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01	CEO	Adoption Ref: OCM 17/07/2012 Report Item 1.4	17/07/2012
02	CEO	Adoption Ref: OCM 18/09/2012 Report Item 1.1.	18/09/2012
03	CEO	Amended – Delegations: Titled: <ul style="list-style-type: none"> • Land Administration - Closing Certain Thoroughfares to Vehicles (period exceeding 4 Weeks) • Land Administration - Matters Relating to Crown Reserve • Land Administration - Infrastructure Management - Traffic Management Treatments • New – Delegations: Titled: • Land Administration - Road Dedications and Closures • Land Administration - Land Resumption 	19/03/2013
04	ED (Corporate Services)	Adoption Ref: OCM 16/04/2013 Item 4.5 Amended – Delegation: Titled: <i>Property Management – Matters Relating to Leases and Licences</i>	16/04/2013
05	ED (Planning & Development)	Adoption Ref: OCM 18/06/2013 Item 2.9 New – Delegation: Titled: <i>Authority to Approve Development Applications with Minor Variation to Policies.</i>	16/04/2013
06	Manager (Governance & Risk)	Administrative Amendments: <ul style="list-style-type: none"> • Changes to position titles and formatting under delegated authority. 	26/07/2013

Document Revision History (continued)			
Version	Author	Version Description	Date Completed
6.1	Manager (Governance & Risk)	Fully reviewed by Executive Management Team. This version prepared for review by Corporate Services & Finance Committee. Amendments made: <ul style="list-style-type: none"> • Consolidation of existing delegations, removing duplication, from 156 pages to 46 pages. • Change of titles • Compensation for damage to property increased from \$5,000 to \$10,000. • Disposal of plant and equipment increased from \$500 to \$1000. • Amendment to Municipal Fund spending limits. • Power to invest reference to updated Council Policy positions. • Deletion of Approve Design Project delegation. • Deletion of Appoint and Instruct Consultants and Contractors delegation. • Updated Liquor Licensing and Control conditions to reference Local Planning Scheme 1 (LPS1). • Updated Procurement of Goods and Service delegation to reference revised Procurement Policy. • Updated Property Management (Leasing) delegation. • Updated Domestic Animal Control to include Cat Act 2011. • New delegation - Infrastructure: Wet Weather Road Closure. • Updated Planning Delegations to reference new LPS1, with refined conditions for authorisation. 	05/06/2014
6.2	Manager (Governance & Risk)	Amendments made to: <ul style="list-style-type: none"> • Environmental Protection (Noise & Dumping), update of legislative reference. • Minor administration changes throughout document (formatting, grammar, structure). 	09/06/2014
6.3	Corporate Services & Finance Committee	Reviewed by CSF Committee: Amendments made to: <ul style="list-style-type: none"> • 2014:034 – Level 7 limited to \$350,000. • 2014: 020 – Refined wording: Defined limit to category level. 	10/06/2014
6.4	Manager (Governance & Risk)	Adoption Ref: OCM 24/06/2014 Report Item CSF094	25/06/2014
6.5	Manager (Governance & Risk)	Amendment: Delegation 2014:008.Condition: Being: (a) Authority item (1). Making decision on behalf of Council is limited to the Executive Level employees.	26/06/2014
6.6	Manager (Governance & Risk)	Amendment: Delegation 2014:033A: Senior Planning Officer (2)(3) Planning Officer (2)(3) Delegation 2014:034A: Level 1 – Executive Director, Manager Planning Services, Level 2 - Designated Senior Planning Officers Level 3 – Designated Planning Officers Level 4 - Designated Planning Officers, Designated Planning Technical Officer Level 5 – Designated Planning Technical Officers Level 6 – Designated Planning Technical Officers Level 3 & 4 Conditions.	30/06/2014

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LOCAL GOVERNMENT ACT 1995:

CORPORATE DOCUMENTS & BRANDING

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Approve the use of the City of Albany Crest and Corporate Logos.
- (2) Update Council adopted guidelines, procedures and processes.
- (3) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Minor administrative amendments can be made to Council adopted policies, if authorised by the Chief Executive Officer.
- (b) On effecting the amendment a copy of the updated policy is to be distributed to all elected members.

Note: It is the role of Council to determine the local government's policies.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - General Manager - Business and Economic Development (All)
 - Manager Governance & Risk Management (2)
 - Communications Manager (1)
- Executive Director Planning & Development(All)
- Executive Director Works & Services (All)
- Executive Director Community Services (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s2.7 (Role of council) (2)(b)
 - s3.1 (General function)
 - s5.41(Functions of CEO)

Policy Position:

- Council Policy: Corporate Document Policy

Remarks:

23/04/2015. CEO Authorisation amendment/condition, being:

(a) Minor administrative amendments can be made to Council adopted policies, if authorised by the Chief Executive Officer.

(b) On effecting the amendment a copy of the updated policy is to be distributed to all elected members.

Note: (1) It is the role of Council to determine the local government's policies.

