



## MINUTES

### CERTIFICATION OF CONFIRMATION OF COUNCIL MEETING MINUTES

**25 March 2021**

I, Cr Jai Wilson, hereby certify that the minutes from the Council Meeting held on 25 March 2021 pages (1) to (153) were confirmed at a meeting of Council held on 27 May 2021.



Signature

Cr Jai Wilson  
Person presiding at Meeting



## ORDINARY MEETING OF COUNCIL

### MINUTES

(REF: D2021/00930)

An Ordinary Meeting of Council was held at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, ASCOT WA 6104 on **Thursday, 25 March 2021**. The meeting commenced at **6:00pm**.

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## 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman opened the meeting open at 6:00pm.

### 1.1 ACKNOWLEDGEMENT TO COUNTRY

The Chairman acknowledged the traditional custodians of the land on which the meeting is held and pay respects to the elders past, present and future.

*Kaya Maaman, Kaya Yorga, Kaya Bridia  
Ngalak kaartij windji ngalak nynininy  
Nagalak kaartij nidja boodja baal Whadjuk Noongar Boodja ngalak nyininy  
Koorah, Nitja yeyi, Boordahwan*

#### Translation

Greetings everyone

We all understand where we are meeting.

We know that we meet on the lands of the Whadjuk Noongar people

Always was, always will be.

## 2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

### **Councillor Attendance**

Cr Jai Wilson (Chairman)	EMRC Member	Town of Bassendean
Cr Doug Jeans (Deputy Chairman)	EMRC Member	Shire of Mundaring
Cr Kathryn Hamilton	EMRC Member	Town of Bassendean
Cr Lorna Clarke	EMRC Member	City of Bayswater
Cr Georgia Johnson	EMRC Member	City of Bayswater
Cr Janet Powell ( <i>departed 9:03pm</i> )	EMRC Member	City of Belmont
Cr Phil Marks ( <i>departed 9:03pm</i> )	EMRC Member	City of Belmont
Cr Lesley Boyd	EMRC Member	City of Kalamunda
Cr Dylan O'Connor	EMRC Member	City of Kalamunda
Cr John Daw	EMRC Member	Shire of Mundaring
Cr Mel Congerton	EMRC Member	City of Swan
Cr Charlie Zannino	EMRC Member	City of Swan

### **EMRC OFFICERS**

Mr Marcus Geisler	Chief Executive Officer
Mr Hua Jer Liew	Chief Financial Officer
Mr Douglas Bruce	Chief Project Officer
Mrs Wendy Harris	Chief Sustainability Officer
Mr Brad Lacey	Chief Operating Officer
Ms Angela Wolstencroft ( <i>departed 6:48pm</i> )	Manager Human Resources
Mrs Lee Loughnan	Personal Assistant to Chief Financial Officer (Minutes)

### **EMRC OBSERVERS**

Mr David Ameduri	Manager Financial Services
Ms Izabella Krzysko	Manager Procurement & Governance
Mr David Schmidt	Manager Information Services
Ms Theresa Eckstein	Executive Assistant to the Chief Executive Officer



*Item 2 continued*

**OBSERVER(S)**

Cr Robert Rossi ( <i>departed 9:03pm</i> )	EMRC Deputy Member	City of Belmont
Mr John Christie ( <i>departed 9:03pm</i> )	Chief Executive Officer	City of Belmont
Ms Melanie Reid ( <i>departed 9:03pm</i> )	Director Infrastructure Services	City of Belmont
Ms Rhonda Hardy ( <i>departed 7:59pm</i> )	Chief Executive Officer	City of Kalamunda
Mr Doug Pearson	Director Major Projects	City of Bayswater
Mr Brice Campbell ( <i>departed 9:03pm</i> )	Recycling & Waste Coordinator	Town of Bassendean

**VISITORS(S)**

Mr Nick Houldsworth ( <i>departed 6:12pm</i> )	Market Leader Environment	GHD
Ms Alison Duguid ( <i>departed 6:12pm</i> )	Sustainability and Resource Recovery Consultant	GHD

**3 DISCLOSURE OF INTERESTS**

Nil

**4 ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**6 PUBLIC QUESTION TIME**

Nil

**7 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil



## **8 PETITIONS, DEPUTATIONS AND PRESENTATIONS**

### **8.1 EMRC STRATEGIC REVIEW UPDATE**

This item is recommended to be confidential because it contains matters of a commercial-in-confidence nature.

#### **RECOMMENDATION (Closing meeting to the public)**

That the meeting be closed to members of the public in accordance with Section 5.23 (2) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

#### **COUNCIL RESOLUTION**

MOVED CR HAMILTON                      SECONDED CR DAW

THAT WITH THE EXCEPTION OF THE CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER, CHIEF PROJECT OFFICER, CHIEF SUSTAINABILITY OFFICER, CHIEF OPERATING OFFICER, MANAGER PROCUREMENT AND GOVERNANCE, MANAGER FINANCIAL SERVICES, MANAGER HUMAN RESOURCES, MANAGER INFORMATION SERVICES, CHIEF EXECUTIVE OFFICER (CITY OF BELMONT), DIRECTOR INFRASTRUCTURE SERVICES (CITY OF BELMONT), CHIEF EXECUTIVE OFFICER (CITY OF KALAMUNDA), DIRECTOR MAJOR PROJECTS (CITY OF BAYSWATER), RECYCLING AND WASTE COORDINATOR (TOWN OF BASSENDEAN), EXECUTIVE ASSISTANT TO THE CHIEF EXECUTIVE OFFICER AND PERSONAL ASSISTANT TO THE CHIEF FINANCIAL OFFICER THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC IN ACCORDANCE WITH SECTION 5.23 (2) OF THE *LOCAL GOVERNMENT ACT 1995* FOR THE PURPOSE OF DEALING WITH MATTERS OF A CONFIDENTIAL NATURE.

**MOTION CARRIED 11/1**

**For:                      Crs Wilson, O'Connor, Powell, Clarke, Boyd  
                                 Hamilton, Congerton, Zannino, Daw, Jeans, Marks**  
**Against:              Cr Johnson**

The doors of the meeting were closed at 6:03pm.

The Chief Executive Officer, Chief Financial Officer, Chief Project Officer, Chief Sustainability Officer, Chief Operating Officer, Manager Procurement And Governance, Manager Financial Services, Manager Human Resources, Manager Information Services, Chief Executive Officer (City of Belmont), Director Infrastructure Services (City of Belmont), Chief Executive Officer (City of Kalamunda), Director Major Projects (City of Bayswater), Recycling And Waste Coordinator (Town of Bassendean), Executive Assistant to the Chief Executive Officer and Personal Assistant to the Chief Financial Officer remained in Council Chambers.

Mr Nick Houldsworth and Ms Alison Duguid from GHD provided an update on the EMRC Strategic Review.

#### **RECOMMENDATION [Meeting re-opened to the public]**

That the meeting be re-opened, the members of the public be invited to return to the meeting and the recommendations passed behind closed doors be recorded.

#### **COUNCIL RESOLUTION**

MOVED CR HAMILTON                      SECONDED CR JEANS

THAT THE MEETING BE RE-OPENED, THE MEMBERS OF THE PUBLIC BE INVITED TO RETURN TO THE MEETING AND THE RECOMMENDATIONS PASSED BEHIND CLOSED DOORS BE RECORDED.

**CARRIED UNANIMOUSLY**

The doors of the meeting were opened at 6:19pm.



## **9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **9.1 MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 3 DECEMBER 2020**

At the 25 February 2021 meeting, Council resolved to defer consideration of the minutes of the ordinary meeting of Council held on 3 December 2020. The amendments and clarifications have been made and distributed.

That the minutes of the Ordinary Meeting of Council held on 3 December 2020 which have been distributed, be confirmed.

#### **COUNCIL RESOLUTION**

MOVED CR JEANS

SECONDED CR CONGERTON

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 3 DECEMBER 2020 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.

