



MINUTES

ORDINARY COUNCIL MEETING

TIME: 6.30 PM

21 SEPTEMBER 2023

CITY OF VINCENT

*Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo
Towns of Cambridge and Victoria Park*



**MINDARIE REGIONAL COUNCIL
NOTICE OF MEETING**

14 September 2023

Councillors of the Mindarie Regional Council are advised that an Ordinary Meeting of the Council will be held at the City of Vincent at 6.30 pm on 21 September 2023.

The agenda pertaining to the meeting follows.

Your attendance is respectfully requested.



**SCOTT CAIRNS
CHIEF EXECUTIVE OFFICER**

MINDARIE REGIONAL COUNCIL - MEMBERSHIP

Cr P Miles (Paul) - Chair	City of Wanneroo
Cr K Shannon (Keri) – Deputy Chair	Town of Cambridge
Cr A Jacob (Albert)	City of Joondalup
Cr C May (Christopher)	City of Joondalup
Cr L Gobbert, JP (Liam)	City of Perth
Cr C Hatton (Chris)	City of Stirling
Cr E Re (Elizabeth)	City of Stirling
Cr L Thornton (Lisa)	City of Stirling
Cr J Ferrante (Joe)	City of Stirling
Cr A Castle (Alex)	City of Vincent
Cr F Cvitan, JP (Frank)	City of Wanneroo
Cr K Vernon (Karen)	Town of Victoria Park

NB: Although some Councils have nominated alternate members, it is a requirement that a Council carries a specific resolution for each occasion that the alternate member is to act.

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 6.32 pm.

2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Cr P Miles (Paul) - Chair	City of Wanneroo
Cr K Shannon (Keri) – Deputy Chair	Town of Cambridge
Cr A Jacob (Albert) <i>arrived 6.34 pm</i>	City of Joondalup
Cr C May (Christopher)	City of Joondalup
Cr L Gobbert, JP (Liam)	City of Perth
Cr C Hatton (Chris)	City of Stirling
Cr E Re (Elizabeth) <i>arrived 7.20 pm</i>	City of Stirling
Cr L Thornton (Lisa)	City of Stirling
Cr J Ferrante (Joe)	City of Stirling
Cr A Castle (Alex)	City of Vincent
Cr F Cvitan, JP (Frank)	City of Wanneroo
Cr K Vernon (Karen)	Town of Victoria Park

MRC Officers

Mr S Cairns (Chief Executive Officer)
Ms A Arapovic (Finance Manager)
Mr A Griffiths (Project and Procurement Manager)
Ms S Cherico (Human Resources Officer)
Ms D Toward (Executive Assistant)

Apologies

Nil

Approved leave of absence

Nil

Member Council Observers

Mr N Claassen	City of Joondalup
Mr M Pennington	City of Joondalup
Mr G Taylor	City of Perth
Mr A Murphy	City of Stirling
Mr P Varris	City of Vincent
Ms Y Plimbley	City of Vincent
Mr H Singh	City of Wanneroo
Mr J Wong	Town of Victoria Park

3 DECLARATION OF INTEREST

Nil.

4 PUBLIC QUESTION TIME

Nil

5 ANNOUNCEMENT BY THE PRESIDING PERSON

Nil

6 APPLICATION FOR LEAVE OF ABSENCE

Nil

7 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 ORDINARY COUNCIL MEETING – 13 July 2023

The Minutes of the Ordinary Council Meeting held on 13 July 2023 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 13 July 2023 be confirmed as a true record of the proceedings.

Moved Cr May, seconded Cr Gobbert

RESOLVED

**That the recommendation be adopted
(CARRIED UNANIMOUSLY 10/0)**

6.34pm Cr Re entered the Council Chamber

9	CHIEF EXECUTIVE OFFICER REPORTS
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9.1	FINANCIAL STATEMENTS FOR THE MONTHS ENDED 31 JULY 2023 AND 31 AUGUST 2023
Reference:	GF-23-000000019
Appendix(s):	Appendix No. 1, 2 and 3
Date:	13 September 2023
Responsible Officer:	EXECUTIVE MANAGER CORPORATE SERVICES

SUMMARY

The purpose of this report is to provide financial reporting in line with statutory requirements which provides useful information to stakeholders of the Council.