LOCAL GOVERNMENT ACT 1995:

PUBLIC RELATIONS, MEDIA RELEASES & MAKE COMMENT TO MEDIA

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Represent the City of Albany on external committees and working groups and make operational decisions on behalf of the City.*
- (2) Prepare, produce and distribute City information, media releases, publications and make comment, with the condition that comment is limited to matters relating to functions of the CEO, defined by the Act. *
- (3) Authorise persons to administer any or all of the above functions.

*Delegated by Council.

Conditions: Nil

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Communications Manager (All)
- Executive Director Planning & Development (All)
- Executive Director Works & Services (All)
- Executive Director Community Services (All)

*Any officer delegated by the Chief Executive Officer or an Executive Director.

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995 s5.41 (Functions of CEO) (d)&(f)

Remarks:

26/06/2014. CEO Authorisation amendment/condition, being: (a) Authority item (1). Making decision on behalf of Council is limited to the Executive Level employees.

23/04/2015. CEO Authorisation amendment/condition, being: Represent the City of Albany on external committees and working groups and make operational decisions on behalf of the City.

LOCAL GOVERNMENT ACT 1995:

POWER TO REMOVE, IMPOUND & DISPOSE PROPERTY

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Dispose Surplus Plant, Equipment and Material.
- (2) Sell or otherwise dispose:
 - (a) any goods that have been confiscated subject to s3.47(1) of the Act;
 - (b) impounded goods that have not been collected within the period specified in s3.42(1)(b), s3.47(2b) or s3.44 of the Act;
 - (c) any vehicle that has not been collected within two months of a notice having been given under s3.40(3) or seven days of declaration being made that a vehicle is an abandoned vehicle wreck; and
 - (d) artworks, not exceeding \$5,000.
- (3) Determine that court action be taken to recover impounding expenses in accordance with s3.48 of the Act.
- (4) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Authority item (1): Subject to the CEO providing Elected Members with two weeks written notice with any intention to do so:
 - (i) The CEO may either proceed with such a sale or if appropriate instead donate the property available for sale to suitable not for profit community groups or Schools;
 - (ii) In the absence of any sale being made, it shall be at the absolute discretion of the CEO to dispose of any surplus goods, plant and equipment in any manner thought fit by the CEO.
 - (iii) All goods, plant and equipment with an estimated market value above \$1000 should be:
 - Advertised for sale in a local newspaper; or
 - Sold by public auction; or
 - Offered for sale by public tender.
 - (iv) All goods, plant and equipment with an estimated market value of \$1000 or less shall be:
 - Advertised for sale in an email or notice sent to all staff; or
 - Offered for sale by seeking bids from staff with a one week closing date for bids to be lodged with the CEO.
- (b) The team that administers the impounding cannot administer the disposal.
- (c) The CEO shall approve any legal Action and sign any legal documents.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - General Manager - Business and Economic (3)
 - Manager Tourism Development & Services(3) Condition: c(ii) only. (2d)
- Executive Director Works & Services (All)
 - Manager City Operations (1)
- Executive Director Community Services (All)
 - Manager Cultural & Community Development(2d)
- Executive Director Planning & Development (All)
 - Manager Ranger & Emergency Services (2a,b,c)(3)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s3.39 (Power to remove and impound)
 - s3.40 (Vehicle may be removed if goods to be impounded are in or on vehicle)
 - s3.40A (Abandoned vehicle wreck may be taken)
 - s3.43 (Impounded non-perishable goods, court may confiscate)
 - s3.47 (Confiscated or uncollected goods, disposal of)
 - s3.48 (Impounding expenses, recovery of)
 - s3.58 (Disposing of property)

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995:

APPOINTMENT OF AN ACTING CEO, STAFFING, HR MANAGEMENT

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Appoint an Acting Chief Executive Officer for a period of less than 6 weeks.
- (2) Determine an organisational structure.

CEO FUNCTION: Authority to:

- (3) Appoint and dismiss employees.
- (4) Undertake executive functions relating to provision of services and/or facilities.
- (5) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Funding being available in the City's Annual Budget.
- (b) Structure changes must be approved by the relevant Executive Director.
- (c) Appointment and dismissal of:
 - (i) permanent employees; and
 - (ii) casual employees:must be conducted in consultation with Manager Human Resource and/or delegate.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Human Resources (3)
 - General Manager - Business and Economic Development (3)
 - Manager Tourism Development & Services(3) Condition: c(ii) only.
- Executive Director Works & Services (3)
 - Manager City Operations (3) Condition: c(ii) only.
 - Manager City Engineering (3) Condition: c(ii) only.
- Executive Director Planning & Development (3)
- Executive Director Community Services (3)
 - Manager Cultural and Community Development (3) Condition: c(ii) only.
 - Manager Albany Leisure & Aquatic Centre (3) Condition: c(ii) only.
 - Manager Recreation Services(3) Condition: c(ii) only.
 - Manager Library Services(3) Condition: c(ii) only.

