**D E L E G A T I O N R E G I S T E R**



**APRIL 2025**

Table of Contents

[1 Local Government Act 1995 Delegations 2](file:///C%3A%5CUsers%5Cgovernance%5CAppData%5CRoaming%5CELO%20Digital%20Office%5CMRCRecords%5C39%5Ccheckout%5CDRAFT%20OCM%20version%20COUNCIL%20TO%20CEO%20ONLY%20Delegation%20Register%202023%20-%2011.9.2023.docx#_Toc145334897)

[**1.1** Council to CEO 2](file:///C%3A%5CUsers%5Cgovernance%5CAppData%5CRoaming%5CELO%20Digital%20Office%5CMRCRecords%5C39%5Ccheckout%5CDRAFT%20OCM%20version%20COUNCIL%20TO%20CEO%20ONLY%20Delegation%20Register%202023%20-%2011.9.2023.docx#_Toc145334898)

[1.1.1 Authorise a Persons to Perform Specified Functions under the Local Government Act 1995 2](file:///C%3A%5CUsers%5Cgovernance%5CAppData%5CRoaming%5CELO%20Digital%20Office%5CMRCRecords%5C39%5Ccheckout%5CDRAFT%20OCM%20version%20COUNCIL%20TO%20CEO%20ONLY%20Delegation%20Register%202023%20-%2011.9.2023.docx#_Toc145334899)

[1.1.2 Expressions of Interest for Goods and Services 3](file:///C%3A%5CUsers%5Cgovernance%5CAppData%5CRoaming%5CELO%20Digital%20Office%5CMRCRecords%5C39%5Ccheckout%5CDRAFT%20OCM%20version%20COUNCIL%20TO%20CEO%20ONLY%20Delegation%20Register%202023%20-%2011.9.2023.docx#_Toc145334900)

[1.1.3 Tenders for Goods and Services – Call Tenders 4](file:///C%3A%5CUsers%5Cgovernance%5CAppData%5CRoaming%5CELO%20Digital%20Office%5CMRCRecords%5C39%5Ccheckout%5CDRAFT%20OCM%20version%20COUNCIL%20TO%20CEO%20ONLY%20Delegation%20Register%202023%20-%2011.9.2023.docx#_Toc145334901)

[1.1.4 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options 6](file:///C%3A%5CUsers%5Cgovernance%5CAppData%5CRoaming%5CELO%20Digital%20Office%5CMRCRecords%5C39%5Ccheckout%5CDRAFT%20OCM%20version%20COUNCIL%20TO%20CEO%20ONLY%20Delegation%20Register%202023%20-%2011.9.2023.docx#_Toc145334902)

[1.1.5 Tenders for Goods and Services - Exempt Procurement 8](file:///C%3A%5CUsers%5Cgovernance%5CAppData%5CRoaming%5CELO%20Digital%20Office%5CMRCRecords%5C39%5Ccheckout%5CDRAFT%20OCM%20version%20COUNCIL%20TO%20CEO%20ONLY%20Delegation%20Register%202023%20-%2011.9.2023.docx#_Toc145334903)

[1.1.6 Panels of Pre-Qualified Suppliers for Goods and Services 10](file:///C%3A%5CUsers%5Cgovernance%5CAppData%5CRoaming%5CELO%20Digital%20Office%5CMRCRecords%5C39%5Ccheckout%5CDRAFT%20OCM%20version%20COUNCIL%20TO%20CEO%20ONLY%20Delegation%20Register%202023%20-%2011.9.2023.docx#_Toc145334904)

[1.1.7 Disposing of Property 12](file:///C%3A%5CUsers%5Cgovernance%5CAppData%5CRoaming%5CELO%20Digital%20Office%5CMRCRecords%5C39%5Ccheckout%5CDRAFT%20OCM%20version%20COUNCIL%20TO%20CEO%20ONLY%20Delegation%20Register%202023%20-%2011.9.2023.docx#_Toc145334905)

[1.1.8 Payments from the Municipal or Trust Funds 14](file:///C%3A%5CUsers%5Cgovernance%5CAppData%5CRoaming%5CELO%20Digital%20Office%5CMRCRecords%5C39%5Ccheckout%5CDRAFT%20OCM%20version%20COUNCIL%20TO%20CEO%20ONLY%20Delegation%20Register%202023%20-%2011.9.2023.docx#_Toc145334906)