**CARRIED UNANIMOUSLY**

### **9.2 MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 25 FEBRUARY 2021**

That the minutes of the Ordinary Meeting of Council held on 25 February 2021 which have been distributed, be confirmed.

#### **COUNCIL RESOLUTION**

MOVED CR CONGERTON

SECONDED CR DAW

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 25 FEBRUARY 2021 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.

**CARRIED UNANIMOUSLY**



**10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**11 QUESTIONS BY MEMBERS WITHOUT NOTICE**

**Orange Route Briefing**

Cr Congerton requested a briefing from Main Roads WA on the Orange Route.

The CEO agreed to organise a briefing.

**Agenda Briefing Forum**

Cr Boyd commented that the Agenda Briefing Forum was implemented to provide an overview of items coming to Council. Cr Boyd queried why certain items such as Item 14.10 – Amendment of Local Government (Administration) Regulations 2021 – Chief Executive Model were not provided at the Agenda Briefing Forum.

The CEO advised that he attended Local Government Professionals Forum last week after the Agenda Briefing Forum where he was advised that these amendments need to be implemented by 3 May 2021. As the reports are consistent with the recommended model and policies, it was prudent to have this before Council, as soon as practical.

**12 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC**

Nil

**13 BUSINESS NOT DEALT WITH FROM A PREVIOUS MEETING**

Nil



## **14 REPORTS OF EMPLOYEES**

- 14.1 *LIST OF ACCOUNTS PAID DURING THE MONTH OF FEBRUARY 2021*
- 14.2 *FINANCIAL REPORT FOR PERIOD ENDED FEBRUARY 2021*
- 14.3 *APPOINTMENT OF MEMBERS TO THE AUDIT COMMITTEE*
- 14.4 *ATTENDANCE AT EVENTS POLICY*
- 14.5 *LEGAL COMMITTEE TERMS OF REFERENCE*
- 14.6 *REVIEW OF COMMITTEES OF COUNCIL*
- 14.7 *CHIEF EXECUTIVE OFFICER ATTENDANCE AT WASTE 2021 CONFERENCE*
- 14.8 *CHIEF EXECUTIVE OFFICER ATTENDANCE AT KEEP AUSTRALIA BEAUTIFUL ANNUAL GENERAL MEETING*
- 14.9 *ADOPTION OF NEW CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES*
- 14.10 *AMENDMENT OF LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 2021 – CHIEF EXECUTIVE MODEL*
- 14.11 *ITEMS CONTAINED IN THE INFORMATION BULLETIN*

### **QUESTIONS**

The Chairman invited questions from members on the reports of employees.

Cr Jeans expressed his concerns around Item 14.9 – Adoption of New Code of Conduct for Council Members, Committee Members and Candidates and Item 14.10 – Amendment of Local Government (Administration) Regulations 2021 – Chief Executive Model in that there may be interpretation issues. Cr Jeans acknowledged that there is the ability for a policy to be changed after it has been adopted.

Cr Powell withdrew Item 14.9 for debate.

Cr O'Connor sought clarification on Item 14.8 – Chief Executive Officer Attendance at Keep Australia Beautiful Annual General Meeting, specifically how much time the CEO will devote to the role of Director of the Keep Australia Beautiful if he accepts.

The CEO advised that it would take about 2 hours per month of his time and this will be usually done via electronic communication.

### **RECOMMENDATION(S)**

That with the exception of item 14.9 which is to be withdrawn and dealt with separately, Council adopts the recommendations in the Reports of Employees (Section 14).

### **COUNCIL RESOLUTION(S)**

MOVED CR HAMILTON

SECONDED CR CONGERTON

THAT WITH THE EXCEPTION OF ITEMS 14.9 WHICH IS TO BE WITHDRAWN AND DEALT WITH SEPARATELY, COUNCIL ADOPTS THE RECOMMENDATIONS IN THE REPORTS OF EMPLOYEES (SECTION 14).

**CARRIED UNANIMOUSLY**



## **14 REPORTS OF EMPLOYEES**

### **14.1 LIST OF ACCOUNTS PAID DURING THE MONTH OF FEBRUARY 2021**

**REFERENCE: D2021/03608**

#### **PURPOSE OF REPORT**

The purpose of this report is to present to Council a list of accounts paid under the Chief Executive Officer's delegated authority during the month of February 2021 for noting.

#### **KEY POINTS AND RECOMMENDATION(S)**

- As per the requirements of regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, the list of accounts paid during the month of February 2021 is provided for noting.

##### **Recommendation(s)**

That Council notes the CEO's list of accounts for February 2021 paid under delegated power in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, forming the attachment to this report totalling \$5,153,014.52

#### **SOURCE OF REPORT**

Chief Financial Officer

#### **BACKGROUND**

Council has delegated to the Chief Executive Officer (CEO) the exercise of its power to make payments from the Municipal Fund and Trust Fund. In accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the CEO is to be provided to Council, where such delegation is made.



Item 14.1 continued

**REPORT**

The table below summarises the payments drawn on the funds during the month of February 2021, December 2020 and January 2021. A list detailing the payments made is appended as an attachment to this report.

<b>Municipal Fund</b>	EFT Payments	EFT46133 – EFT46355	
	Cheque Payments	220568 – 220573	
	Payroll EFT	PAY 2021- 16 & PAY 2021- 17	
	Direct Debits		
	- Superannuation	DD21566.1 – DD21566.24 & DD21567.1 – DD21567.26.	
	- Bank Charges	1*FEB21	
	- Other	1864 – 1877	\$5,153,014.52
	Less Cancelled EFT's & Cheques:	N/A	Nil
<b>Trust Fund</b>	Not Applicable		Nil
<b>Total</b>			<b>\$5,153,014.52</b>

<b>Summary of Expenditure for the Month of February 2021</b>	
Payroll	\$581,189.54
Term Deposit Investments	\$3,000,000.00
Capital Expenditure	\$570,321.89
Operating Expenditure	
- Landfill Levy *	Nil
- Other	\$1,001,503.09
<b>Total</b>	<b>\$5,153,014.52</b>

\* Note: The Landfill Levy is paid quarterly in July, October, January and April.





Item 14.1 continued

## STRATEGIC/POLICY IMPLICATIONS

Key Result Area 3 – Good Governance

- 3.3 To provide responsible and accountable governance and management of the EMRC
- 3.4 To continue to improve financial and asset management practices

## FINANCIAL IMPLICATIONS

As detailed within the report.

## SUSTAINABILITY IMPLICATIONS

Nil

## RISK MANAGEMENT

<b>RISK:</b> Adverse credit rating if creditor accounts are not paid when due		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Possible	Insignificant	Low
<b>Action / Strategy</b>		
Ensure timely payment of creditor accounts when they fall due.		

## MEMBER COUNCIL IMPLICATIONS

<b>Member Council</b>	<b>Implication Details</b>
Town of Bassendean	} Nil direct implications.
City of Bayswater	
City of Belmont	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

## ATTACHMENT(S)

CEO's Delegated Payments List for the month February 2021 (Ref: D2021/03888)



*Item 14.1 continued*

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION(S)**

That Council notes the CEO's list of accounts February 2021 paid under delegated power in accordance with regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, forming the attachment to this report totalling \$5,153,014.52.

**COUNCIL RESOLUTION(S)**

MOVED CR HAMILTON

SECONDED CR CONGERTON

THAT COUNCIL NOTES THE CEO'S LIST OF ACCOUNTS FEBRUARY 2021 PAID UNDER DELEGATED POWER IN ACCORDANCE WITH REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*, FORMING THE ATTACHMENT TO THIS REPORT TOTALLING \$5,153,014.52.

