Eastern Metropolitan Regional Council

Delegations Register

Current as at 25 June 2026

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1 *Local Government Act 1995* Delegations

1.1 Council to Committees of Council

Nil

1.2 Council to Chief Executive Officer

1.2.1 Tenders for Goods and Services – Call Tenders

Delegator *Power/Duty assigned in legislation to:*	Local Government
Express Power to Delegate *Power that enables a delegation to be made.*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	*Local Government Act 1995:* s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.11(1), (2) When tenders have to be publicly 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to call tenders [F&G r.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
Council Conditions on this Delegation:	a. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where i. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; 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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the delegation also apply to sub-delegation.*	N/A
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 WALGA Subscription Service – Procurement Toolkit Council Policy 3.5 Purchasing Policy
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.2 Tenders or Non-tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options

Delegator *Power/Duty assigned in legislation to:*	Local Government
Express Power to Delegate *Power that enables a delegation to be made.*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	*Local Government Act 1995:* s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996*: r.11(2)(j) Exercising contract extension 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: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. To accept the tender or non-tender (i.e. request for quote) that is most advantageous within the $1,000,000 (ex GST) detailed as a condition on this Delegation [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into **OR** the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations **before** entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so

	that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Authority to vary a tendered contract, **after** it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 20% subject to Council resolution [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	a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications. b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where: i. The total consideration under the resulting contract, arising from a tender or non-tender (i.e. request for quote), is $1,000,000.00 (ex GST) or less (excluding plant and machinery); ii. The total consideration under the resulting contract for the purchase of plant or machinery is up to the Council approved and adopted budget allocation set aside for that specific purpose and subject to the requirements of the *Local Government (Functions & General) Regulations 1996*. iii. The expense is included in the adopted Annual Budget; and iv. The tenderer has complied with requirements under F&G r.18(2) and (4). c. A decision to vary a tendered contract **before** entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers where invited to supply. d. A decision to vary a tendered contract **after** entry into the contract [F&G r.21A(a)] must include evidence that the variation is minor in comparison to the total goods or services that tenders were invited to supply and 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:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the delegation also apply to sub-delegation.*	N/A
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 WALGA Subscription Service – Procurement Toolkit Council Policy 3.5 Purchasing Policy
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1	15/04/2024
2	28/05/2026
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1.2.3 Payments from the Municipal or Trust Funds

Delegator *Power/Duty assigned in legislation to:*	Local Government
Express Power to Delegate *Power that enables a delegation to be made.*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	*Local Government (Financial Management) Regulations 1996*: r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making.
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	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. b. A brief description outlining the nature of each transaction and payment made from municipal or trust funds on a monthly basis is to be included.
Express Power to Sub-Delegate:	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the delegation also apply to sub-delegation.*	N/A
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 EMRC Management Guidelines: 1. Authorisation of Expenditure 2. Corporate Credit Card
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.4 Disposing of Property

Delegator *Power/Duty assigned in legislation to:*	Local Government
Express Power to Delegate *Power that enables a delegation to be made.*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	*Local Government Act 1995:* s.3.58(2) & (3) Disposing of Property *Local Government (Functions and General) Regulations 1996:* R.30 Dispositions of property excluded from Act s.3.58
Delegate:	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to dispose of property to: (a) the highest bidder at public auction [s.3.58(2)(a)]. (b) the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)]. 3. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58: (a) disposal of land to an adjoining owner, where the market value is less than $5000 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner. [F&G.r.30(2)(a)] (b) disposal of land, by lease, to an employee of the local government for use as the employee's residence [F&G.r.30(2)(d)]. (c) disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land. [F&G.r.30(20(e)] (d) disposal of land, by lease, of a residential property to a person for residential purposes [F&G.r.30(2)(f)]. (e) 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)] (f) disposal of property, other than land / buildings, where the market value is determined as less than $20,000. [F&G r.30(3)(a)]