- Local Government Act 1995:
 - s3.1 (General Function)
 - s3.18 (Performing Executive Functions)
 - s3.21 (Duties when performing functions)
 - s5.2 (Administration of local governments)
 - s5.36 (Local government employees)
 - s5.39 (Contracts for CEO and senior employees) - (1a)(a)
 - s5.41 (Functions of CEO)
 - s5.42(Delegation of some powers and duties to CEO)

Remarks:

23/04/2015. Amendment made to reflect change of titles, roles and reporting lines:

- *Manager Human Resources (3)*
- *General Manager - Business and Economic Development (3)*
 - *Manager Tourism Development & Services(3),*
 - Condition: c(ii) only.*

LOCAL GOVERNMENT ACT 1995:

COMMON SEAL, DEEDS, AGREEMENTS, & SIGN DOCUMENTS ON BEHALF OF THE CITY OF ALBANY

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Execute a document on behalf of the City where there is a requirement for the document to be executed as a deed, pursuant to s9.49A(5) of the Act;
- (2) Affix the Council's Common Seal to documents, pursuant to s9.49A(2) of the Act; and
- (3) Sign documents on behalf of the local government for all matters arising under delegated authority given by the Council under s5.42 and s9.49A(4) of the Act and generally as is necessary or appropriate in reasonably carrying out his or her function under the Act or under any written law.

Conditions:

- (a) Power to sub-delegate: In accordance with Section 5.43(ha) of the Act the Chief Executive Officer, Deputy Chief Executive Officer or Acting Chief Executive Officer, appointed in writing, is NOT authorised to delegate this function;
- (b) Compliance with Council Policy: Use of Common Seal Policy.

Designated/Authorised Officers:

- Mayor (All)
- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s2.5 (Local governments created as bodies corporate)
 - s5.42 (Delegation of some powers and duties to CEO)
 - s5.43 (Limits on delegations to CEO)(ha)
 - s9.49A (Execution of documents) (2)(4)(5)
- Local Government (Functions and General) Regulations 1996:
 - r.34 (Common seal, unauthorised use of)
- Fire and Emergency Services Authority of Western Australia Act 1998:
 - Part 6A — Emergency services levy, Division 9 — ESL agreements
 - s36ZJ (ESL agreement, nature of etc.)
 - s36ZK (Part 6A modified for ESL agreement (Sch. 1A))
- Rates and Charges (Rebates and Deferments) Act 1992:
 - s.16 (Claims by administrative authorities)

Policy Position:

- Council Policy: Use of Common Seal Policy

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995:

DEALING WITH AN OBJECTION, EXTENSION OF TIME, SUSPENDING A DECISION

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority:

- (1) Administer the suspension of effect of decision (including the advising of an outcome of an objection when a decision is made under the Local Government Act 1995).
- (2) Receive an objection and grant an extension of time for an objection to be lodged.
- (3) Deal with an Objection of a decision made by the City of Albany, under authority of the Local Government Act 1995, any local law or regulation.

Conditions: Nil

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Executive Director Planning & Development (All)
- Executive Director Works & Services (All)
- Deputy Chief Executive Officer (All)
 - Manager Finance (2)(3)
- Executive Director Community Services (All)
- General Manager - Business and Economic Development (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s3.50A (1)
 - Part 9 - Miscellaneous provisions, Division 1 - Objections and review
 - s9.5 (Objection may be lodged)
 - s9.6 (Dealing with objection)
 - s9.7 (Review)
 - s9.9 (Suspension of effect of decision)
- Local Government (Functions and General) Regulations 1996:
 - r.6(Transitional provisions about road closures) (3)

Remarks:

*23/04/2015. Amendment made to reflect new appointment:
- General Manager - Business and Economic Development (All)*

LOCAL GOVERNMENT ACT 1995:

LEGAL PROCEEDINGS (APPROVE REPRESENTATION & LEGAL EXPENSES)

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Authorise Legal Expenses for Council Members, Employees and Volunteers.
- (2) Enact legal proceedings and authorise persons to represent the City in a Court.
- (3) Authorise persons to administer any or all of the above functions.

Conditions:

- (1) Compliance with Council Policy: Legal Representation for Elected Members, Employees and Volunteers.
- (2) The City's Insurance Broker must be notified before proceeding with action.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Governance & Risk Management (2)
 - Manager Finance (2)
- Executive Director Planning & Development (All)
 - Manager Ranger & Emergency Services (2)
 - Team Leader Ranger Services (2)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - Part 9 — Miscellaneous provisions
 - Division 2 — Enforcement and legal proceedings
 - Subdivision 1 — Miscellaneous provisions about enforcement
 - s9.10(Appointment of authorised persons)(1)(2)
 - s9.29 (Representing local government in court)(2).
 - Part 6 — Financial management
 - Division 6 — Rates and service charges
 - Subdivision 5 — Recovery of unpaid rates and service charges
 - s6.56(Rates or service charges recoverable in court)(1)(2)
- Policy Position:
 - Council Policy: Legal Representation for Elected Members, Employees and Volunteers

Remarks:

23/04/2015. Additional condition, being: (2) The City's Insurance Broker must be notified before proceeding with action.