**CARRIED UNANIMOUSLY**

## Eastern Metropolitan Regional Council

CEO's DELEGATED PAYMENTS LIST  
FOR THE MONTH OF FEBRUARY 2021

Cheque / EFT No	Date	Payee		Amount
EFT46133	01/02/2021	A NOBLE & SON LTD WA DIVISION	PLANT PARTS	554.76
EFT46134	01/02/2021	NGALA-BOODJA ABORIGINAL LAND CARE	WEED MANAGEMENT	1,186.63
EFT46135	01/02/2021	ACCESS INDUSTRIAL TYRES PTY LTD	TYRE REPLACEMENTS & REPAIRS	1,322.75
EFT46136	01/02/2021	ACOR CONSULTANTS (WA) PTY LTD	CONSULTANCY FEE - HRRP WASTE TRANSFER STATION	11,330.00
EFT46137	01/02/2021	ADECCO AUSTRALIA PTY LTD	LABOUR HIRE	1,964.53
EFT46138	01/02/2021	ADT SECURITY	SECURITY MONITORING & CALL OUT	136.10
EFT46139	01/02/2021	ADVANCED NATIONAL SERVICES PTY LTD	CLEANING SERVICES & CONSUMABLES -ASCOT PLACE	2,682.78
EFT46140	01/02/2021	ADYN KELLY	BATHROOM RENOVATION AT ASCOT PLACE	1,540.00
EFT46141	01/02/2021	AIR FILTER DRY CLEAN SYSTEMS WA	CLEAN FILTERS	511.56
EFT46142	01/02/2021	ALL RUBBER TMH PTY LTD	REPLACEMENT BELT ON GRINDER	8,068.50
EFT46143	01/02/2021	ALLIGHTSYKES PTY LTD	SERVICES TO GENERATORS	700.70
EFT46144	01/02/2021	ALLPEST - ROL-WA PTY LTD T/AS	BI-MONTHLY PEST CONTROL	143.00
EFT46145	01/02/2021	AMALGAM RECRUITMENT	LABOUR HIRE	1,239.01
EFT46146	01/02/2021	AUSTRALIAN HVAC SERVICES	AIRCONDITIONING MAINTENANCE	778.80
EFT46147	01/02/2021	AUSTRALIAN INSTITUTE OF MANAGEMENT - AIM	STAFF TRAINING	6,949.45
EFT46148	01/02/2021	AUSTRALIAN TRAINING MANAGEMENT PTY LTD (ATM)	STAFF TRAINING	325.00
EFT46149	01/02/2021	AUTOSWEEP WA (LAMBERT FAMILY TRUST)	SITE SWEEPING - HAZELMERE	2,464.00
EFT46150	01/02/2021	BARFIELD EARTHMOVING (JAYCOURT NOMINEES P/L)	PLANT & EQUIPMENT HIRE & PRODUCT TRANSPORTATION	3,248.00
EFT46151	01/02/2021	BATTERY WORLD	BATTERY PURCHASES	335.80
EFT46152	01/02/2021	BEDROCK MINE MAINTENANCE SERVICES PTY LTD	PLANT REPAIR & MAINTENANCE	10,361.88
EFT46153	01/02/2021	BELMONT - REDCLIFFE NEWSROUND	NEWSPAPERS	57.56
EFT46154	01/02/2021	BIN BATH AUSTRALIA PTY LTD	BIN CLEANING	100.10
EFT46155	01/02/2021	BLACKWOODS ATKINS	PROTECTIVE CLOTHING	1,041.49
EFT46156	01/02/2021	BOBCAT ATTACH	PLANT PARTS	176.00
EFT46157	01/02/2021	BREATHALYSER SALES AND SERVICE	EQUIPMENT MAINTENANCE & SERVICE	280.50
EFT46158	01/02/2021	BRING COURIERS	COURIER SERVICE	570.00
EFT46159	01/02/2021	BUDGET ELECTRICS	BUILDING REPAIRS & MAINTENANCE & REPLACING FLUORESCENT TUBES & GLOBES	432.85
EFT46160	01/02/2021	BULKBAGS AUSTRALIA PTY LTD	PURCHASE OF BULKBAGS	3,234.00
EFT46161	01/02/2021	BUNNINGS GROUP LTD	HARDWARE SUPPLIES	437.49
EFT46162	01/02/2021	BURSON AUTOMOTIVE PTY LTD	PLANT PARTS	72.91
EFT46163	01/02/2021	CHEMCENTRE	WOOD FINES SAMPLE MONITORING	1,244.10
EFT46164	01/02/2021	CJD EQUIPMENT PTY LTD	PLANT MAINTENANCE, PARTS & SERVICE	20,637.39
EFT46165	01/02/2021	COMPU-STOR	IT BACKUP DATA SERVICES	644.79
EFT46166	01/02/2021	CPR ELECTRICAL SERVICES	ELECTRICAL REPAIRS ON GRINDER	569.25
EFT46167	01/02/2021	CROSSLAND & HARDY PTY LTD	SURVEYING COSTS - ON HAZELMERE SITE	5,483.50
EFT46168	01/02/2021	CSE CROSSCOM PTY LTD	TWO-WAY RADIO PURCHASES & BATTERIES FOR TWO-WAY RADIOS	630.10
EFT46169	01/02/2021	CSS EQUIPMENT HAMMEL INTERNATIONAL (COYLE SALES SERVICES)	SUPPLY OF LOCKS TO MACHINE DOORS	1,021.63
EFT46170	01/02/2021	CUTTING EDGES REPLACEMENT PARTS PTY LTD	PLANT PARTS	1,094.00
EFT46171	01/02/2021	DAVID WILLS & ASSOCIATES - DWA CONSULTING PTY LTD T/AS	HRRP CONSULTING	1,584.00
EFT46172	01/02/2021	E & MJ ROSHER	PLANT PARTS	1,043.08
EFT46173	01/02/2021	ECOTECH P/L	WEBSITE MAINTENANCE FEE	5,131.50
EFT46174	01/02/2021	ELEMENT HYDROGRAPHIC SOLUTIONS	EQUIPMENT MAINTENANCE	617.10
EFT46175	01/02/2021	ENVIRONMENTAL INDUSTRIES PTY LTD	REHABILITATE CLASS III CELLS	6,404.75
EFT46176	01/02/2021	EUROFINS ARL PTY LTD T/AS EUROFINS	WATER, WOODCHIPS & DUST SAMPLE MONITORINGS	5,623.20
EFT46177	01/02/2021	FLICK ANTICIMEX PTY LTD	HYGIENE SERVICES	1,698.80