	(g) 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)]. (h) Disposal of Australian Carbon Credit Units (ACCU's). 4. Authority to donate EMRC product limited to the value set out in the conditions pertaining to this delegation.
Council Conditions on this Delegation	a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is 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 $75,000 (ex GST). c. Disposal of ACCU's up to the value of $100,000 ex GST per calendar year. d. Disposal by way of a donation of EMRC product is limited to a value of no more than $10,000. e. When determining the method of disposal: ➢ Where a public auction is determined as the method of disposal: ⇨ Reserve price has been set by independent valuation. ⇨ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. ➢ Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. ➢ Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: ⇨ Negotiate the sale of the property up to a -10% variance on the valuation; and ⇨ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. ➢ A disposal under Functions and General Regulations 30(2)(a), (f), (2A) or (3)(a), (b), the disposal method selected must obtain a best value outcome for the Local Government. ➢ A disposal under Functions and General Regulations 30(2)(d), must be assessed as equitable in context of

	disposals to other employees of the Local Government. ➢ Disposal methodology must consider and where practicable demonstrate environmentally responsible outcomes.
Express Power to Sub-Delegate:	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	**Chief Financial Officer**
CEO Conditions on this Sub-Delegation: *Conditions on the delegation also apply to sub-delegation.*	Sub-delegate may: a. Authorise the disposal of any EMRC fleet vehicles in accordance with EMRC's vehicle replacement schedule. b. Set the reserve price of the EMRC fleet vehicles subject to a public auction or public tender. c. Offer or accept an alternate offer price in the event the reserve price is not met.
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* – s.3.58 Disposal of Property *Local Government (Functions and General) Regulations 1995* – r.30 Dispositions of property excluded from Act s. 3.58 EMRC Management Guidelines: 1. Fleet Vehicle Allocation
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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2	06/11/2025
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1.2.5 Contracts for the Sale of Products

Delegator *Power/Duty assigned in legislation to:*	Local Government
Express Power to Delegate *Power that enables a delegation to be made.*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	Authority to enter into contracts for the sale of EMRC generated products to a maximum value of $3 million.
Delegate	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to enter into contracts for the sale of EMRC generated products
Council Conditions on this Delegation:	Up to a maximum contract value of three million dollars ($3,000,000) ex GST.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the delegation also apply to sub-delegation.*	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.6 Contracts for Waste Disposal Related to Operations

Delegator *Power/Duty assigned in legislation to:*	Local Government
Express Power to Delegate *Power that enables a delegation to be made.*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	Authority to negotiate and enter into contracts for waste disposal related to operations at the Red Hill Waste Management Facility and Hazelmere Resource Recovery Park
Delegate	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	Authority to negotiate and enter into waste disposal contracts related to operations.
Council Conditions on this Delegation:	Related to waste disposal related to operations at Red Hill Waste Management Facility and Hazelmere Resource Recovery Park
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the delegation also apply to sub-delegation.*	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.7 Legal Matters relating to Anergy Australia Pty Ltd

Delegator *Power/Duty assigned in legislation to:*	Local Government
Express Power to Delegate *Power that enables a delegation to be made.*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	1. Authority to issue, and instruct EMRC's lawyers to issue, any default notices that may be required pursuant to any of the agreements between Anergy Australia Pty Ltd and the EMRC (D2019/10941). 2. Authority to represent the EMRC's interest and vote on its behalf at any creditors meeting to be held by the liquidator of Anergy Australia Pty Ltd, in consultation with the Chairperson and Deputy Chairperson.
Delegate	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to issue any default notices that may be required pursuant to any of the agreements with Anergy Australia Pty Ltd. 2. Authority to represent the EMRC's interest and vote at any creditors meeting to be held by the liquidator of Anergy Australia Pty Ltd, in consultation with the Chairperson and Deputy Chairperson.
Council Conditions on this Delegation:	a. The authority to represent and vote at creditors meeting is in consultation with the Chairperson and Deputy Chairperson.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the delegation also apply to sub-delegation.*	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1	15/04/2024
2	26/02/2026
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1.2.8 Complaints Officer