BACKGROUND

Reporting requirements are defined by Financial Management Regulations 34 of the Local Government (Financial Management) Regulations 1996.

The financial statements presented for each month consist of:

- Statement by Comprehensive Income by Nature and Type
- Operating Income Statement by Program
- Statement of Financial Activity
- Statement of Reserves
- Statement of Investing Activities
- Tonnage Report

DETAIL

The Interim Financial Statements for the months ended 31 July 2023 and 31 August 2023 are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the two months up to 31 August 2023 is attached at **Appendix No. 3**.

The complete suite of Financial Statements which includes the Income Operating Statements, Statement of Financial Position, Statement of Financial Activity and other related information are reported on a monthly basis.

The estimates for Provisions for Amortisation of Cell Development, Capping and Post Closure expenditure are based on the estimated rates per tonne calculated with reference to estimated excavation cost of various stages of the landfill and the life of the landfill. An adjustment is made (if necessary) at the end of the year based on actual tonnages on a survey carried out to assess the "air space" remaining and other relevant information.

Summary of results for the year to date period ended 31 August 2023

	YTD Budget	YTD Actual	Variance
	t	t	t
Tonnes – Members	29,578	29,103	(475)
Tonnes – Others	3,443	3,347	(96)
TOTAL TONNES	33,021	32,450	(571)
	\$	\$	\$
Revenue – User Charges	5,207,233	5,082,192	(125,041)
Revenue – Other	1,129,720	1,203,843	74,123
TOTAL REVENUE	6,336,953	6,286,035	(50,918)
EXPENSES	(5,909,920)	(5,488,729)	421,191
NET SURPLUS/(DEFICIT)	427,033	797,306	370,273

Mindarie Regional Council interim financial position for the period ending 31 August 2023 reflects its performance from 1 July 2023 to 31 August 2023. Council's operations have been conducted in line with the adopted budget. As a result of the MRC's 2023-2024 budget adopted at the OCM 13 July, also in line with materiality adopted by the Council, variances below \$50k do not attract comments.

User charges

Total user charges are \$125k below budget to date mainly due to less tonnages received from some of the Member Councils.

Member Councils have delivered 475t below budgeted to the end of August and casual and trade customers have delivered 96t below budgeted.

Other Revenue

A positive variance of \$74k in other revenue is due to the continuation of strong interest rates in cash savings, cash management accounts and term deposits.

Expenses

Total Expenses are \$421k below budget are impacted by timing difference in projects delivery.

The interim net result variance is \$370k or 87% against year to date budget.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Receive the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 July 2023 and 31 August 2023.

Moved Cr Re, seconded Cr Cvitan

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 31 JULY 2023 AND 31 AUGUST 2023
File No:	GF-23-000019
Appendix(s):	Appendix No. 4 and 5
Date:	12 SEPTEMBER 2023
Responsible Officer:	Executive Manager Corporate Services

SUMMARY

The purpose of this report is to provide details of payments made during the periods identified above. This is in line with the requirement under the delegated authority to the Chief Executive Officer (CEO), that a list of payments made from the Municipal Fund since the last Ordinary Council meeting be presented to Council.

COMMENT

The lists of payments for the months ended 31 July 2023 and 31 August 2023 is at **Appendix 4 and 5** to this Item and presented to Council for noting. Payments have been made in accordance with the delegated authority to the CEO which allows payments to be made between meetings. At the Ordinary Council Meeting held on 29 September 2022, the Council delegated to the CEO the exercise of its power to make payments from the Municipal Fund. In order to satisfy the requirements of Clause 13(2) of the Local Government (Financial Management) Regulations, a list of payments made must be submitted to the next Council meeting following such payments.