Eastern Metropolitan Regional Council

CEO's DELEGATED PAYMENTS LIST  
FOR THE MONTH OF FEBRUARY 2021

Cheque / EFT No	Date	Payee	Amount
EFT46178	01/02/2021	FRESH VENTURE GROUP PTY LTD T/AS FRUIT AT WORK	STAFF AMENITIES 630.00
EFT46179	01/02/2021	FUELFIX PTY LTD	EQUIPMENT HIRE 730.72
EFT46180	01/02/2021	GHD PTY LTD	CONSULTING FEES - EMRC STRATEGIC REVIEW 62,362.50
EFT46181	01/02/2021	GO2CUP PTY LTD	MARKETING MATERIALS 132.00
EFT46182	01/02/2021	GREEN PROMOTIONS PTY LTD	NAME BADGES 164.56
EFT46183	01/02/2021	GREENS ELECTRICAL SERVICE	REPAIR TO EVAPORATOR CONTROL BOX 303.60
EFT46184	01/02/2021	GREG WOOD TWISTECH	FENCE REPAIRS & INSTALL FENCE AROUND HRRP 8,184.00
EFT46185	01/02/2021	HECS FIRE	SIX MONTHLY FIRE DOORS & EQUIPMENT INSPECTIONS 385.00
EFT46186	01/02/2021	HITACHI CONSTRUCTION MACHINERY (AUSTRALIA) PTY LTD	PLANT SERVICE & MAINTENANCE & REPAIR 2,517.17
EFT46187	01/02/2021	ILLION AUSTRALIA PTY LTD ( DUN & BRADSTREET)	ONLINE CREDIT REFERENCE CHECKS 19.80
EFT46188	01/02/2021	INSIGHT ORNITHOLOGY	ENVIRONMENTAL MONITORING & REPORTING 1,162.50
EFT46189	01/02/2021	INSTANT WEIGHT PTY LTD T/A INSTANT WEIGHING	CALIBRATION O F LOADER SCALES 1,815.00
EFT46190	01/02/2021	JCB CONSTRUCTION EQUIPMENT AUSTRALIA	PLANT SERVICE & MAINTENANCE 334.95
EFT46191	01/02/2021	JULIAN JONES FENCING & GATES PTY LTD	REPAIR TO FENCE 784.00
EFT46192	01/02/2021	KARLA HOOPER	PRESENTATION FEE - EARTH CARERS COURSE 290.00
EFT46193	01/02/2021	KOOL KREATIVE	2019/2020 ANNUAL REPORT & BUSINESS CARD DESIGN 6,941.00
EFT46194	01/02/2021	KOTT GUNNING LAWYERS	LEGAL ADVICE 24,029.28
EFT46195	01/02/2021	LANDFILL GAS & POWER PTY LTD	ELECTRICITY CHARGES 24,439.88
EFT46196	01/02/2021	LESSEN WITH PEG RETHINK WASTE	WORKSHOP PRESENTATION FEE - WASTE EDUCATION 150.00
EFT46197	01/02/2021	MAIL PLUS PERTH	MAIL EXPENSES 369.60
EFT46198	01/02/2021	MAJOR SECURITY SERVICES PTY LTD	SECURITY MONITORING 5,307.53
EFT46199	01/02/2021	MARKET CREATIONS PTY LTD	IT CONSULTING 3,839.55
EFT46200	01/02/2021	MCLEODS BARRISTERS & SOLICITORS	DOCUMENT REVIEW & ADVICE 6,433.80
EFT46201	01/02/2021	MICROANALYSIS AUSTRALIA PTY LTD	LABORATORY ANALYSIS - WWtE 3,362.70
EFT46202	01/02/2021	MIDLAND CEMENT MATERIALS	HARDWARE SUPPLY 9.08
EFT46203	01/02/2021	MILLS RECRUITMENT - MILLS CORPORATION PTY LTD T/AS	LABOUR HIRE 11,280.59
EFT46204	01/02/2021	MS GROUNDWATER MANAGEMENT	GROUNDWATER MONITORING & REMEDIATION COSTS - RED HILL 10,560.00
EFT46205	01/02/2021	NEVERFAIL SPRINGWATER	BOTTLED WATER 514.80
EFT46206	01/02/2021	NEVILLE REFRIGERATION & AIRCONDITIONING	DEGASSING OF FRIDGES & AIRCONDITIONERS - COPPIN ROAD & BAYWASTE 2,189.00
EFT46207	01/02/2021	OFFICE LINE GROUP	PURCHASE OF OFFICE EQUIPMENTS 401.50
EFT46208	01/02/2021	OFFICEWORKS	OFFICE CONSUMABLES & FIRST AID ITEMS 409.87
EFT46209	01/02/2021	ONSITE RENTALS PTY LTD	EQUIPMENT RENTAL 433.52
EFT46210	01/02/2021	OTIS ELEVATOR COMPANY PTY LTD	QUARTERLY SERVICE - LIFT 1,735.66
EFT46211	01/02/2021	PERTH BIN HIRE	PRODUCT TRANSPORTATION COSTS 9,079.50
EFT46212	01/02/2021	PETRO MIN ENGINEERS	CONSULTING FEE - WWtE 1,933.25
EFT46213	01/02/2021	PIRTEK MALAGA - JH FLUID TRANSFER SOLUTIONS T/AS	HYDRAULIC HOSE SUPPLIES & REPAIRS 292.65
EFT46214	01/02/2021	PIRTEK MIDLAND (M & B HYDRAULICS PTY LTD)	HYDRAULIC HOSE SUPPLIES & REPAIRS 870.45
EFT46215	01/02/2021	PLANTRITE	PURCHASE OF NATIVE PLANTS 1,244.10
EFT46216	01/02/2021	PLASDENE GLASS-PAK PTY LTD	HARDWARE SUPPLIES 160.42
EFT46217	01/02/2021	PROTECTOR FIRE SERVICES	FIRE FIGHTING EQUIPMENT MAINTENANCE ON BOMAG COMPACTOR 2,877.95
EFT46218	01/02/2021	PRUDENTIAL INVESTMENT SERVICES CORP P/L	INVESTMENT ADVISORY SERVICES 1,994.93
EFT46219	01/02/2021	RELOCATIONS WA PTY LTD	RELOCATION OF OFFICE FURNITURE 660.00
EFT46220	01/02/2021	REMONDIS AUSTRALIA PTY LTD	COLLECTION OF PAPER RECYCLABLES 24.20
EFT46221	01/02/2021	REMPAN - COMPELLING ECONOMICS PTY LTD	DATASET FOR EMRC ECONOMIC DEVELOPMENT 1,100.00
EFT46222	01/02/2021	RICHGRO	SOIL TESTING & ANALYSIS TO AUSTRALIAN STANDARDS 709.50



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EFT46223	01/02/2021	RSEA - ONE STOP SAFETY SHOP	HARDWARE SUPPLIES & PROTECTIVE CLOTHING	393.48
EFT46224	01/02/2021	RUDD INDUSTRIAL AND FARM SUPPLIES	HARDWARE SUPPLIES	941.82
EFT46225	01/02/2021	SAFE WORK LABORATORIES PTY LTD	HEALTH PROMOTIONS	2,007.50
EFT46226	01/02/2021	SETON AUSTRALIA - BRADY AUSTRALIA PTY LTD T/AS	SAFETY EQUIPMENT	208.78
EFT46227	01/02/2021	SHOWCASE CATERING	CATERING COSTS	10,578.00
EFT46228	01/02/2021	SIGN SUPERMARKET	SIGNAGE	1,420.00
EFT46229	01/02/2021	SNAPPER DISPLAY SYSTEM	OFFICE EQUIPMENT	270.79
EFT46230	01/02/2021	SOFT LANDING	COLLECTION & DISPOSAL OF MATTRESSES AT HAZELMERE	49,500.00
EFT46231	01/02/2021	SONIC HEALTHPLUS PTY LTD	PRE-EMPLOYMENT MEDICAL	694.54
EFT46232	01/02/2021	SPUDS GARDENING SERVICES	RETIC REPAIR - RED HILL	165.00
EFT46233	01/02/2021	ST JOHN AMBULANCE ASSOCIATION	STAFF TRAINING	529.00
EFT46234	01/02/2021	STANTONS INTERNATIONAL	PROBITY SERVICES - FOGO EO1 / RFT	151.80
EFT46235	01/02/2021	SWAN FIRE SERVICES	SERVICE MAINTENANCE - FIRE PROTECTION SYSTEM	173.80
EFT46236	01/02/2021	TALIS CONSULTANTS	CONSULTING FEE - RED HILL WORKSHOP 2 DESIGN	7,522.90
EFT46237	01/02/2021	TANGIBILITY PTY LTD	MARKETING MATERIALS	5,032.50
EFT46238	01/02/2021	THERMO FISHER SCIENTIFIC AUSTRALIA PTY LTD	CALIBRATION OF EQUIPMENTS	495.00
EFT46239	01/02/2021	TIM DAVIES LANDSCAPING PTY LTD (TDL)	GARDEN MAINTENANCE ASCOT PLACE	1,014.99
EFT46240	01/02/2021	TJ DEPIAZZI & SONS	PRODUCT TRANSPORTATION COSTS	3,402.30
EFT46241	01/02/2021	TOTALLY WORKWEAR MIDLAND	PROTECTIVE CLOTHING	781.96
EFT46242	01/02/2021	TUTT BRYANT EQUIPMENT (BT EQUIPMENT PTY LTD)	PLANT REPAIR	305.25
EFT46243	01/02/2021	TYREPOWER MUNDARING	PUNCTURE REPAIR	35.00
EFT46244	01/02/2021	VOLICH WASTE CONTRACTORS PTY LTD	BULK BIN HIRE	44.00
EFT46245	01/02/2021	WALSH AUTO ELECTRICS PTY LTD	PLANT REPAIR, SERVICE & MAINTENANCE	1,021.83
EFT46246	01/02/2021	WATERLOGIC AUSTRALIA PTY LTD	EQUIPMENT RENTAL	547.03
EFT46247	01/02/2021	WEST TIP WASTE CONTROL	PRODUCT TRANSPORTING COSTS	4,614.50
EFT46248	01/02/2021	WESTRAC EQUIPMENT PTY LTD	PLANT SERVICE AGREEMENT & PLANT PARTS & REPAIRS	9,823.41
EFT46249	01/02/2021	WINC AUSTRALIA PTY LTD	STATIONERY & CONSUMABLES	345.34
EFT46250	01/02/2021	WORK CLOBBER	PROTECTIVE CLOTHING	261.40
EFT46251	01/02/2021	WORLDWIDE PRINTING SOLUTIONS CANNINGTON	PRINTING COSTS - BIN TAGGING POSTCARDS	264.00
EFT46252	01/02/2021	WREN OIL	WASTE OIL REMOVAL - COPPIN ROAD & BAYWASTE	1,201.75
EFT46253	01/02/2021	WSP AUSTRALIA PTY LTD	CONSULTANCY FEE - RED HILL CCTV	7,337.00
EFT46254	01/02/2021	YEOMAN PTY LTD	CONSULTING FEES ON WHOLESALE ELECTRICITY MARKET RULES AND GAS SERVICES INFORMATION	4,204.20
EFT46255	02/02/2021	DFP RECRUITMENT SERVICES P/L	LABOUR HIRE	3,644.34
EFT46256	02/02/2021	INDUSTRIAL RECRUITMENT PARTNERS	LABOUR HIRE	4,219.09
EFT46257	02/02/2021	LABOURFORCE IMPEX PERSONNEL P/L	LABOUR HIRE	1,197.66
EFT46258	02/02/2021	TELSTRA CORPORATION LTD	TELEPHONE CHARGES	385.13
EFT46259	05/02/2021	CIVIL AUTO ELECTRICS PTY LTD	PLANT REPAIR	314.05
EFT46260	05/02/2021	CSE CROSSCOM PTY LTD	TWO-WAY RADIO PURCHASES FOR HAZELMERE	862.40
EFT46261	05/02/2021	DRAKE AUSTRALIA PTY LTD	LABOUR HIRE	3,966.23
EFT46262	05/02/2021	ECOTECH P/L	EQUIPMENT MAINTENANCE	495.00
EFT46263	05/02/2021	JONATHAN PARK	STAFF REIMBURSEMENT	2,086.88
EFT46264	05/02/2021	MAJOR SECURITY SERVICES PTY LTD	SECURITY MONITORING	318.47
EFT46265	05/02/2021	MR POTPLANTS	HIRE OF PLANTS & FRUITS TREES FOR GROW IT LOCAL LAUNCH	533.50
EFT46266	05/02/2021	PIRTEK MIDLAND (M & B HYDRAULICS PTY LTD)	HYDRAULIC HOSE SUPPLIES & REPAIRS	1,446.12
EFT46267	05/02/2021	SYNERGY	ELECTRICITY CHARGES	8,392.96



