



Delegations Register 2025

Reviewed by Council: 27 March 2025

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1 Introduction

Council is responsible for the overall governance of the organisations functions. The Chief Executive Officer (CEO) is responsible for the day-to-day management of the administration of functions.

Delegation of authority, where allowed, provides for efficient and timely decision making by local governments. Conditions or limitations may be incorporated into delegations such as limiting the circumstances in which a delegation can be exercised or imposing financial or other limits to the delegated power.

The delegation of a power or duty does not preclude a delegator from exercising or performing that power or duty itself or by acting through any employee authorised, by job description or otherwise, to carry out a function as the agent of, and on behalf of, the local government in accordance with approved policies.

A person granted a delegation is not obliged to exercise the delegated power and may, if circumstances indicate, refer the decision back to the delegator.

1.1 Delegations by Local Government

The Act allows for the local government (Council) to delegate to the Chief Executive Officer the exercise of any of its power or the discharge of any of its duties under the Act (except for matters referred to in section 1.2 below) in order to effectively manage the day-to-day operations of the organisation.

The main consideration for a local government when deciding if it should delegate a power or duty is whether the delegation will improve the efficiency of the local government's operations whilst ensuring that its policies are consistently implemented.

The Act also allows for the CEO to delegate any powers or discharge of any of the CEO's duties to another employee other than the power of delegation itself (s5.44(4)).

A Council delegation is not required where the legislation confers a specified function or power directly on the CEO or another defined class of authorised persons

1.2 Matters which cannot be delegated

The following cannot be delegated by Council to the CEO under the Act (s5.43):

- Any power or duty that requires a decision of an absolute majority of the Council.
- Accepting a tender which exceeds an amount determined by the local government.
- Appointing an auditor.
- Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government.
- Any of the local government's powers under:

- s.5.98 – Fees etc for council members
- s.5.98A – Allowance for deputy President
- s.5.99 – Annual fee for council members in lieu of fees for attending meetings
- s.5.99A – Allowances for council members
- s5.100 – Payment for certain committee members
- Borrowing money on behalf of the local government.
- Hearing or determining an objection of a kind referred to in s9.5.
- The power under s9.49A(4) to authorise a person to sign documents on behalf of the local government.
- Any power or duty that requires the approval of the Minister for the Governor.

2 Local Government Act 1995 Delegations

2.1 Council to Committee of Council

2.1.1 Audit, Risk and Improvement Committee

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| 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.5.16 Delegation of some powers or duties to certain committees s.7.1B Delegation of some powers and duties to audit committees |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits |
| Delegate: | Audit, Risk and Improvement Committee |
| 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 meet with the Council's Auditor at least once every year on behalf of the Council [s.7.12A(2)]. 2. Authority to: <ol style="list-style-type: none"> a) Examine the report of the Auditor and determine matters that require action to be taken; and b) Ensure that appropriate action is taken in respect of those matters [s.7.12A(3)]. 3. Authority to review and endorse the report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)]. |
| Council Conditions on this Delegation: | Nil. |
| Express Power to Sub-Delegate: | Nil. Sub-delegation is prohibited by s7.1B. |

Version Control:

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| 1 | Adopted by Council at Item 10.7 of Ordinary Council Meeting 27 March 2025 |
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2.2 Council to CEO

2.2.1 Performing Functions Outside the District

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| 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: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i> | 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 |

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

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| 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. |

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| | |
|---|---|
| 1 | Adopted by Council at Item 10.6 of Ordinary Council Meeting 7/10/2021 |
| 2 | Last Reviewed 21/03/2024 |
| 3 | This review 27/03/2025 (no changes) |

2.2.2 Expressions of Interest for Goods and Services

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| 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 |

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

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| 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 at Item 10.6 of Ordinary Council Meeting 7/10/2021 |
| 2 | Last Reviewed 21/03/2024 |
| 3 | This review 27/03/2025 (no changes) |

2.2.3 Tenders for Goods and Services – Call Tenders

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| 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 |

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| Sub-Delegate/s: <i>Appointed by CEO</i> | Manager Operations, Manager Communications & Education, Manager Corporate Services |
| 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 21/03/2024 |
| 3 | This review 27/03/2025 (no changes) |