It should be noted that generally all payments are GST inclusive and the Mindarie Regional Council is able to claim this tax as an input credit when GST remittances are made each month to the Australian Tax Office.

Months Ended	Account	Vouchers	Amount
31 July 2023	General Municipal	Cheques	\$600.00
		EFT	\$4,439,001.73
		DP	\$332,884.50
		Inter account transfers	\$0.00
		Total	\$4,772,486.23
31 August 2023	General Municipal	Cheques	\$2,379.80
		EFT	\$1,168,082.85
		DP	\$5,320,621.99
		Inter account transfers	\$0.00
		Total	\$6,491,084.64

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 July 2023 and 31 August 2023.

Moved Cr Thornton, seconded Cr Ferrante

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

9.3	REVIEW OF COUNCIL POLICIES AND DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER
File No:	GF-22-0000165
Attachment(s):	Attachment 1 – Summary of changes to the Register of Delegations 2022 Attachment 2 – Proposed Register of Delegations 2023
Appendix(s):	Appendix 6 - Council Policies – clean copy Appendix 7 - Council Policies – tracked changes
Date:	06 September 2023
Responsible Officer:	Chief Executive Officer

SUMMARY

The report seeks endorsement of the review undertaken by the Chief Executive Officer (CEO) on the current Council Policies and Delegations to the CEO.

BACKGROUND

Section 5.46 of the *Local Government Act 1995* (the Act) requires that at least once every financial year, delegations are to be reviewed by the Council.

Council are asked to endorse the Delegations Register and Council Policies to ensure they are operating effectively, providing for efficient and timely administrative decisions and services relating to discretionary decisions the Council has the ability to make by virtue of the Act and other statutes.

DETAIL

The 2023 annual review of the Register of Delegations and Council Policies was undertaken to determine:

- the appropriateness of existing delegations and Council Policies
- whether to amend or remove any delegations and/or Council Policies
- the need for any additional delegations and/or Council Policies

The MRCs Register of Delegations 2022 was reviewed against the 'WALGA Decision Making – Template Delegation Register' which encompasses various subjects and functions applicable to Local Government. However, since the MRC exclusively focuses on waste management, a substantial number of delegations within the template register do not apply to the MRC.

The annual review of Delegations and Policies identified a number of changes as follows:

Delegations:

- A revised layout for each instrument of delegation, based on the 'WALGA Decision Making –Template Delegation Register'.
- Improvements to the wording and referencing of individual delegations.
- Removal of Delegations can be found at Attachment 1, page 16 of this report.
- New Delegations, as follows:
 - 1.1.2 Expressions of Interest for Goods and Services
 - 1.1.5 Tenders for Goods and Services – Exempt Procurement
 - 1.1.6 Panels of Pre-Qualified Suppliers for Goods and Services

Details of the new and updated delegations can be found at Attachment 2, page 18 of this report.

Policies:

- Proposed amendments to Council Policies as detailed below
- New Council Policy CP23 Conducting Electronic Meetings and Attendance by Electronic Means
- New Council Policy CP24 Fraud and Misconduct Control and Resilience

Other than minor wording or formatting changes, a summary of the proposed changes can be found below, together with the clean and tracked changed Council Policies located in the Appendices bundle, Appendices 6 and 7.

CP01 – Annual Fees, Allowances and Expenses for Councillors

- LG Allowances updated

CP02 – Affixing of the Common Seal

- No change

CP03 – Councillor Arrangements when attending an Overseas/Interstate/Intrastate Conference

- Clarity on Conference Arrangements inside and outside of the Perth Metropolitan area.

CP04 – Employee Arrangements when attending an Overseas/Interstate/Intrastate Conference

- Clarity on Conference Arrangements inside and outside of the Perth Metropolitan area.