[1.1.9 Defer, Grant Discounts, Waive or Write Off Debts 15](file:///C%3A%5CUsers%5Cgovernance%5CAppData%5CRoaming%5CELO%20Digital%20Office%5CMRCRecords%5C39%5Ccheckout%5CDRAFT%20OCM%20version%20COUNCIL%20TO%20CEO%20ONLY%20Delegation%20Register%202023%20-%2011.9.2023.docx#_Toc145334907)

[1.1.10 Power to Invest and Manage Investments 16](file:///C%3A%5CUsers%5Cgovernance%5CAppData%5CRoaming%5CELO%20Digital%20Office%5CMRCRecords%5C39%5Ccheckout%5CDRAFT%20OCM%20version%20COUNCIL%20TO%20CEO%20ONLY%20Delegation%20Register%202023%20-%2011.9.2023.docx#_Toc145334908)

# Local Government Act 1995 Delegations

## Council to CEO

### **Authorise a Persons to Perform Specified Functions under the Local Government Act 1995**

|  |  |
| --- | --- |
| **Delegator:***Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:***Power that enables a delegation to be made* | *Local Government Act 1995:*s.5.42 Delegation of some powers or duties to the CEOs.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:s.3.24 Authorising persons s.9.24 Prosecutions |
| **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 authorise persons to commence prosecutions for offences under the Local Government Act 1995 and any Local Laws made under the Local Government Act 1995 *[s.9.24]*. |
| **Council Conditions on this Delegation:** | a. A register of Authorisations is to be maintained as a Local Government Record.b. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions.c. Authorisations are to be provided in writing by issuing a Certificate of Authorisation. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*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 delegation also apply to sub-delegation.* |  |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.Mindarie Regional Council Waste Facility Site Amendment Local Law 2022 |
| Record Keeping: | Records to be kept as per Recordkeeping Plan 2023. |

**Version Control:**

|  |  |
| --- | --- |
| 1 | 2023 Review – New Format |
| 2 | 30.05.2024 No Changes - approved OCM 30.05.2024 |
| 3. | 24.04.2026 No Changes – approved OCM 24.04.2025 |

###

### **Expressions of Interest for Goods and Services**

|  |  |
| --- | --- |
| **Delegator:***Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:***Power that enables a delegation to be made* | *Local Government Act 1995:*s.5.42 Delegation of some powers or duties to the CEOs.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:s.3.57 Tenders for providing goods or services*Local Government (Functions and General) Regulations 1996:*r.21 Limiting who can tender, procedure forr.23 Rejecting and accepting expressions of interest to be acceptable tenderer |
| **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.* | 1. 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].2. 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:** | a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.b. Details of the calling of expressions of interest must be recorded in the appropriate record and in the Tender Register. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*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 delegation also apply to sub-delegation.* | Nil  |
| Compliance Links: | [*Local Government (Functions and General) Regulations 1996*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1753_homepage.html) – prescribe applicable statutory procedures Council Policy CP06 Purchasing Policy |
| Record Keeping: | Records to be kept as per Recordkeeping Plan 2023. |

**Version Control:**

|  |  |
| --- | --- |
| 1 | 21.09.2023 New format  |
| 2 | 30.05.2024 No changes - approved OCM 30.05.2024 |
| 3 | 24.04.2026 No Changes – approved OCM 24.04.2025 |

###

### **Tenders for Goods and Services – Call Tenders**

|  |  |
| --- | --- |
| **Delegator:***Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:***Power that enables a delegation to be made* | *Local Government Act 1995:*s.5.42 Delegation of some powers or duties to the CEOs.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:s.3.57 Tenders for providing goods or services*Local Government (Functions and General) Regulations 1996:*r.11(1), (2) When tenders have to be publicly invitedr.13 Requirements when local government invites tenders though not required to do sor.14 Publicly inviting tenders, requirements 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.* | 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:** | The invitation to tender is to be entered into the Tender Register in the prescribed manner. a. 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 :i. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; orii. a current supply contract expiry is imminent; andiii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, andiv. 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:** | *Local Government Act 1995:*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 delegation also apply to sub-delegation.* |  |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.[*Local Government (Functions and General) Regulations 1996*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1753_homepage.html) – prescribe applicable statutory procedures Council Policy CP06 Purchasing Policy |
| Record Keeping: | Records to be kept as per Recordkeeping Plan 2023. |