Amendment made to reflect change of title and new appointment:

- Team Leader Ranger Services (2)*

LOCAL GOVERNMENT ACT 1995:

APPROVE GRANTS, DONATIONS, SPONSORSHIP, FUNDING, WAIVE FEES AND CHARGES, SUBMIT GRANT APPLICATIONS ON BEHALF OF CITY

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

- (1) Authority to:
 - (a) Make donations, grants, sponsorship, financial assistance and waive fees and charges, the Local Government Act 1995, s6.7(2) and s6.12(1)(2)&(3).
 - (b) Apply for Grant and Subsidy Applications on behalf of the City of Albany.
 - (c) Waive fees for goods, services and charges.
 - (d) Determine eligibility of charitable or benevolent community based organisations within the City of Albany to qualify for the Waste Services Subsidy.
- (2) Building Specific. Waiver, increase, reduce or refund the payment of building service application fees in the following circumstances:
 - (a) Application is cancelled prior to final determination.
 - (b) Applicant has requested a renewal of an expired decision.
 - (c) For a request for the City to provide a Certificate in respect to a proposed development that is not part of a statutory application.
 - (d) Any major development made on behalf of local government or government department where most of the assessment has already been carried out.
- (3) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Authority item (1a) Approve Grants, Donations, Sponsorship, Community Funding, and Waiver Fees & Charges:
 - (i) This authority does not extend to statutory charges, the municipal rate or service charges incorporated within the rate notice.
 - (ii) Subject to:
 - a. Conditions contained in Council Policies;
 - b. Funding being allocated in the City's Annual Budget; and
 - c. Funding/Donations limited to \$10,000.
- (b) Any waiver, increase, reduction or refund of a fee shall be based on the following criteria:
 - (a) The proposal not being intended to be a money making venture for the benefit of the organisation.
 - (b) The cost of work undertaken by the City of Albany.
 - (c) The application is on behalf of a non-profit or charitable organisation or be reflective of the benefit of the proposal to the community.

Note: A local government cannot delegate to a CEO the power under section 9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government.

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Revenue Development Officer (1)
 - General Manager - Business and Economic (All, exempt (2))
 - Manager Tourism Development & Services (1)
- Executive Director Planning & Development (All)
- Executive Director Works & Services (All, exempt (2))
- Executive Director Community Services (All, exempt (2))
 - Manager Albany Leisure & Aquatic Centre (1)
 - Manager Cultural & Community Development (1)
 - Manager Recreation Services (1)
 - Manager Library Services (1)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s3.1 (General function)
 - s5.42 (Delegation of some powers and duties to CEO)
 - S5.43 (Limits on delegations to CEO) (ha)
 - s5.44 (CEO may delegate powers and duties to other employees)
 - s6.7 (Municipal fund) (2)
 - s6.12 (Power to defer, grant discounts, waive or write off debts) (1)(2) & (3)
 - s9.49A (Execution of documents)
 - Local Government (Financial Management) Regulations 1996:
 - r.5 (CEO's duties as to financial management)
 - r.12 (Payments from municipal fund or trust fund, restrictions on making)
 - r.13 (Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.)
- Policy Position:
- Council Policy – Community Financial Assistance & Events Funding Program Policy
 - City's Annual Budget

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995:

RECOVER OVERDUE LIBRARY BOOKS AND OTHER LOANED ITEMS

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Recover overdue library books and other loaned Items.
- (2) Authorise persons to administer any or all of the above functions.

Conditions: Nil

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Executive Director Community Services (All)
 - Manager Library Services (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
s6.10 (Financial management regulations)
- Local Government (Financial Management) Regulation 1996:
r.5 (CEO's duties as to financial management)

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995, TRUSTEES ACT 1962:

POWER TO INVEST (INVESTMENT OF MUNICIPAL FUNDS)

Delegation Under: LOCAL GOVERNMENT ACT 1995, TRUSTEES ACT 1962:

Function:

Authority to:

- (1) Invest money and establish investment internal control procedures, pursuant to the Local Government Act 1995, s6.14 (1) and Local Government (Financial Management) Regulation 1996, r.19.
- (2) Authorise persons to administer any or all of the above functions.