CP06 - Purchasing

- New title 'Purchasing' formerly called 'Purchase of Goods and Services'
- Revised layout and content of policy to align more closely with the WALGA Purchasing Policy template.
- Purchasing threshold changes:
 - Up to \$1,999, changed to up to \$5,000
 - \$2,000 to \$4999, changed to \$5,001 to \$20,000
 - \$5,000 to \$69,999, changed to \$20,001 to \$70,000
 - \$70,000 to \$249,999, changed to \$70,001 to 250,000

CP08 - Provision and Use of Council Vehicles

- Additional text to incorporate environmental factors and alignment to the Asset Management Plan (AMP).
- New section added 'employee responsibilities'
- Tables removed - not required as vehicle replacement is approved by Council in the Annual Budget.

CP09 - Investments

- Additional text to align with the *Local Government (Financial Management) Regulations 1996*.

CP10 – Donations – Financial Assistance/Support

- Improved wording to provide clarity that donations cover tipping fees only (no monetary donations).

CP11 – Use of Corporate Credit Cards

- Review to incorporate additional controls and fraud protection.

CP12 – Gate Fee Setting

- Removed Point 3 to reflect the Council Resolution of 2005/06 which approved the on-going strategy of deferred payment of operational surplus for the FY 2005/06 and future years in accordance with the Financial Precepts.

CP13 – Budget Variance Reporting Threshold

- Budget Variance reporting is covered under the *Local Government (Financial Management) Regulations 1996* and therefore it is proposed the Policy is removed.

CP14 – Acting Chief Executive Officer Appointment

- No change

CP15 – Employer/Employee Matching Community Contributions

- No change

CP16 – Legal Representation for Mindarie Regional Council Elected Members, Committee Members, Committee Members and Employees

- No change

CP17 – Continuing professional development for Council Members

- No change

CP18 - IT Policy

- No change

CP19 – Recordkeeping Policy

- No change

CP20 - Attendance at Events Policy

- No change
-

CP21 - Payments to Employees upon cessation of Employment

- No change

CP22 - MRC Councillors' Communication Policy

- New Policy

CP23 Conducting Electronic Meetings and Attendance by Electronic Means

- New Policy

CP24 – Fraud and Misconduct Control and Resilience

- New Policy

EP01 – Environmental Policy

- No change

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

The following extracts from the Act relate to Council's obligations in the areas of policy development and delegations to the CEO.

2.7. *Role of Council*

(1) *The Council —*

- (a) governs the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the Council is to —*

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

5.42. *Delegation of some powers and duties to CEO*

(1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

- (a) this Act other than those referred to in section 5.43; or*
- (b) the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

5.43. *Limits on delegations to CEO*

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;*
 - (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
 - (c) appointing an auditor;*
-

- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A (4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed."*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Local Government Allowance increases detailed in CP01 Annual Fees, Allowances and Expenses for Councillors are accounted for in the Budget.

STRATEGIC COMMUNITY PLAN

Strategic Community Plan 2023 -2032	
OBJECTIVE 3	Deliver best practice governance processes and structures
Action	Ensure compliance with all legislative, probity, and regulatory requirements
This report is required by legislation to ensure that the Council has the opportunity to review its current policies and the delegations it has provided to the Chief Executive Officer thus maintaining the relevance of the documents.	

COMMENT

The MRC is to keep a register of the delegations made and review the delegations at least once every financial year.

The MRC plans to move the annual review of Delegations and Council Policies to April 2024 to align more closely to the budget development process, and the April schedule will be maintained for the future.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. Endorses the changes to Council Policies as contained in Appendix 6 and 7 of this report.
2. Endorses the delegations made to the Chief Executive Officer as detailed in Attachment 2 of this report.

Moved Cr May, seconded Cr Cvitan

Amendment

Moved Cr Castle, Seconded Cr Cvitan

1. Add the following words at the end of point number 1. 'Subject to a further review of CP23 Conducting electronic meetings and attendance by electronic means'.
2. Add the following words at the end of point number 2. 'Subject to a further review of delegation 1.2.'

(CARRIED UNANIMOUSLY 11/0)

Substantive Motion as Amended

1. Endorses the changes to Council Policies as contained in Appendix 6 and 7 of this report, subject to a further review of CP23 'Conducting electronic meetings and attendance by electronic means'
2. Endorses the delegations made to the Chief Executive Officer as detailed in Attachment 2 of this report, subject to a further review of delegation 1.2.

