a State of Emergency

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(aa) Associated definition under subregulation 11(3)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: <ul style="list-style-type: none"> Determine that particular goods or services with a purchasing value >\$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]; and Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Mayor or President (i.e., before the expense is incurred) in accordance with LGA s.6.8. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration. The CEO cannot sub-delegate this authority.

Compliance Links:	<ul style="list-style-type: none"> Local Government (Functions and General) Regulations 1996 WALGA Subscription Service – Procurement Toolkit Council Policy - Purchasing Policy
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	Adopted by Council at Item 10.6 of Ordinary Council Meeting 7/10/2021
2	Last review 7/10/2021
3	This review 30/3/2023 (no changes)

1. Local Government Act 1995 Delegations

1.1.14 Execution of Documents

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.9.49A (4) and (5)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to sign documents on behalf of the local government
Council Conditions on this Delegation:	The Chief Executive Officer and senior employees are authorised to execute a document as a deed on behalf of the WMRC where there is a requirement for the document to be executed as a deed.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

Sub-Delegate/s: <i>Appointed by CEO</i>	All employees are authorised to sign documents on behalf of the WMC to all matters arising under delegated authority and generally as is necessary or appropriate in carrying out his or her function under the Act or under any written law.
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	Adopted by Council on 07/02/2019
2	Last reviewed 7/10/202
3	This review 30/3/2023 (no changes)

1. Local Government Act 1995 Delegations

1.1.15 Appointment of Persons to Receive & Withdraw Complaints

Delegator: Power / Duty assigned in legislation to:	Local Government
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO Local Government (Model Code of Conduct) Regulations Local Government Legislation Amendment Act 2019
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.9.49A (4) and (5)
Delegate:	Chief Executive Officer
Function: This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	Section 11(3) of the Model Code of Conduct for Elected Members, Committee Members & Candidates. Authority to appoint persons to receive and withdraw complaints in respect of the Model Code of Conduct.
Council Conditions on this Delegation:	Actions to be in accordance with the Complaints Handling Policy and Procedures (once developed).
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Manager Finance & Governance
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	<ul style="list-style-type: none"> Local Government (Model Code of Conduct) Regulations Local Government Legislation Amendment Act 2019
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	Adopted by Council on 01/04/2021
2	Last reviewed 7/10/2021
3	This review 30/3/2023

1.2 CEO to Employees

1.2.1 Information to be Available to the Public

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Administration) Regulations 1996:</i> r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
Delegate/s:	Manager Operations, Manager Communications & Education, Manager Finance & Governance
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)]. 2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)]. 3. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)]. 4. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].
CEO Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Public Access to Information Guide
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	Adopted 7 October 2021.
2	Last reviewed 7/10/2021
3	This review 30/3/2023

1.2.2 Financial Management Systems and Procedures

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management
Delegate/s:	Manager Finance & Governance
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ul style="list-style-type: none"> • Collection of money owed to the WMRC; • Safe custody and security of money collected or held by the WMRC; • Maintenance and security of all financial records, including payroll, stock control and costing records; • Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; • Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; • Making of payments in accordance with Delegated Authority 1.2.8 • Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> 1. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. 2. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each 3 financial years. [Audit r.17]
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<ul style="list-style-type: none"> • Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. • Local Government Act 1995 • Local Government (Financial Management) Regulations 1996 • Local Government (Audit) Regulations 1996 • Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	Adopted 7/10/2021
2	Last reviewed 7/10/2021
3	This review 30/3/2023

1.2.3 Audit – CEO Review of Systems and Procedures

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Audit) Regulations 1996:</i> r.17 CEO to review certain systems and procedures
Delegate/s:	Manager Operations, Manager Communications & Education, Manager Finance & Governance
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to conduct the review of the appropriateness and effectiveness of the WMRC's systems and procedures in relation to <ul style="list-style-type: none"> • risk management; and • internal controls; and • legislative compliance [r.17(1)].
CEO Conditions on this Delegation:	Each matter is to be reviewed at least once within every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	<ul style="list-style-type: none"> • Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. • Local Government (Audit) Regulations 1996
Record Keeping:	Delegates are to record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

Version Control:

1	Adopted 7/10/2021
2	Last reviewed 1/10/2021
3	This review 30/3/2023