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EFT46268	05/02/2021	WALSH AUTO ELECTRICS PTY LTD	PLANT REPAIR, SERVICE & MAINTENANCE	1,255.35
EFT46269	05/02/2021	WEST COAST WATER FILTER MAN	PURCHASE OF WATER FILTER SYSTEM FOR BAYWASTE	990.00
EFT46270	05/02/2021	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA)	STAFF TRAINING	70.00
EFT46271	09/02/2021	CHILD SUPPORT	EMPLOYEE DEDUCTION	352.70
EFT46272	09/02/2021	CPR ELECTRICAL SERVICES	ELECTRICAL MAINTENANCE - HAZELMERE WEIGHBRIDGE OFFICES	2,043.80
EFT46273	09/02/2021	DFP RECRUITMENT SERVICES P/L	LABOUR HIRE	3,594.80
EFT46274	09/02/2021	GHD PTY LTD	CONSULTING FEES - RE: PERMANENT FOGO FACILITY	46,263.80
EFT46275	09/02/2021	INDUSTRIAL RECRUITMENT PARTNERS	LABOUR HIRE	5,394.02
EFT46276	09/02/2021	KLB SYSTEMS	COMPUTER HARDWARE PURCHASES	9,075.00
EFT46277	09/02/2021	LABOURFORCE IMPEX PERSONNEL P/L	LABOUR HIRE	2,821.14
EFT46278	09/02/2021	NAPA (FORMERLY KNOWN AS COVS)	HARDWARE SUPPLIES	209.80
EFT46279	09/02/2021	PAYG PAYMENTS	PAYG TAXATION PAYMENT	82,878.00
EFT46280	09/02/2021	TELSTRA CORPORATION LTD	TELEPHONE CHARGES	430.87
EFT46281	09/02/2021	THE WATERSHED	SUPPLY FLOATING EVAPORATORS , PUMPS & OTHER FITTINGS TO RED HILL	10,857.00
EFT46282	12/02/2021	ADECCO AUSTRALIA PTY LTD	LABOUR HIRE	1,925.24
EFT46283	12/02/2021	AUSCO MODULAR PTY LTD	PLANT HIRE - HAZELMERE	99.00
EFT46284	12/02/2021	BIOGAS SYSTEMS AUSTRALIA PTY LTD	QUARTERLY SERVICES - LEACHATE DRAINAGE SYSTEMS & BORES	2,034.22
EFT46285	12/02/2021	BREATHALYSER SALES AND SERVICE	EQUIPMENT MAINTENANCE	93.50
EFT46286	12/02/2021	BUNNINGS GROUP LTD	HARDWARE SUPPLIES	456.90
EFT46287	12/02/2021	CA TECHNOLOGY PTY LTD T/A CAMMS MANAGEMENT SOLUTIONS	PURCHASE OF SOFTWARE & ANNUAL LICENCE FEE	35,310.00
EFT46288	12/02/2021	CJD EQUIPMENT PTY LTD	PLANT MAINTENANCE, PARTS & SERVICE	7,167.19
EFT46289	12/02/2021	COMFORTSTYLE WHOLESALE	REFUND OF OVERPAYMENT	85.80
EFT46290	12/02/2021	CPR ELECTRICAL SERVICES	ELECTRICAL MAINTENANCE - HAZELMERE GRINDER & SECURITY CAMERA AT ASCOT PLANCE	5,618.25
EFT46291	12/02/2021	DRAKE AUSTRALIA PTY LTD	LABOUR HIRE	3,624.89
EFT46292	12/02/2021	FLEXI STAFF PTY LTD	LABOUR HIRE	1,007.73
EFT46293	12/02/2021	HEHERSON GAYAGOY	BUILDING MAINTENANCE - ASCOT PLACE	495.00
EFT46294	12/02/2021	INDUSTRIAL RECRUITMENT PARTNERS	LABOUR HIRE	968.61
EFT46295	12/02/2021	LABOURFORCE IMPEX PERSONNEL P/L	LABOUR HIRE	8,531.07
EFT46296	12/02/2021	MAJOR SECURITY SERVICES PTY LTD	SECURITY MONITORING	1,234.46
EFT46297	12/02/2021	MILLS RECRUITMENT - MILLS CORPORATION PTY LTD T/AS	LABOUR HIRE	15,695.71
EFT46298	12/02/2021	MOTORCHARGE PTY LTD	FLEET FUEL PURCHASES	2,091.36
EFT46299	12/02/2021	NEVERFAIL SPRINGWATER	BOTTLED WATER	63.36
EFT46300	12/02/2021	TELSTRA CORPORATION LTD	TELEPHONE CHARGES	240.49
EFT46301	16/02/2021	DFP RECRUITMENT SERVICES P/L	LABOUR HIRE	3,670.57
EFT46302	16/02/2021	LABOURFORCE IMPEX PERSONNEL P/L	LABOUR HIRE	4,636.22
EFT46303	16/02/2021	PROTECTOR FIRE SERVICES	FIRE FIGHTING EQUIPMENT MAINTENANCE	165.00
EFT46304	16/02/2021	SYNERGY	ELECTRICITY CHARGES	2,789.91
EFT46305	16/02/2021	TOTALLY WORKWEAR MIDLAND	PROTECTIVE CLOTHING	541.04
EFT46306	16/02/2021	WA BROILER GROWERS ASSOCIATION (INC)	REFUND OF PAYMENT GUARANTEE	6,792.37
EFT46307	19/02/2021	DEPUTY COMMISSIONER OF TAXATION	GST PAYMENT	147,239.00
EFT46308	19/02/2021	AUSTRALIA'S DETAILING GROUP - ADAM TENCH	CLEANING CAR POOL VEHICLES	445.00
EFT46309	19/02/2021	DRAKE AUSTRALIA PTY LTD	LABOUR HIRE	5,884.03
EFT46310	19/02/2021	HUA JER LIEW	STAFF REIMBURSEMENT	1,778.00
EFT46311	19/02/2021	INDUSTRIAL RECRUITMENT PARTNERS	LABOUR HIRE	5,468.27
EFT46312	19/02/2021	KLB SYSTEMS	COMPUTER HARDWARE PURCHASES	412.78