Conditions:

Authority item (1): In accordance with Council Policies:

- Council Policy: Investment of Surplus Funds Policy; and
- Council Policy: Cash/Investment Backing for Reserve Accounts Policy.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Finance (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
s6.14 (Power to invest)
- Local Government (Financial Management) Regulation 1996:
r.19 (Investments, control procedures for)
r.38 (Reserve accounts, information about in annual financial report) (1)(f)
- Trustees Act 1962:
Part III

Remarks: *30/04/2015. Title amendment.*

LOCAL GOVERNMENT ACT 1995:

CAVEATS & TAKING POSSESSION OF LAND

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Make an agreement with a person for payment of rates and service charges, pursuant to the Local Government Act 1995, s6.49.
- (2) Determine whether to amend the rate record for the preceding five years, pursuant to the Local Government Act 1995, s6.39.
- (3) Unpaid rates and service charges:
 - (a) Take possession of land and hold land to secure unpaid rates or service charges:
 - (i) from time to time lease the land;
 - (ii) sell the land;
 - (iii) cause the land to be transferred to the Crown; or
 - (iv) cause the land to be transferred to itself.
 - (b) Lodge a caveat on a property to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.
- (4) Revoke a payment by instalment option for rates and service charges and/or the additional charge.
- (5) Withdraw a caveat that has been lodged on a property, where the purpose for which the caveat was lodged has been satisfied, or the temporary withdrawal and re-lodging of the caveat will allow dealings on a title.
- (6) Apply a Gross Rental Valuation (GRV) rating to areas.
- (7) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Authority item (2): Must be for the purpose of correcting a financial administrative error.
- (b) Authority item (3): Unpaid rates and service charges.
 - (i) Rates or service charges to be unpaid for at least 3 years.
 - (ii) On taking possession of any land staff are to notify the owner of the land such notification as is prescribed.
 - (iii) Affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
 - (iv) The designated officer (delegate) must, at least once, attempted under s6.56 of the Local Government Act 1995 to recover money due in a court of competent jurisdiction.
 - (v) Power of sale of land must be conducted in accordance with Schedule 6.3 of the Local Government Act 1995.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Finance (All)
- Executive Director Planning & Development (3b)(5)
- Executive Director Works & Services (3b)(5)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:

Part 6 — Financial management

s6.32 (Rates and service charges)

s6.39(Rate record)(2)

s6.45 (Options for payment of rates or service charges)

s6.49 (Agreement as to payment of rates and service charges)

S6.56 (Rates or service charges recoverable in court)

s6.64 (Actions to be taken)

- Schedule 6.3 - Provisions relating to sale or transfer of land where rates or service charges unpaid

- Bush Fires Act 1954:

s33 (Local government may require occupier of land to plough or clear fire-break) (8)

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995:

PAYMENT OF MUNICIPAL FUNDS, PURCHASE ORDERS, PETTY CASH, ALLOWANCES

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Approve requisitions and purchase orders for the supply of goods and services.
- (2) Approve Payments from the Municipal Fund and Trust Fund and Signing of Requisition and Purchase Orders.
- (3) Issue Petty Cash Advances (up to \$1000.00).
- (4) Make a cash advance to a person in respect of an expense for which the person can be reimbursed, in accordance with the Local Government Act 1995, Division 8 of Part 5.
- (5) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) As per the requirements of the Local Government (Financial Management) Regulations 1996, r.13.
- (b) Where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month which is to be presented to the next ordinary meeting of Council.
- (c) The following spending limits apply:
 - Category A = Chief Executive Officer, Deputy Chief Executive Officer
 - Category B = Executive Director Works & Services
 - Category C = Executive Directors, General Manager - Business & Economic
 - Category D = Managers
 - Category E = Coordinators & Team Leaders
 - Category F = Officers

 - Limit for Category A - \$250,000 and over
 - Limit for Category B - \$250,000 and under
 - Limit for Category C - \$100,000 and under
 - Limit for Category D - \$50,000 and under
 - Limit for Category E - \$10,000 and under
 - Limit for Category F - Payments under \$5,000
- (d) Requests for "Miscellaneous Expenses" by Elected Members to be jointly signed by the Mayor and Chief Executive Officer.

Designated/Authorised Officers:

- Chief Executive Officer (All, Cat A)
- Deputy Chief Executive Officer (All, Cat A)
 - General Manager - Business & Economic Development (All, Cat C)
 - Manager Finance (All, Cat C)
 - Manager Governance & Risk Management (1)(2) (Cat D)
 - Personal Assistant to Mayor and Councillors (4) (Cat E)
- Executive Director Works & Services (All, Cat B)
- Executive Director Planning & Development (All, Cat C)
- Executive Director Community Services (All, Cat C)
 - Managers (3) (Cat D)
 - Coordinator & Team Leaders (Cat E)
 - Officers (Cat F)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - Part 3 - Functions of local governments
 - s3.1 (General function)
 - Part 5 - Administration
 - s5.98 (Fees etc. for council members)
 - Part 6 - General financial provisions
 - s6.10 (Financial management regulations)
- Local Government (Financial Management) Regulations 1996:
 - r.5 (CEO's duties as to financial management)
 - r.8 (Separate bank etc. accounts required for some moneys)
 - r.11 (Payments, procedures for making etc.)
 - r.12 (Payments from municipal fund or trust fund, restrictions on making) (1)(a)
 - r.13 (Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.)