(CARRIED UNANIMOUSLY 11/0)

Attachment 1

2022 Mindarie Regional Council – Delegations of Authority Register – REVIEW

1. GOVERNANCE

No.	Reference	Delegation	Outcome of Review: REMOVED or RETAINED	Reasons
1.1	LG Act 1995 s.9.10	Appoint persons or classes of persons to be authorised for the purpose of performing a particular function.	RETAINED	New layout and renumbered, Delegation Number 1.1.1
1.2	LG Act 1995 s.5.42	<i>Appoint an employee of the MRC to the position of Acting CEO where the CEO is unable or expected to be unable by reason of illness, temporary absence from WA, or any other reason, to perform the function of the position.</i>	REMOVED	<i>In line with the WALGA template, it is proposed to remove as it is not required. LG Act 1995, s5.39C negates the need for this delegation. Council Policy CP14 covers the appointment of an employee to act in the position of CEO.</i>

1. FINANCE

2.1	LG (Functions and General) Regulations 1996 Reg. 11A	Approve requisitions and purchase orders for the supply of goods and services	REMOVED	Covered by a separate Delegation from the CEO to Staff
2.2	LG (Finance Management Regulations) 1996 Reg. 8	Open and close bank accounts, access accounts electronically and transfer funds electronically	REMOVED	Covered by a separate Delegation from the CEO to Staff
2.3	LG (Financial Management Regulations) 1996. Reg. 11, 12 and 13.	Approved and make payment of accounts	RETAINED	New layout and renumbered, Delegation Number 1.1.7
2.4	LG (Financial Management Regulations) 1996. Reg. 34 (1) (a)	Prepare monthly financial reports	REMOVED	Covered by a separate Delegation from the CEO to Staff
2.5	LG Act s.6.14	Invest funds surplus to the immediate needs of the Council	RETAINED	New layout and renumbered, Delegation Number 1.1.9
2.6	LG Act s.6.12	Waive fees and write off debts	RETAINED	New layout and renumbered, Delegation Number 1.1.6
2.7	LG Act s.3.57	Seek Expressions of Interest and/or call tenders for goods or services	RETAINED	New layout and renumbered, Delegation Number 1.1.4

2.8	LG (Functions and General) Reg. 14 (2a) and 20	Vary contracts up to \$50,000 or 10% of the contract value, whichever is the lesser.	RETAINED	New layout and renumbered, Delegation Number 1.1.3 Value of \$50,000 replaced with 10% up to a maximum of \$250,000
2.9	LG Act s.3.58 (5) and LG Functions and General) Reg. 30(3)	Dispose, which includes writing off, of property (assets)	RETAINED	Retained in new layout and renumbered, Delegation Number 1.1.8

ATTACHMENT 2

2023 PROPOSED DELEGATION REGISTER – COUNCIL TO CEO



DELEGATION REGISTER

September 2023

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1 Local Government Act 1995 Delegations

1.1 Council to CEO

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

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.3.24 Authorising persons s.9.24 Prosecutions
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i>	Authority to authorise 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:	<ul style="list-style-type: none"> 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:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

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
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1.1.2 Expressions of Interest for Goods and Services

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> 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>	<ol style="list-style-type: none"> 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:	<ol style="list-style-type: none"> 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:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Nil
Compliance Links:	Local Government (Functions and General) Regulations 1996 – 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
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1.1.3 Tenders for Goods and Services – Call Tenders

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> 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>The invitation to tender is to be entered into the Tender Register in the prescribed manner.</p> <ol style="list-style-type: none"> 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 : <ol style="list-style-type: none"> i. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or ii. a current supply contract expiry is imminent; and iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: <i>Appointed by CEO</i>	Nil

<p>CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i></p>	
<p>Compliance Links:</p>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>Council Policy CP06 Purchasing Policy</p>
<p>Record Keeping:</p>	<p>Records to be kept as per Recordkeeping Plan 2023.</p>