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

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| 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 |

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| | <p>comparison to the total goods or services that tenderers were invited to supply.</p> <p>4. 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> |

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| Sub-Delegate/s: <i>Appointed by CEO</i> | Manager Operations, Manager Communications & Education, Manager Corporate Services. |
| 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. |

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| 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 at Item 10.6 of Ordinary Council Meeting held 7/10/2021. |
| 2 | Last Reviewed 21/03/2024 |
| 3 | This review 27/03/2025 (no changes) |

2.2.5 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* <i>*as specified in F&G.r.11(2)(h)(ii)</i></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; Rationale for why the supply is unique and cannot be sourced through other suppliers; and | 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* <i>*as specified in F&G.r.11(2)(h)(ii)</i> | 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* <i>*as specified in F&G.r.11(2)(h)(ii)</i> | | | | | | | | | | | | | | |
| Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)] | \$250,000 | | | | | | | | | | | | | | |

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| | <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: | <p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p> |

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| Sub-Delegate/s: <i>Appointed by CEO</i> | Manager Operations, Manager Communications & Education, Manager Corporate Services. |
| 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. |

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| 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 at Item 10.6 of Ordinary Council Meeting 7/10/2021 |
| 2 | Last Reviewed 21/03/2024 |
| 3 | This review 27/03/2025 (no changes) |

2.2.6 Disposing of Property

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|---|---|
| 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"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> (a) the highest bidder at public auction [s.3.58(2)(a)]. (b) 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)] 2. 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"> 1. 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. 2. 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. 3. 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. 4. 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 |

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

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| 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 Property Local 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. |

Version Control:

| | |
|---|---|
| 1 | Adopted by Council at Item 10.6 of Ordinary Council Meeting 7/10/2021 |
| 2 | Last Reviewed 21/03/2024 |
| 3 | This review 27/03/2025 (no changes) |

2.2.7 Payments from the Municipal or Trust Funds

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| 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 (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 |

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| Sub-Delegate/s: <i>Appointed by CEO</i> | Group A and B officers as stipulated in the Expenditure Authority Limits 2025. |
| 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. 3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval. |

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| 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:

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|---|---|
| 1 | Adopted by Council on 02/12/2010 |
| 2 | Last Reviewed 21/03/2024 |
| 3 | This review 27/03/2025 (sub-delegate nominations changed to reference the Expenditure Authority Limits 2025 schedule) |

2.2.8 Defer, Grant Discounts, Waive or Write Off Debts

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|---|---|
| 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 |

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| Sub-Delegate/s: <i>Appointed by CEO</i> | Manager Operations, Manager Communications & Education, Manager Corporate Services |
| 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. |

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| 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 21/03/2024 |
| 3 | This review 27/03/2025 (no changes) |

2.2.9 Power to Invest and Manage Investments

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| 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 |

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| Sub-Delegate/s: Appointed by CEO | Manager Corporate Services, 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. |

Version Control:

| | |
|---|--|
| 1 | Adopted by Council at Item 10.6 of Ordinary Council Meeting held 7 October 2021. |
| 2 | Last Reviewed 21/03/2024 |
| 3 | This review 27/03/2025 (no changes) |

2.2.10 Renewal or Extension of Contracts during a State of Emergency

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| 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. |

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| 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 Reviewed 21/03/2024 |
| 3 | This review 27/03/2025 (no changes) |

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

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|---|--|
| 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. |

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| 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 Reviewed 21/03/2024 |
| 3 | This review 27/03/2025 (no changes) |

2.3 CEO to Employees

2.3.1 Information to be Available to the Public

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|---|---|
| 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, Corporate Services |
| 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 [s.9.95(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. |

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| 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 21/03/2024 |
| 3 | This review 27/03/2025 (no changes) |

2.3.2 Financial Management Systems and Procedures

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|---|--|
| 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 Corporate Services |
| 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 1.1.7 • 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. |

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|-------------------|--|
| 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 21/03/2024 |
| 3 | This review 27/03/2025 (no changes) |

2.3.3 Audit – CEO Review of Systems and Procedures

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|---|--|
| 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 Corporate Services |
| 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. |

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| 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 21/03/2024 |
| 3 | This review 27/03/2025 (no changes) |