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EFT46313	19/02/2021	MILLS RECRUITMENT - MILLS CORPORATION PTY LTD T/AS	LABOUR HIRE 11,133.07
EFT46314	19/02/2021	RENTOKIL INITIAL PTY LTD	QUARTERLY PEST CONTROL SERVICE 1,144.95
EFT46315	19/02/2021	SYNERGY	ELECTRICITY CHARGES 5,517.05
EFT46316	19/02/2021	TOTAL GREEN RECYCLING	RECYCLING OF IT EQUIPMENT 731.28
EFT46317	19/02/2021	TUTT BRYANT EQUIPMENT (BT EQUIPMENT PTY LTD)	PLANT PARTS 188.87
EFT46318	19/02/2021	WASTE MANAGEMENT & RESOURCE RECOVERY ASSOCIATION AUSTRALIA (WMRR)	ANNUAL CORPORATE MEMBERSHIP RENEWAL 3,015.00
EFT46319	19/02/2021	BP AUSTRALIA PTY LTD (A/C 50209244 )	FUEL PURCHASES 5,297.93
EFT46320	23/02/2021	BP AUSTRALIA PTY LTD (A/C 50209244 )	FUEL PURCHASES 21,098.75
EFT46321	23/02/2021	CHILD SUPPORT	EMPLOYEE DEDUCTION 352.70
EFT46322	23/02/2021	CIVIL AUTO ELECTRICS PTY LTD	PLANT REPAIR 3,381.40
EFT46323	23/02/2021	DATA 3 PERTH	SOFTWARE LICENCE RENEWAL 439.88
EFT46324	23/02/2021	DRAKE AUSTRALIA PTY LTD	LABOUR HIRE 2,810.68
EFT46325	23/02/2021	INDUSTRIAL RECRUITMENT PARTNERS	LABOUR HIRE 5,223.39
EFT46326	23/02/2021	KLB SYSTEMS	COMPUTER HARDWARE PURCHASES 1,479.50
EFT46327	23/02/2021	LABOURFORCE IMPEX PERSONNEL P/L	LABOUR HIRE 6,426.06
EFT46328	23/02/2021	MAJOR SECURITY SERVICES PTY LTD	SECURITY MONITORING 636.94
EFT46329	23/02/2021	OLDFIELDS SCAFFOLDING - ADELAIDE SCAFFOLD SOLUTIONS PTY LTD	EQUIPMENT HIRE 2,354.36
EFT46330	23/02/2021	PAYG PAYMENTS	PAYG TAXATION PAYMENT 82,756.00
EFT46331	23/02/2021	PERTH BIN HIRE	PRODUCT TRANSPORTATION COSTS 2,574.00
EFT46332	23/02/2021	SYNERGY	ELECTRICITY CHARGES 1,425.03
EFT46333	23/02/2021	TELSTRA CORPORATION LTD	TELEPHONE CHARGES 6,020.45
EFT46334	23/02/2021	WREN OIL	WASTE OIL REMOVAL - BAYWASTE 621.50
EFT46335	26/02/2021	ADECCO AUSTRALIA PTY LTD	LABOUR HIRE 1,951.43
EFT46336	26/02/2021	AUSCO MODULAR PTY LTD	PLANT HIRE - HAZELMERE 2,544.77
EFT46337	26/02/2021	AUSTRALIA POST - ASCOT PLACE	POSTAL CHARGES 337.23
EFT46338	26/02/2021	AUSTRALIAN INSTITUTE OF MANAGEMENT - AIM	STAFF TRAINING 1,398.00
EFT46339	26/02/2021	B&J CATALANO PTY LTD	BLASTING & CRUSHING OF CAPROCK -CONSTRUCT LEACHATE POIND AT RED HILL 49,253.69
EFT46340	26/02/2021	DATA 3 PERTH	SOFTWARE LICENCE ANNUAL RENEWAL 1,617.66
EFT46341	26/02/2021	DAVID WILLS & ASSOCIATES - DWA CONSULTING PTY LTD T/AS	HRRP CONSULTING 3,938.00
EFT46342	26/02/2021	EMBREY ATTACHMENTS PTY LTD	PURCHASE OF HYDRAULIC WOOD SHEARS 49,252.50
EFT46343	26/02/2021	ENVIRONMENTAL INDUSTRIES PTY LTD	REHABILITATE CLASS III CELLS & GOURND MAINTENANCE AT RED HILL & HAZELMERE 4,342.25
EFT46344	26/02/2021	FUJI XEROX AUSTRALIA PTY LTD	PHOTOCOPIER MAINTENANCE & SUPPLIES 565.08
EFT46345	26/02/2021	INDUSTRIAL RECRUITMENT PARTNERS	LABOUR HIRE 748.88
EFT46346	26/02/2021	KLB SYSTEMS	COMPUTER HARDWARE PURCHASES 4,356.00
EFT46347	26/02/2021	KUEHNE+NAGEL PTY LTD	CUSTOM DUTY & GST ON PLANT PARTS FOR GRINDER 10,414.62
EFT46348	26/02/2021	MARKETFORCE	ADVERTISING - ADOPTION OF LOCAL LAW 470.28
EFT46349	26/02/2021	OLDFIELDS SCAFFOLDING - ADELAIDE SCAFFOLD SOLUTIONS PTY LTD	EQUIPMENT HIRE - COPPIN ROAD 1,834.62
EFT46350	26/02/2021	PERTH ENERGY PTY LTD	GAS SUPPLY - WWtE 176.86
EFT46351	26/02/2021	RAUBEX CONSTRUCTION	PROGRESS CLAIM - CONSTURCTION OF STAGE 16 AT RED HILL 335,702.69
EFT46352	26/02/2021	SMEC AUSTRALIA PTY LTD	CONSULTING FEES - CONSTRUCTION OF STAGE 16 AT RED HILL 24,882.00
EFT46353	26/02/2021	SOUTHERN CROSS PROTECTION	COURIER SERVICE 352.00
EFT46354	26/02/2021	SYNERGY	ELECTRICITY CHARGES 4,460.86
EFT46355	26/02/2021	TALIS CONSULTANTS	CONSULTING FEE - CONSTRUCTION OF STAGE 16 AT REF HILL 1,765.50
220568	15/02/2021	EMRC PETTY CASH - BAYWASTE	PETTY CASH RECOUP 37.50
220569	15/02/2021	EMRC PETTY CASH - BELMONT	PETTY CASH RECOUP 84.00