Version Control:

1	21.09.2023 – new format
2	
3	

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

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> 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 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: <ol style="list-style-type: none"> i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. 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 <u>OR</u> 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 <u>before</u> 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 <u>OR</u> 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, <u>after</u> 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 \$250,000 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:	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> i. The total consideration under the resulting contract is \$250,000 or less; ii. The expense is included in the adopted Annual Budget; and iii. The tenderer has complied with requirements under F&G r.18(2) and (4). c. A decision to vary a tendered contract <u>before</u> 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 were invited to supply. d. A decision to vary a tendered contract <u>after</u> entry into the contract [F&G r.21A(a)] must include evidence that the variation is necessary and does not change the scope of the contract. 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.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	
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 – 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	
3	

1.1.5 Tenders for Goods and Services - Exempt Procurement

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> 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>	<ol style="list-style-type: none"> 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:	<ol style="list-style-type: none"> a. Tender exempt procurement under F&G.r.11(2) may only be approved where the total consideration under the resulting contract is equal to or less than \$250,000 in value and a sufficient budget allocation is included in the adopted Annual Budget b. Tender exempt procurement under F&G.r.11(2) may be approved for petrol, oil, or other liquid or gas used for internal combustion engines, regardless of value and a sufficient budget allocation is included in the adopted Annual Budget. c. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences: <ol style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and v. The expense is included in the adopted Annual Budget. d. Where the total consideration of a Tender Exempt procurement contract exceeds the \$250,000 delegated above, the decision is to be referred to Council.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services Executive Manager Operations
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	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.
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 – 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
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1.1.6 Panels of Pre-Qualified Suppliers for Goods and Services

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 (Functions and General) Regulation 1996:</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
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 that 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 under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	
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 – 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
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1.1.7 Disposing of Property

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.3.58(2) & (3) Disposing of Property <i>Local Government (Functions and General) Regulations 1996:</i> R.30 Dispositions of property excluded from Act s.3.58
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 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: <ol style="list-style-type: none"> (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:	<ol style="list-style-type: none"> 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 required b. 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 value of less than \$20,000. c. 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.

	<ul style="list-style-type: none"> ○ 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. • 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:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	
Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995 – s.3.58 Disposal of Property</p> <p>Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58</p>
Record Keeping:	Records to be kept as per Recordkeeping Plan 2023

Version Control:

1	21.09.2023 New Format
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1.1.8 Payments from the Municipal or Trust Funds

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

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</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, 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 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:	Records to be kept as per Recordkeeping Plan 2023

Version Control:

1	21.09.2023 - New Format
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1.1.9 Defer, Grant Discounts, Waive or Write Off Debts

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.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 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:	<ol style="list-style-type: none"> 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 MRC <ol style="list-style-type: none"> i) 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:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services to waive fee/provide a discount only.
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	Executive Manager Corporate Services may waive fees/provide a discount in accordance with Council Policy CP10.
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
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1.1.10 Power to Invest and Manage Investments

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.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures 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 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"> 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:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	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 – 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
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10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 78

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 78 be received.

Moved Cr Gobbert, seconded Cr Cvitan

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Date of submission	25 August 2023
Meeting date	21 September 2023
Item title	NOTICE OF MOTION – CR PAUL MILES – MRC CLASSIFICATION TO BAND 2.
Name of Councillor	Chair, Councillor Paul Miles
Notice of motion	
That Council:	
<ol style="list-style-type: none">1. REQUESTS the Chief Executive Officer to undertake a review of the MRC's current band classification, addressing the justification for a proposed reclassification from a band 3 to a band 2 Regional Council.2. REQUESTS the Chief Executive Officer to write to the Department of Local Government to seek clarification on the procedural steps necessary to request a band reclassification.3. REQUESTS that the Chief Executive Officer presents a report on this subject to Council on 30 November 2023.	