Remarks: *23/04/2015: Amendment made to reflect change of titles and new position:*

- *General Manager - Business & Economic Development (All, Cat C)*

FREEDOM OF INFORMATION ACT 1992:

FREEDOM OF INFORMATION, RELEASE INFORMATION

Delegation Under: FREEDOM OF INFORMATION ACT 1992:

Function:

CEO FUNCTION: Authority to:

- (1) Make decisions regarding access to information under the Freedom of Information Act 1992.
- (2) Authorise persons to administer any or all of the above functions.

Conditions: Nil

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Councillor Liaison & Research Officer (Principal FOI Officer) (1)
 - Information Manager (1)
 - Manager Governance & Risk Management (1)

Applicable Legislation / Local Law / Policy Position(s):

- Freedom of Information Act 1992:
 - s3 (Objects of Act)
 - s4 (Agencies, duties of when applying Act)
- Local Government Act 1995:
 - s5.94 (Public can inspect certain local government information)

Remarks:

23/04/2015. Defined CEO Function.

30/04/2015. Included reference to: Local Government Act 1995: s5.94 (Public can inspect certain local government information)

LOCAL GOVERNMENT ACT 1995:

ELECTIONS

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

CEO FUNCTION: Authority to:

- (1) Electoral Rolls & Enrolment Eligibility. Prepare an owners and occupiers roll for an election and decide whether or not a claim made for enrolment eligibility is to be accepted or rejected.*
- (2) Dispose Election Records. Undertake the duties of the Chief Executive Officer as provided in regulation 82(4) of the Local Government (Elections) Regulations 1997, that is to undertake or to supervise the destruction of any election material). *
- (3) Authorise persons to administer any or all of the above functions.

Conditions: Nil

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Governance & Risk Management (1)(2)
 - Councillor Liaison & Research Officer (1)(2)
 - Senior Rates Officer (1)
 - Rates Officers (1)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s4.32 (Eligibility to enrol under s. 4.30, how to claim) (4) (5)
 - s4.41(Owners and occupiers roll) (1)
- Local Government (Elections) Regulations 1997:
 - r.82 (Keeping election papers - s4.84(a)) (4).

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995:

ACKNOWLEDGEMENT RECEIPT OF PRIMARY AND ANNUAL RETURNS

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Function to be performed: To provide written acknowledgement of the receipt of Primary and Annual Returns in accordance with s5.77 of the Local Government Act 1995.

Conditions:

- (a) Compliance with the City Procedure: Suggested Procedure and Timeline for Lodgement of Financial Interest Returns.
- (b) All acknowledgements to be communicated by email copied to CEO and Deputy CEO or Mayor if applicable.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Governance & Risk Management (All)
 - Councillor Liaison & Research Officer (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
Part 5 — Administration
s5.77 (Acknowledging receipt of returns)

Remarks: *30/04/2015. New authorisation.*

LOCAL GOVERNMENT ACT 1995:

COMPENSATION

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Determine and pay compensation for damage to property up to \$10000.
- (2) Authorise persons to administer any or all of the above functions.

Conditions:

Notes:

- (i) A local government is to compensate the person if the person requests compensation unless it is otherwise expressly stated in subsection (5) of s3.22, or in Schedule 3.1 or Schedule 3.2 of the Act.
- (ii) s3.22 does not limit section s9.57 of the Act.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Governance & Risk Management (1)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:

Part 3 — Functions of local governments, Division 3 — Executive functions of local governments, Subdivision 1 — Performing executive functions

s3.22 (Compensation)

s3.51 (Affected owners to be notified of certain proposals)(2)(b)

s9.57 (Local government protected from certain liability)

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995:

CHOICE OF TENDER, AWARD CONTRACT (PROCUREMENT OF GOODS & SERVICES, HEAVY PLANT AND FLEET VEHICLES)

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Award a tender or contract.
- (2) Vary, extend or renew a contract or tender.
- (3) Vary the requirements before entering into contract, in accordance with functions provided for in r.20 and specifically r.20(2) of the Local Government (Functions and General) Regulations 1996.
- (4) With the approval of the tenderer, to make a variation in the contract for goods or services before the City enters the contract with the successful tenderer, in accordance with the Local Government (Functions and General) Regulations 1996, Regulation 20(1).
- (5) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Quotations and tenders called to comply with Council's Policy:
 - (i) Purchasing Policy (Tenders & Quotes); and
 - (ii) Buy Local (Regional Price Preference) Policy.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - General Manager - Business and Economic Development (All) (Exempt: 1)
 - Manager Finance (2)(3)
 - Procurement Officers (2)(3)
- Executive Director Planning & Development (All) (Exempt: 1)
- Executive Director Works & Services (All) (Exempt: 1)
- Executive Director Community Services (All) (Exempt: 1)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s3.18 (Performing executive functions) (2)
 - s3.57 (Tenders for providing goods or services) (1)
 - s5.41 (Functions of CEO)(d)
 - s5.43 (Limits on delegations to CEO)(b)