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220570	15/02/2021	EMRC PETTY CASH - COPPIN ROAD	PETTY CASH RECOUP	119.65
220571	15/02/2021	EMRC PETTY CASH - HAZELMERE	PETTY CASH RECOUP	194.55
220572	15/02/2021	EMRC PETTY CASH - RED HILL	PETTY CASH RECOUP	85.90
220573	17/02/2021	WATER CORPORATION	WATER RATES & USAGE - ASCOT PLACE & HAZELMERE	3,429.50
PAY 2021 - 16	2/02/2021	PAYROLL FE 2/2/2021	PAYROLL	243,333.82
PAY 2021 - 17	16/02/2021	PAYROLL FE 16/2/2021	PAYROLL	243,664.35
1*FEB21	01/02/2021	BANK CHARGES 1916 - 1919	BANK FEES & CHARGES	1,798.25
DD21566.1	02/02/2021	AWARE SUPER PTY LTD (FORMALLY FIRST STATE SUPER)	SUPERANNUATION	27,032.15
DD21566.2	02/02/2021	AUSTRALIAN ETHICAL SUPER	SUPERANNUATION	560.29
DD21566.3	02/02/2021	PLUM SUPERANNUATION FUND ( MLC )	SUPERANNUATION	1,229.82
DD21566.4	02/02/2021	MARANI SUPER FUND	SUPERANNUATION	1,001.05
DD21566.5	02/02/2021	AMP - SIGNATURESUPER	SUPERANNUATION	274.27
DD21566.6	02/02/2021	HUB24 SUPER FUND	SUPERANNUATION	209.29
DD21566.7	02/02/2021	NORTH PERSONAL SUPERANNUATION	SUPERANNUATION	541.50
DD21566.8	02/02/2021	MERCER SMART SUPER PLAN	SUPERANNUATION	744.00
DD21566.9	02/02/2021	CBUS INDUSTRY SUPER	SUPERANNUATION	1,630.73
DD21566.10	02/02/2021	BT LIFETIME SUPER - EMPLOYER PLAN	SUPERANNUATION	277.29
DD21566.11	02/02/2021	TELSTRA SUPERANNUATION SCHEME	SUPERANNUATION	232.66
DD21566.12	02/02/2021	AMP FLEXIBLE LIFETIME SUPER	SUPERANNUATION	1,151.12
DD21566.13	02/02/2021	COMMONWEALTH ESSENTIAL SUPER	SUPERANNUATION	263.61
DD21566.14	02/02/2021	MY NORTH SUPER A/T WEALTH PERSONAL SUPERANNUATION & PENSION FUN	SUPERANNUATION	496.39
DD21566.15	02/02/2021	MTAA SUPERANNUATION FUND	SUPERANNUATION	365.14
DD21566.16	02/02/2021	BT SUPER FOR LIFE	SUPERANNUATION	665.44
DD21566.17	02/02/2021	HESTA	SUPERANNUATION	695.64
DD21566.18	02/02/2021	LEGALSUPER	SUPERANNUATION	415.99
DD21566.19	02/02/2021	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION	3,298.00
DD21566.20	02/02/2021	AUSTRALIAN SUPER	SUPERANNUATION	3,390.70
DD21566.21	02/02/2021	MLC SUPER FUND	SUPERANNUATION	926.73
DD21566.22	02/02/2021	RETAIL EMPLOYEES SUPERANNUATION TRUST	SUPERANNUATION	1,571.04
DD21566.23	02/02/2021	SUNSUPER	SUPERANNUATION	231.33
DD21566.24	02/02/2021	ZURICH MASTER SUPERANNUATION FUND	SUPERANNUATION	296.53
DD21567.1	16/02/2021	AWARE SUPER PTY LTD (FORMALLY FIRST STATE SUPER)	SUPERANNUATION	26,485.07
DD21567.2	16/02/2021	AUSTRALIAN ETHICAL SUPER	SUPERANNUATION	549.36
DD21567.3	16/02/2021	PLUM SUPERANNUATION FUND ( MLC )	SUPERANNUATION	1,229.82
DD21567.4	16/02/2021	MARANI SUPER FUND	SUPERANNUATION	1,001.05
DD21567.5	16/02/2021	AMP - SIGNATURESUPER	SUPERANNUATION	256.57
DD21567.6	16/02/2021	UNISUPER	SUPERANNUATION	63.87
DD21567.7	16/02/2021	HUB24 SUPER FUND	SUPERANNUATION	212.90
DD21567.8	16/02/2021	NORTH PERSONAL SUPERANNUATION	SUPERANNUATION	541.50
DD21567.9	16/02/2021	MERCER SMART SUPER PLAN	SUPERANNUATION	693.01
DD21567.10	16/02/2021	CBUS INDUSTRY SUPER	SUPERANNUATION	1,523.24
DD21567.11	16/02/2021	RETIREMENT PORTFOLIO SERVICE (ANZ SMART CHOICE SUPER)	SUPERANNUATION	236.17
DD21567.12	16/02/2021	AMP FLEXIBLE LIFETIME SUPER	SUPERANNUATION	1,151.12
DD21567.13	16/02/2021	BT LIFETIME SUPER - EMPLOYER PLAN	SUPERANNUATION	277.83
DD21567.14	16/02/2021	TELSTRA SUPERANNUATION SCHEME	SUPERANNUATION	232.60





Eastern Metropolitan Regional Council

CEO's DELEGATED PAYMENTS LIST  
FOR THE MONTH OF FEBRUARY 2021

Cheque / EFT No	Date	Payee		Amount
DD21567.15	16/02/2021	COMMONWEALTH ESSENTIAL SUPER	SUPERANNUATION	264.42
DD21567.16	16/02/2021	MY NORTH SUPER A/T WEALTH PERSONAL SUPERANNUATION & PENSION FUN	SUPERANNUATION	456.54
DD21567.17	16/02/2021	MTAA SUPERANNUATION FUND	SUPERANNUATION	327.44
DD21567.18	16/02/2021	BT SUPER FOR LIFE	SUPERANNUATION	667.43
DD21567.19	16/02/2021	HESTA	SUPERANNUATION	617.76
DD21567.20	16/02/2021	LEGALSUPER	SUPERANNUATION	408.96
DD21567.21	16/02/2021	HOSTPLUS SUPERANNUATION FUND	SUPERANNUATION	3,325.77
DD21567.22	16/02/2021	AUSTRALIAN SUPER	SUPERANNUATION	3,339.98
DD21567.23	16/02/2021	MLC SUPER FUND	SUPERANNUATION	925.22
DD21567.24	16/02/2021	RETAIL EMPLOYEES SUPERANNUATION TRUST	SUPERANNUATION	1,375.17
DD21567.25	16/02/2021	SUNSUPER	SUPERANNUATION	231.33
DD21567.26	16/02/2021	ZURICH MASTER SUPERANNUATION FUND	SUPERANNUATION	296.53
1864	22/02/2021	AUSTRACLEAR LIMITED (ASX)	FINANCIAL SERVICES FEE	8.25
1865	16/02/2021	WBC - CORPORATE MASTERCARD - BRADLEY LACEY	CREDIT CARD PURCHASES	6.08
1866	16/02/2021	WBC - CORPORATE MASTERCARD - D AMEDURI	CREDIT CARD PURCHASES	598.87
1867	16/02/2021	WBC - CORPORATE MASTERCARD - DAVID SCHMIDT	CREDIT CARD PURCHASES	593.00
1868	16/02/2021	WBC - CORPORATE MASTERCARD - DOUGLAS DARMAGO	CREDIT CARD PURCHASES	386.10
1869	16/02/2021	WBC - CORPORATE MASTERCARD - H LIEW	CREDIT CARD PURCHASES	12.00
1870	16/02/2021	WBC - CORPORATE MASTERCARD - IZABELLA KRZYSKO	CREDIT CARD PURCHASES	768.50
1871	16/02/2021	WBC - CORPORATE MASTERCARD - KERRY WILSON	CREDIT CARD PURCHASES	51.60
1872	16/02/2021	WBC - CORPORATE MASTERCARD - S FITZPATRICK	CREDIT CARD PURCHASES	8.08
1873	16/02/2021	WBC - CORPORATE MASTERCARD - T BEINHAEUER	CREDIT CARD PURCHASES	1,606.92
1874	16/02/2021	WBC - CORPORATE MASTERCARD - T ECKSTEIN	CREDIT CARD PURCHASES	1,636.09
1875	16/02/2021	WBC - CORPORATE MASTERCARD - W HARRIS	CREDIT CARD PURCHASES	499.94
1876	16/02/2021	WBC - CORPORATE MASTERCARD - Z WILLIAMSON	CREDIT CARD PURCHASES	111.09
1877	25/02/2021	BANK OF QUEENSLAND	TERM DEPOSIT INVESTMENT	3,000,000.00
<b>SUB TOTAL</b>				<b>5,153,014.52</b>
<b>LESS CANCELLED EFTs &amp; CHEQUES</b>				<b>Nil</b>
<b>TOTAL</b>				<b>5,153,014.52</b>

All Employee Superannuation obligations for the period February 2021 have been paid by the EMRC.