Reason for Motion

The purpose of this Notice of Motion is to formally request the CEO to present a comprehensive report to Council. The report will focus on an evaluation of the MRC's band classification to determine whether sufficient grounds exist to warrant a submission to the Salaries and Allowances Tribunal (SAT) for a reclassification of the MRC from Band 3 to Band 2.

The SAT determines annually the band classification for all local governments in Western Australia, the fees, expenses and allowances to be paid to council members and the total reward package range for CEOs.

When a number of relevant variables are considered and then compared with the other Regional Local Governments in the Perth Metropolitan Area who deliver waste management services, the MRC's current classification appears inconsistent, as does a comparison with Catalina Regional Council (previously Tamala Park Regional Council). See table 1, below:

Table 1: Perth Metropolitan Area Regional Local Government Comparison

Council	Band	Services Delivered	Population Served (approx.)	Assets	Revenue
Catalina Regional Council (CRC)	2	Land Development	0	\$27M	\$0.9M
Eastern Metropolitan Regional Council (EMRC)	2	Waste Management	290,000	\$207M	\$45M
Mindarie Regional Council	3	Waste Management	750,000	\$151M	\$39M
Resource Recovery Group (RRG)	2	Waste Management	150,000	\$38M	\$19M
Rivers Regional Council (RRC)	3	Waste Management	440,000	\$0.35M	\$0.003M
Western Metropolitan Regional Council (WMRC)	4	Waste Management	45,000	\$1.5M	\$8M

The details above highlight that the MRC provides services which cover a population that is approximately 170% of the combined total of both the current Band 2 regional councils (EMRC and RRG) combined but is classed itself as Band 3. The MRC's financial size is also comparable with EMRC and demonstrably greater than RRG.

The activities delivered by the MRC are similar to those delivered by both the EMRC and RRG, and is arguably of both greater operational and financial complexity than those undertaken by CRC, which is currently also classed as Band 2. The CRC also does not deliver frontline services to any residents and employs only four persons.

Lately, the MRC has encountered difficulties in attracting high performing people due to limitations in salary offerings. Given the imperative of recruitment, staff retention and ensuring succession planning, in conjunction with the significant ongoing projects concerning Waste to Energy, FOGO and the Post Closure Management Plan, etc. it is proposed that a review of the MRC's band classification should be undertaken, and a report presented to Council for further consideration.

Officer response to Notice of Motion

Responsible officer	Chief Executive Officer
Voting requirement	Simple Majority

Officer comment:

- Administration supports the Notice of Motion
- Sufficient capacity exists to deliver the proposed recommendations within the timescale suggested.

Moved Cr Miles, seconded Cr Shannon

RESOLVED

That the motion be adopted

(CARRIED UNANIMOUSLY 11/0)

12 URGENT BUSINESS

Nil

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

In accordance with clause 10.1(h) of the Mindarie Regional Council Meeting Procedures Local Law 2020 and s5.23 of the Local Government Act 1995, the Chair requests the Council to meet "behind closed doors" to allow the Council to consider items 14.1 and 14.2 as the items are of a confidential nature.

No member of the public were present in the gallery.

Moved Cr Shannon, seconded Cr Castle

Procedural Motion

1. Closes the meeting to the members of the public at 7.10pm to consider items 14.1 and 14.2 in accordance with Section 5.23 of the *Local Government Act 1995*.
2. For item 14.1: Permits the MRC Chief Executive Officer, MRC staff and member council CEOs and officers seated in the gallery to remain in the Chamber during the discussion for item 14.1.
3. Permits the HR Officer and Executive Assistant to remain in the Chambers for item 14.2.