**Version Control:**

|  |  |
| --- | --- |
| 1 | 21.09.2023 – new format |
| 2 | 30.05.2024 No Changes - approved OCM 30.05.2024 |
| 3 | 24.04.2026 No Changes – approved OCM 24.04.2025 |

### **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 that enables a delegation to be made* | *Local Government Act 1995:*s.5.42 Delegation of some powers or duties to the CEOs.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:s.3.57 Tenders for providing goods or services*Local Government (Functions and General) Regulations 1996:*r.11(2)(j) Exercising contract extension optionsr.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tendersr.20(1), (2), (3) Variation of requirements before entry into contractr.21A Varying a contract for the supply of goods or services |
| **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.* | 1. Authority to determine whether or not 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: i. The extent to which each tender satisfies the criteria for deciding which tender to accept; andii. To accept the tender that is most advantageous where the total consideration is equal to or less than $500,000 and the resulting contract is equal to or less than the Annual Budget or revised Budget as adopted by Council.[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 into 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 a). vary a contract that has been entered into as the result of a public tender, provided the variation does not change the scope of the original contract (F&G 21A(a)); or b). exercise a renewal or extension option contained in a tender contract (F&G 11(2)(j))..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:** | *.*a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not 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.b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:i. The total consideration is equal to or less than $500,000 and the resulting contract is equal to or less than the Annual Budget or revised Budget as adopted by Council and ii. The tenderer has complied with requirements under F&G r.18(2) and (4).c. 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 comparison to the total goods or services that tenderers where invited to supply.d. A decision to vary a tendered contract after entry into the contract *[F&G r.21A(a)]* must include evidence that the variation is necessary.e. 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 into the extended term.f. The CEO to bring a report to council at the next Ordinary Council meeting after each occasion this delegation is used. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*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 delegation also apply to sub-delegation.* |  |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.[*Local Government (Functions and General) Regulations 1996*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1753_homepage.html) – prescribe applicable statutory procedures Council Policy CP06 Purchasing Policy |
| Record Keeping: | Records to be kept as per Recordkeeping Plan 2023 |

**Version Control:**

|  |  |
| --- | --- |
| 1 | 21.09.2023 – new format/ increase from $50,000 to $250,000 |
| 2 | 30.05.2024 No Changes - approved OCM 30.05.2024 |
| 3 | 24.04.2026 Council Condition change – increase from $250,000 to $500,000 and new condition (f) added – approved OCM 24.04.2025 |

###

### **Tenders for Goods and Services - Exempt Procurement**

|  |  |
| --- | --- |
| **Delegator:***Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:***Power that enables a delegation to be made* | *Local Government Act 1995:*s.5.42 Delegation of some powers or duties to the CEOs.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:s.3.57 Tenders for providing goods or services*Local Government (Functions and General) Regulations 1996:*r.11(2) When tenders have to be publicly invited (*exemptions*) |
| **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.* | 1. 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)].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:** | 1. Tender exempt procurement under F&G.r.11(2) may only be approved where the total consideration is equal to or less than the Annual Budget or the revised Budget as adopted by Council.
2. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences:
3. A detailed specification;
4. The outcomes of market testing of the specification;
5. The reasons why market testing has not met the requirements of the specification;
6. Rationale for why the supply is unique and cannot be sourced through other suppliers; and
7. The expense is included in the adopted Annual Budget.
8. The CEO is to bring a report to council at the next Ordinary Council meeting after each occasion this delegation is used.
 |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:***Appointed by CEO* | **Executive Manager Corporate Services****Executive Manager Operations** |
| **CEO Conditions on this Sub-Delegation:***Conditions on the delegation also apply to sub-delegation.* | a. 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 subject to individual Financial Authority. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.[*Local Government (Functions and General) Regulations 1996*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1753_homepage.html) – prescribe applicable statutory procedures Council Policy CP06 Purchasing Policy |
| Record Keeping: | Records to be kept as per Recordkeeping Plan 2023 |

**Version Control:**

|  |  |
| --- | --- |
| 1 | 21.09.2023 New Delegation |
| 2. | 30.05.2024 No Changes - approved OCM 30.05.2024 |
| 3. | 24.04.2025 New council condition (c) added - approved OCM 24.4.2025 |