- Local Government (Functions and General) Regulations 1996:
 - r.11 (When tenders have to be publicly invited)(1)(2)(f)
 - r.14 (Publicly inviting tenders, requirements for)(2a)
 - r.15 (Minimum time to be allowed for submitting tenders)
 - r.16 (Receiving and opening tenders, procedure for)
 - r.17 (Tenders register)
 - r.18 (Rejecting and accepting tenders)
 - r.19 (Tenderers to be notified of outcome)
 - r.20 (Variation of requirements before entry into contract)
 - r.21 (Limiting who can tender, procedure for)
 - r.22 (Minimum time to be allowed for submitting expressions of interest)
 - r.23 (Rejecting and accepting expressions of interest to be acceptable tenderer)
 - r.24 (People who submitted expression of interest to be notified of outcome)

Remarks:

11/12/2014. CEO DIRECTIVE: Authority to AWARD a contract or tender is now limited to the Chief Executive Officer and Deputy Chief Executive Officer.

30/04/2015. Title amendment.

LOCAL GOVERNMENT ACT 1995:

PROPERTY MANAGEMENT, LEASES AND LICENCES

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Process requests related to leases and licences.
- (2) Negotiate terms, conditions and rent for leases and licences.
- (3) Approve requests to renew existing leases and licences with community groups (being charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature groups), airport hangar sites, government agencies or telecommunication entities for properties that are under the care, control and management of the City of Albany.
- (4) Approve new leases for Lotteries House in accordance with Lotteries House Tenant Management Committee recommendations.
- (3) Approve requests to take up an option for a further term on a current lease/licence or sub-lease/licence, provided there being no variation to the principle terms of the lease/licence and all accounts being paid in full.
- (4) Approve requests to vary existing leases/licences.
- (5) Renegotiate current lessee or sub-lessee rental.
- (6) Approve requests to assign existing leases or sub-leases, provided there being no variation to the current lease conditions.
- (7) Approve requests for a sub-lease where there is a current lease in place.
- (8) Surrender of a lease/licence of any property, where the balance of lease/licence payable does not exceed \$10,000 and all accounts being paid in full.
- (9) Appoint persons to administer any or all of the above functions.

Conditions:

- (a) Authority item (1) Authority to process matters relating to Leases and Licences, as follows:
 - (i) Settled terms and conditions to be approved by the delegate as soon as practicable;
 - (ii) Definition of lessee includes a licensee where the context permits;
 - (iii) Where the lessee disputes the market rent increase, the delegate may negotiate a lesser increase to lease/licence rent subject to:
 - a. the lessee providing to the City at the lessee's cost, a written rental valuation undertaken by a licensed Valuer on or prior to the date upon which the increased rent is to apply; and
 - b. the City and the lessee reaching agreement on a new lease/licence rental that is not less than 80% of the market rate as determined by the City's Valuer to a maximum amount of \$5,000 per annum.
 - (iv) The lease agreement specifying that rental reviews will be made in accordance with market conditions;
 - (v) The market rentals for similar properties generally indicating that existing rental represents a fair market rental.

- (b) Authority item (2) Variation of existing lease/licence terms subject to:
- (i) Leased area being no more or no less than 10% of the existing area;
 - (ii) Permitted Use provided there being:
 - a. no change to the primary use; and
 - b. proposed amendment is ancillary to the existing permitted use; and
 - c. has local authority planning approval (if required).
 - (c) Guarantee & Indemnity provided Council interests remain protected.
 - (d) Authority item (3) Compliance with Council Policy Property Management – Leases and Licences is required.
 - (e) Authorisations item (4) All new leases and licences (other than those delegated by Council) will be referred to Council for consideration.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
s3.58 (Disposing of property)
- Land Administration Act 1997:
Part 6 (Sales, lease, licences, etc. of Crown land)
Policy Position:
 - Council Policy: Buy Local (Regional Price Preference) Policy

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995:

***PROPERTY MANAGEMENT, PUBLIC FACILITIES, MUNICIPAL HALLS, PARKS,
RESERVES, HIRE, FEES, SELLING GOODS***

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Approve or refuse applications for hire of recreation centres, facilities, halls and buildings to the public and determine appropriate conditions (including signage: sporting and event banners).
 - (a) Waive or vary hire fees for charitable organisations or others persons; and
 - (b) Determine the rights of lessees to sell goods to patrons attending sporting functions at venues owned or leased by the City to various clubs and organisations.
- (2) Manage City facilities and reserves:
 - (a) Allocate sporting facilities and recreational reserves grounds to seasonal and casual hirers who may apply for the use of such facilities, including requests for use (and level of use) of turf matches and practice wickets;
 - (b) Determine costs for damage to buildings, parks and recreational reserves;
 - (c) Determine applications for the sale or consumption of alcohol on parks and reserves and leased premises; and
 - (d) Approve service and tourist signage on reserves.
- (3) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Manage City facilities and reserves:
 - (i) Such use to be at an appropriate fee as set by the Council.
 - (ii) Having regard to existing and previous usage.
 - (iii) Approval is based on the following criteria:
 - a. the event being conducted at no cost to the Council;
 - b. the organiser being required to meet the cost of all outgoings;
 - c. adjoining residential areas being notified of the event in advance;
 - d. the event not causing any inconvenience to adjacent business/commercial operations;
 - e. the Council being indemnified against any claims for damages;
 - f. approval is a time limit; and
 - g. the City's Service and Tourist Signage Policy.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - General Manager - Business and Economic Development (All), Not: (1b)(2c)(3)
 - Manager Tourism Development & Services (All), Not: (1b)(2c)(3)
- Executive Director Works & Services (All)
 - Manager Reserves (All), Not: (1b)(2c)(3)
- Executive Director Community Services (All)
 - Manager Recreation Services (All), Not: (1b)(2c)(3)
 - Manager Albany Leisure & Aquatic Centre (All), Not: (1b)(2c)(3)
 - Manager Cultural & Community Development (All), Not: (1b)(2c)(3)
 - Manager Library Services (All), Not: (1b)(2c)(3)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s3.54 (Reserves under control of a local government)
 - s6.12 (Power to defer, grant discounts, waive or write off debts) (1)(b) (3)
- Local Law:
 - Local Government Property Local Law 2011
- Policy Position:
 - Council Policy: Service and Tourist Signs Policy

Remarks:

23/04/2015: Amendment made to reflect change of titles and new position:
- General Manager - Business & Economic Development (All), Not: (1b)(2c)(3)

LOCAL GOVERNMENT ACT 1995:

OBJECTION TO RATE RECORD, RELEASE INFORMATION

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Consider any objection to the rate record and may either disallow it or allow it, wholly or in part, pursuant to the Local Government Act 1995, s6.76(5).
- (2) Grant an extension to the time to make an objection, pursuant to the Local Government Act 1995, s6.76(4).
- (3) Consider applications to release information detailed in section 5.94 (m) of the Local Government Act 1995, subject to:
 - (a) Applications being submitted in the form prescribed from time to time; and
 - (b) A Statutory Declaration being completed.
- (4) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) An extension will only be granted for a maximum period of 30 days.
- (b) If the authorised persons are not satisfied that the information will not be used for commercial purposes the application for information shall be rejected.

Notes:

- (1) A local government is to promptly consider any objection to the rate record and may either disallow it or allow it, wholly or in part.
- (2) A local government may, on application by a person proposed to make an objection to the rate record, extend the time for making the objection for such period as it thinks fit.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Finance (1)(2)(3)
 - Councillor Liaison & Research Officer (3)
 - Rates Officer (3)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s5.94 (Public can inspect certain local government information)
 - s5.95 (Limits on right to inspect local government information)
 - s5.96 (Copies of information to be available)
 - s6.76 (Grounds of objection)(4)(5).
- Local Government (Administration) Regulations 1996:
 - r.29B (Copies of certain information not to be provided (Act s. 5.96))

Remarks: *30/04/2015. Title amendment.*

LOCAL GOVERNMENT ACT 1995:

RATES & RECOVER DEBT, WRITE OFF RATE DEBT, EXEMPTIONS

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Waive, grant concessions or write off any amount of money owed to the City, pursuant to the Local Government Act 1995, s6.12(1).
- (2) Write off any amount of money, including rate debts 'penalty interest' where the cost of recovering the debt will be greater than the actual debt.
- (3) Instruct the City's Debt Recovery Agent to proceed against land and/or property for unpaid rates through the Magistrate's Court.
- (4) Approve Rate Exemptions. Consider and approve applications for exemption under s6.26 of the Local Government Act 1995, subject to applications being submitted in writing and proof of ownership.
- (5) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Write Off Debt (monies owed):
 - (i) General: maximum \$10,000. Rates Officers: limited \$1,500.
 - (ii) The full details of the waiver, concession or write off to be recorded on the appropriate financial record and a report being provided to the Corporate Services & Finance Committee on a bi-annual basis on the exercise of this delegation.
- (b) Authority item (3): Rate Debt Recovery:
 - (i) Rates or service charges to be unpaid.
 - (ii) A General Procedure Claim and Property Seizure & Sale Order through the Magistrate's Court has been served on the ratepayer.
 - (iii) Property Seizure & Sale Order to be lodged on the land title.
 - (iv) Proceed to sell the land through the Bailiff's Office.
- (c) Approve Rate Exemption. If the delegates are not satisfied that the use of the property is exempt under s6.26, of the Act, the application must be referred to the Chief Executive Officer.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Finance (All)
 - Rates Officers (2)

Applicable Legislation / Local Law / Policy Position(s): REPORT ITEM CSF 169 REFERS

- Local Government Act 1995:
 - s6.12 (Power to defer, grant discounts, waive or write off debts) (1)(c)
 - s6.26 (Rateable land)
 - s6.56 (Rates or service charges recoverable in court)
 - s6.64 (Actions to be taken)
 - s6.66 (Effect of lease)
 - s6.68 (Exercise of power to sell land)

Remarks: *Not applicable.*