(CARRIED UNANIMOUSLY 11/0)

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

This Report is Confidential and dealt with in a Confidential Session, under section 5.23 (2) (c) of *The Local Government Act 1995* as the report deals with a where a contract may be entered into

14.1 MEMBER COUNCIL WASTE DISPOSAL REQUIREMENTS/EXEMPTIONS

File No: GF-23-0003162

Attachment(s): CONSTITUTION AGREEMENT (AS AMENDED)

Date: 27 July 2023

Responsible Officer: Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION:

That Council:

1. Authorise the Mindarie Regional Council's constituent municipalities, being the Cities of Joondalup, Perth, Stirling, Vincent and Wanneroo and the Towns of Cambridge and Victoria Park, to be exempt from the provision of clause 4.A1 of the Constitution Agreement subject to the MRC no longer accepting constituent municipalities' kerbside waste at the Tamala Park Waste Management Facility.
2. Note that the date at which the exemption discussed in 1, above, will be determined by the MRC at a later date.
3. Request the MRC CEO to provide 12 months' written notice to constituent municipalities of the estimated date that the Tamala Park Waste Management Facility expects to no longer accept the constituent municipalities' kerbside waste.

RESPONSIBLE OFFICE RECOMMENDATION

Moved Cr Hatton, seconded Cr Shannon

Cr Jacob entered at 7.20 pm

RESOLVED

That the recommendation be adopted
(CARRIED UNANIMOUSLY 12/0)

At 7.25pm Member Council Officers seated in the gallery, the MRC CEO and MRC Manager Projects and Procurement, left the meeting.

The MRC HR Officer and Executive Assistant remained present during the discussion for item 14.2.

This Report is Confidential and dealt with in a Confidential Session, under section 5.23 (2) (a) of <i>The Local Government Act 1995</i> as the report deals with a matter affecting an employee	
14.2	CEO RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE – CONSIDERATION OF COMMITTEE’S RECOMMENDATIONS
File No:	GF-23-0000103
Attachment(s):	Attachment 1. MRC CEO Performance Review Report 2022/2023
Date:	11 September 2023
Responsible Officer:	Human Resources Manager

COMMITTEE RECOMMENDATION:

That Council:

1. Notes that the appraisal of Scott Cairns, Chief Executive Officer, has been undertaken for the period 1 July 2022 to 30 June 2023.
2. Endorses the findings of the MRC CEO Performance Review Report 2022/23 as per Confidential Attachment 1.
3. Reviews the CEO’s Total Remuneration Package for 2023/24 and endorses the adjustment to the CEO’s total reward package as specified in Confidential Attachment 1.
4. Approves the 2023/24 CEO Key Performance Indicators as specified in Confidential Attachment 1.

Moved Cr Vernon, seconded Cr Hatton

Meeting Note:

The Chair directed that point 3 be voted upon separately after points 1, 2 and 4.

Points 1, 2 and 4 were put:

That Council:

1. **Notes that the appraisal of Scott Cairns, Chief Executive Officer, has been undertaken for the period 1 July 2022 to 30 June 2023.**
2. **Endorses the findings of the MRC CEO Performance Review Report 2022/23 as per Confidential Attachment 1.**
4. **Approves the 2023/24 CEO Key Performance Indicators as specified in Confidential Attachment 1.**

(CARRIED UNANIMOUSLY 12/0)

Point 3 was put:

That Council:

3. Reviews the CEO's Total Remuneration Package for 2023/24 and endorses the adjustment to the CEO's total reward package as specified in Confidential Attachment 1.
(CARRIED by majority 9/3)

For: Crs Castle, Cvitan, Ferrante, Hatton, Miles, Re, Shannon, Thornton and Vernon

Against: Crs Gobbert, Jacob and May

Moved Cr Miles, seconded Cr Hatton

Procedural Motion:

That Council:

- **Reopen the meeting to members of the public at 8.30 pm**

To re-open the meeting to the public

(CARRIED UNANIMOUSLY 12/0)

Doors re-opened at 7.38 pm, the Chair declared the meeting re-opened. There were no members of the public present. The Chair read out the resolutions passed behind closed doors.

15 NEXT MEETING

The next Ordinary Council meeting is to be held on Thursday 30 November 2023 at the Town of Victoria Park commencing at 6.30 pm.

16 CLOSURE

The Chair closed the meeting at 7.40 pm and thanked the City of Vincent for their hospitality and use of their meeting facilities.

Signed  Chair

Dated 30 day of NOVEMBER 2023