Delegator *Power/Duty assigned in legislation to:*	Local Government
Express Power to Delegate *Power that enables a delegation to be made.*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	*Local Government (Model Code of Conduct) Regulations 2021:* r.11(3) of Schedule 1 The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints
Delegate	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. The Chief Executive Officer is to be the Complaints Officer. 2. Authority to appoint authorised complaints officers.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the delegation also apply to sub-delegation.*	N/A
Compliance Links	EMRC Code of Conduct EMRC Council Member Complaints Procedure EMRC Complaint About Alleged Breach Form
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1	15/04/2024
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1.2.9 Air Pollution Control Residue Disposal

Delegator *Power/Duty assigned in legislation to:*	Local Government
Express Power to Delegate *Power that enables a delegation to be made.*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	1. Authority to negotiate and enter into the Air Pollution Control Residue Disposal agreement and financial direct deed, subject to minor variations and the satisfaction of the requirements of s.3.59 of the *Local Government Act 1995* (D2022/18466). 2. Authority to exercise the option to proceed with the additional items identified in the report, subject to a review of the business case outcomes for the additional capital expenditure. 3. Authority to enter into a contract with Enviropacific, in accordance with their submitted tender, subject to any minor variations that may be agreed on between the CEO and Enviropacific.
Delegate	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Authority to negotiate and enter into the Air Pollution Control Residue Disposal and financial direct deed. 2. Authority to exercise the option to proceed with the additional items identified in the report. 3. Authority to enter into a contract with Enviropacific in accordance with their submitted tender, subject to minor variations.
Council Conditions on this Delegation:	a. Subject to the satisfaction of the requirements of s.3.59 of the *Local Government Act 1995*. b. Subject to a review of the business case outcomes for the additional capital expenditure.

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the delegation also apply to sub-delegation.*	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. *Local Government Act 1995* – prescribe applicable statutory procedures
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1	15/04/2024
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1.2.10 Procurement of Spare Parts and Repairs for HAAS Grinder

Delegator *Power/Duty assigned in legislation to:*	Local Government
Express Power to Delegate *Power that enables a delegation to be made.*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO *Local Government (Functions and General) Regulations 1996:* r.11 (2)(f) Tenders do not have to be publicly if the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.
Express Power of Duty Delegated	Authority to accept quotations from HAAS or its authorised suppliers for the supply of spare parts and periodic equipment repairs of the HAAS timber grinder.
Delegate	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. The CEO has been granted authority to accept quotations for spare parts and periodic equipment repairs of the HAAS timber. 2. Exemption has been granted for tenders do not have to be publicly invited.
Council Conditions on this Delegation:	Accept quotations only from HAAS or its authorised suppliers.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the delegation also apply to sub-delegation.*	N/A
Compliance Links	Council Policy 3.5 Purchasing Policy
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.11 Agreement with City of Kalamunda to Engage Deloitte

Delegator *Power/Duty assigned in legislation to:*	Local Government
Express Power to Delegate *Power that enables a delegation to be made.*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO *Local Government (Functions and General) Regulations 1996:* r.11 (2)(f) Tenders do not have to be publicly if the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.
Express Power of Duty Delegated	Authority to negotiate and enter into an agreement with City of Kalamunda to engage Deloitte.
Delegate	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. The CEO has been granted authority to negotiate and enter into an agreement with City of Kalamunda to engage Deloitte. 2. Exemption has been granted for tenders do not have to be publicly invited.
Council Conditions on this Delegation:	Subject to the terms specified in the Confidential Report (D2025/03804).
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: **Conditions on the delegation also apply to sub-delegation.**	N/A
Compliance Links	Council Policy 3.5 Purchasing Policy
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.12 Licence to Occupy Part of Lot 12, Toodyay Road, Gidgegannup