### **Panels of Pre-Qualified Suppliers for Goods and Services**

|  |  |
| --- | --- |
| **Delegator:***Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:***Power that enables a delegation to be made* | *Local Government Act 1995:*s.5.42 Delegation of some powers or duties to the CEOs.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government (Functions and General) Regulation 1996*:r.24AB Local government may establish panels of pre-qualified suppliersr.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliersr.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliersr.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers |
| **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.* | 1. Authority to determine that a there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)].2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)].3.. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)].4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)].5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)].6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)].7. Authority to decline to accept any application [F&G r.24AH(5).8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)]. |
| **Council Conditions on this Delegation:** | *.*In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration where the total consideration is equal to or less than $500,000 and the resulting contract is equal to or less than the Annual Budget or revised Budget as adopted by Council.  |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*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 delegation also apply to sub-delegation.* |  |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.[*Local Government (Functions and General) Regulations 1996*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1753_homepage.html) – prescribe applicable statutory procedures Council Policy CP06 Purchasing Policy |
| Record Keeping: | Records to be kept as per Recordkeeping Plan 2023 |

**Version Control:**

|  |  |
| --- | --- |
| 1 | 21.09.2023 New Delegation |
| 2. | 30.05.2024 No Changes - approved OCM 30.05.2024 |
| 3 | 24.04.2025 – Change to council condition – increase from $250,000 to $500,000 |

### **Disposing of Property**

|  |  |
| --- | --- |
| **Delegator:***Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:***Power that enables a delegation to be made* | *Local Government Act 1995:*s.5.42 Delegation of some powers or duties to the CEOs.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:s.3.58(2) & (3) Disposing of Property*Local Government (Functions and General) Regulations 1996:*R.30 Dispositions of property excluded from Act s.3.58 |
| **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.* | 1. Authority to dispose of property to:(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 or not 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)].3. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58:(a) disposal of property (other than land / buildings), where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via Statewide public notice[F&G.r.(2A)(b) disposal of property, other than land / buildings, where the market value is determined as less than $20,000. [F&G r.30(3)(a)](c) disposal of property, other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than $75,000. [F&G.r.30(3)(b)] |
| **Council Conditions on this Delegation:** | *.*a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is requiredb. In accordance with s.5.43, disposal of property, except for Land, for any single project or where not part of a project but part of a single transaction, is limited to a value of less than $250,000.c. When determining the method of disposal:* Where a public auction is determined as the method of disposal:
	+ 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:
	+ 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.
* A disposal under Functions and General Regulations 30(2)(a),(f), (2A) or (3)(a),(b), the disposal method selected must obtain a best value outcome for the Local Government.
* A disposal under Functions and General Regulations 30(2)(d), must be assessed as equitable in context of disposals to other employees of the Local Government.
* Disposal methodology must consider and where practicable demonstrate environmentally responsible outcomes.
 |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*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 delegation also apply to sub-delegation.* |   |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.[*Local Government Act 1995*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_551_homepage.html) – s.3.58 Disposal of Property[*Local Government (Functions and General) Regulations 1995*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1753_homepage.html) – r.30 Dispositions of property excluded from Act s. 3.58 |
| Record Keeping: | Records to be kept as per Recordkeeping Plan 2023 |

**Version Control:**

|  |  |
| --- | --- |
| 1 | 21.09.2023 New Format |
| 2. | 30.11.2023 Council Condition ‘b” value increased from $20,000 to $250,000  |
| 3. | 30.05.2024 No Changes - approved OCM 30.05.2024 |
| 4. | 24.04.2025 No Change – approved OCM 24.04.2025 |