Delegator *Power/Duty assigned in legislation to:*	Local Government
Express Power to Delegate *Power that enables a delegation to be made.*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	Authority to negotiate and execute a two-year licence to occupy a portion of Lot 12, 1024 Toodyay Road, Gidgegannup to the owners of Lot 56 Karrak Court, Gidgegannup. *Local Government Act 1995:* s.3.58 Disposal of Property *Local Government (Functions and General) Regulations 1996:* r.30 Dispositions of property excluded from Act s. 3.58
Delegate	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Leasing of land for a period of less than 2 years during which any of which time the lease does not give the lessee the exclusive use of the land [F&G r.30(2)(e)]; or 2. The land is disposed of to an owner of adjoining land [F&G r.30(2)(a)] and - i. its market value is less than $5000; and ii. the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee.
Council Conditions on this Delegation:	The authority to negotiate and execute the agreement where i. the legal instrument is a licence; ii. for a period of less than 2 years; and iii. the owner of the adjoining property being Lot 56 Karrak Court, Gidgegannup. the lessee is not granted the exclusive use of the land.

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the delegation also apply to sub-delegation.*	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

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1.2.14 East Rockingham Waste to Energy Project

Delegator *Power/Duty assigned in legislation to:*	Local Government
Express Power to Delegate *Power that enables a delegation to be made.*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	Authority to initiate the required actions, and to deal with all subsequent matters arising from exercise of the required action at paragraph 28 in the report (26 February 2026 D2026/04108). Authority in consultation with the Participant Council CEOs to amend the Waste Supply Agreement, the Financiers Side Deed and the Participants Agreement for a Waste Supply Agreement to reflect the changes to the WSA Contract agreed with CorCordis and the Participant Councils. Confidential Resolution (25 June 2026 D2026/11924). *Local Government Act 1995:* s.5.42 (1) Delegation of powers to the CEO
Delegate	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Confidential item. Deal with all subsequent matters arising from exercise of the required action at paragraph 28 in the report per Council delegation at the 26 February 2026 Ordinary Meeting of Council (D2026/04108). 2. Enter into agreements to amend the Waste Supply Agreement, the Financiers Side Deed and the Participants Agreement for a Waste Supply Agreement. 3. Confidential Item. The resolutions and report were resolved to remain confidential at the 25 June Ordinary Meeting of Council (D2026/11924).
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the delegation also apply to sub-delegation.*	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

Version Control:

1	01/12/2025
2	26/02/2026
3	28/05/2026
4	25/06/2026

1.2.17 Strategic Discussion

Delegator *Power/Duty assigned in legislation to:*	Local Government
Express Power to Delegate *Power that enables a delegation to be made.*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	Confidential Resolution. *Local Government Act 1995:* s.5.42 Delegation of powers and duties to the CEO
Delegate	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. Confidential Item. The resolutions, report and its attachments were resolved to remain confidential at the 27 November 2025 Ordinary Meeting of Council (D2025/25188).
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the delegation also apply to sub-delegation.*	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

Version Control:

1	01/12/2025
2	
3	

1.2.18 Disposal of Property – Waste Collection Service Assets

Delegator *Power/Duty assigned in legislation to:*	Local Government
Express Power to Delegate *Power that enables a delegation to be made.*	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power of Duty Delegated	Authority to consider any submission, including the offer from the Shire of Mundaring, for the disposition of: a. 2014 Rear Lift Truck (RLT), registration WN3514; and b. 2024 Ford Ranger (Ute), registration 1IGU53
Delegate	**Chief Executive Officer**
Function: *This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.*	1. The disposal of assets relating to the Waste Collection Service per Council delegation at the 28 May 2026 Ordinary Meeting of Council (D2026/09028).
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: *Appointed by CEO*	Nil
CEO Conditions on this Sub-Delegation: *Conditions on the delegation also apply to sub-delegation.*	N/A
Compliance Links	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	Records to be kept in accordance with the current EMRC Record Keeping Plan

Version Control:

1	28/05/2026
2	
3	