### **Payments from the Municipal or Trust Funds**

|  |  |
| --- | --- |
| **Delegator:***Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:***Power that enables a delegation to be made* | *Local Government Act 1995:*s.5.42 Delegation of some powers or duties to the CEOs.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government (Financial Management) Regulations1996*:r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making |
| **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.* | 1. Authority to make payments from the municipal or trust funds [FM.r.12(1)(a)]. |
| **Council Conditions on this Delegation:** | a. Authority to make payments is subject to annual budget limitations. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:***Appointed by CEO* | **Executive Manager Corporate Services** |
| **CEO Conditions on this Sub-Delegation:***Conditions on the delegation also apply to sub-delegation.* | 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, one of whom must be the CEO or the Executive Manager Corporate Services.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. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.[*Local Government Act 1995*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_551_homepage.html)[*Local Government (Financial Management) Regulations 1996*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1752_homepage.html) - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO’s duties as to etc.[*Local Government (Audit) Regulations 1996*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1748_homepage.html)Department of Local Government, Sport and Cultural Industries [Operational Guideline No.11 – Use of Corporate Credit Cards](https://www.dlgc.wa.gov.au/Publications/Pages/LG-Operational-Guidelines-11.aspx)Department of Local Government, Sport and Cultural Industries: [Accounting Manual](https://www.dlgc.wa.gov.au/Publications/Pages/WA-Local-Government-Accounting-Manual.aspx) |
| Record Keeping: | Records to be kept as per Recordkeeping Plan 2023 |

**Version Control:**

|  |  |
| --- | --- |
| 1 | 21.09.2023 - New Format |
| 2. | 30.05.2024 No Changes - approved OCM 30.05.2024 |
| 3. | 24.04.2025 No Change – approved OCM 24.04.2025 |

###

### **Defer, Grant Discounts, Waive or Write Off Debts**

|  |  |
| --- | --- |
| **Delegator:***Power / Duty assigned in legislation to:* | Local Government |
| **Express Power to Delegate:***Power that enables a delegation to be made* | *Local Government Act 1995:*s.5.42 Delegation of some powers or duties to the CEOs.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:s.6.12 Power to defer, grant discounts, waive or write off debts  |
| **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.* | 1. Waive debt which is owed to the MRC [s.6.12(1)(b)].
2. Grant a discount in relation to MRC’s fees and charges.

 3. Write off an amount of money which is owed to the MRC [s.6.12(1)(c)] |
| **Council Conditions on this Delegation:** | a 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 MRCi) Limited to individual debts valued below $10,000 or cumulative debts of a debtor valued below $10,000. Write off of debts greater than these values must be referred for Council decision.b. Discounts on MRCs fees and charges may only be made to charitable or not for profit community groups/in accordance with Policy CP10. c. Where debts have been waived, these are to be reported in the mid- year review,d. Where discounts on fees and charges have been granted these are to be reported to Council in accordance with CP10. |
| **Express Power to Sub-Delegate:** | *Local Government Act 1995:*s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:***Appointed by CEO* | **Executive Manager Corporate Services to waive fee/provide a discount only.** |
| **CEO Conditions on this Sub-Delegation:***Conditions on the delegation also apply to sub-delegation.* | Executive Manager Corporate Services may waive debts/fees/provide a discount limited to individual values up to $500. |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.Council Policy CP10 |
| Record Keeping: | Records to be kept as per Recordkeeping Plan 2023 |

**Version Control:**

|  |  |
| --- | --- |
| 1 | 21.09.2023 New Format, subdelegate added |
| 2. | 30.05.2024 No Changes - approved OCM 30.05.2024 |
| 3 | 24.04.2025 Minor text change on CEO Condition on Sub-delegation changing the word “below” to “up to” – approved OCM 24.04.2025 |

###

### **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* | *Local Government Act 1995:*s.5.42 Delegation of some powers or duties to the CEOs.5.43 Limitations on delegations to the CEO |
| **Express Power or Duty Delegated:** | *Local Government Act 1995*:s.6.14 Power to invest*Local Government (Financial Management) Regulations 1996*: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.* | 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:** | *.*a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy CP09 - Investments.b. 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.c. 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.d. 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:** | *Local Government Act 1995:*s.5.44 CEO may delegate some powers and duties to other employees |
| **Sub-Delegate/s:***Appointed by CEO* | **Executive Manager Corporate Services** |
| **CEO Conditions on this Sub-Delegation:***Conditions on the delegation also apply to sub-delegation.* | Nil |
| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.[*Local Government (Financial Management) Regulations 1996*](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1752_homepage.html) – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))Council Policy – CP09 - Investments |
| Record Keeping: | Records to be kept as per Recordkeeping Plan 2023 |

**Version Control:**

|  |  |
| --- | --- |
| 1 | 21.09.2023 – New Format |
| 2. | 30.05.2024 No Changes - approved OCM 30.05.2024 |
| 3. | 24.04.2025 No Changes - approved OCM 24.04.2025 |