## 14.2 FINANCIAL REPORT FOR PERIOD ENDED 28 FEBRUARY 2021

REFERENCE: D2021/03728

### PURPOSE OF REPORT

The purpose of this report is to provide Council with an overview of the EMRC's financial performance for the period ended 28 February 2021.

### KEY POINTS AND RECOMMENDATION(S)

- Significant year to date budget variances greater than 10% or \$20,000, whichever is the greater, within each nature and type category on the Statement of Financial Activity as at 28 February 2021 have been identified and are reported on in the body of the report.

#### Recommendation(s)

That Council receives the Statement of Comprehensive Income, Capital Expenditure Statement, Statement of Financial Position, Statement of Cash and Investments and the Investment Report for the period ended 28 February 2021.

### SOURCE OF REPORT

Chief Financial Officer

### BACKGROUND

It is a requirement of the *Local Government (Financial Management) Regulations 1996* (r.34) that a Local Government is to prepare and present to Council financial reports in such a form as the Local Government considers to be appropriate.

Submitted to each meeting of Council is a financial report and summaries which provide an overview of year to date budget performance for operating activities and capital works. Variances greater than 10% or \$20,000, whichever is the greater, within each nature and type category on the Statement of Comprehensive Income are reported on in the body of the report. Also included are end of year forecasts by nature and type for operating activities and end of year forecasts for each capital works project. These forecasts are reviewed regularly in order to provide an accurate forecast of the end of year result.

The half year budget review was undertaken during January/February 2021 and is reflected in this report.

### REPORT

Outlined below are financial statements for the period ended 28 February 2021. Where possible the year to date monthly budget allocations will be reviewed in order to match the appropriate timing for the various projects budgeted to be undertaken. This will provide a better comparison between the year to date actual and year to date budget figures.

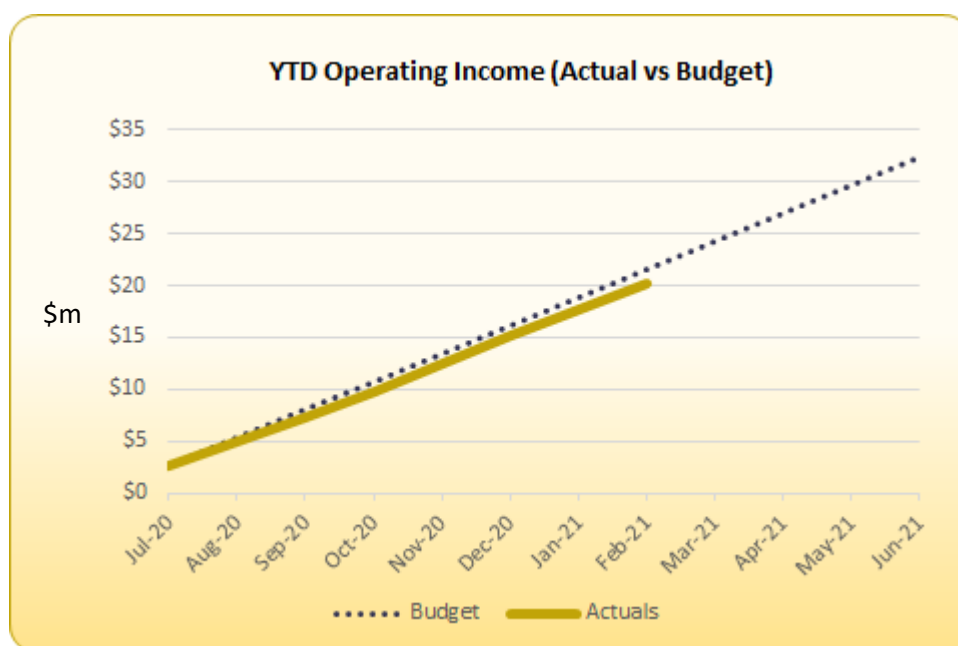


Item 14.2 continued

**Statement of Comprehensive Income - Nature and Type (refer Attachment 1)**

The net operating result as at 28 February 2021 is an unfavourable variance of \$680,259 (12.96%) against budget. The following information is provided on key aspects of Council's year to date financial performance:

<b><u>Operating Income</u></b>	<i>Actuals for the Year</i>	An unfavourable variance of \$1,367,421 (6.33%).
	<i>End of Year Forecast</i>	An unfavourable variance of \$1,971,366 (6.11%).



Operating Income variances previously reported to Council:

1. Year to date Net User Charges is \$2,175,853 (15.06%) below the budget of \$14,450,876. The variance is due to the lower than budgeted Commercial tonnages received as at 28 February 2021.
2. Year to date Contributions is \$55,189 (16.07%) above the budget of \$343,496. The variance is due to the carried forward contribution funds totalling \$71,738 relating to the Environmental Building Benchmarking Project not previously budgeted for as part of the 2020/2021 Annual Financial Budget.
3. Year to date Operating Grants is \$140,437 (112.35%) above the budget of \$125,000. The variance is due to the carried forward of unspent grant funds totalling \$81,406 from the 2019/2020 financial year relating to various projects together with the following successful grant not previously budgeted for that have been received:
  - \$65,775 - Tackling the Troublesome Two Project; and
  - \$50,000 - Circular Economy Training and Capacity Building Project.

The full year for Operating Grants has been forecast to be below the annual budget by \$139,563 (33.63%). The variance is due to the reasons as outlined above together with grants totalling \$288,000 relating to the following projects that have not been received (associated costs relating specifically to these grants have not been incurred).

- \$108,000 - Regional Spatial Mapping; and
- \$180,000 - Avon Descent.



*Item 14.2 continued*

4. Year to date Interest on Restricted Cash Investments is \$92,576 (15.03%) below the budget of \$615,944. The variance is due to the lower interest rates on investments being obtained. The average interest rate as at 28 February 2021 is 1.029 % compared to the budgeted interest rate of 1.14%
5. Year to date Reimbursements is \$675,472 (82.04%) above the budget of \$823,321. The variance primarily relates to the reimbursement of costs that were not previously budgeted for relating to the purchase of caddies and liners on behalf of the City of Bayswater, insurance reimbursement for repair and business interruption losses resulting from fire damage to the Hamel Shredder that was used to process mattresses at the Hazelmere Resource Recovery Facility (HRRF), and, additional reimbursements from the management of the Coppin and Mathieson Transfer Stations which is based on a cost-plus basis and is reliant on the level of income generated from the sale of products at the sites.

The full year Reimbursements has been forecast to be above the annual budget by \$556,766 (52.51%)

Operating Income variances not previously reported to Council:

6. The full year Interest Municipal Cash Investments has been forecast to be \$38,000 (22.35%) below the budget of \$170,000. The variance is due to the average lower level of cash now being held in the working account together with lower interest rates on investments being obtained. The average interest rate as at 28 February 2021 is 1.029 % compared to the budgeted interest rate of 1.14%.
7. The full year Other Income has been forecast to be \$326,286 (13.37%) below the budget of \$2,440,311. The variance is attributable to a \$0 forecast for electricity sales from the WWtE facility (compared to a budget of \$559,650), and the sale of products from the WWtE facility (\$0 forecast compared to a budget of \$112,500) due to the delay in the commissioning of the Wood Waste to Energy (WWtE) facility.

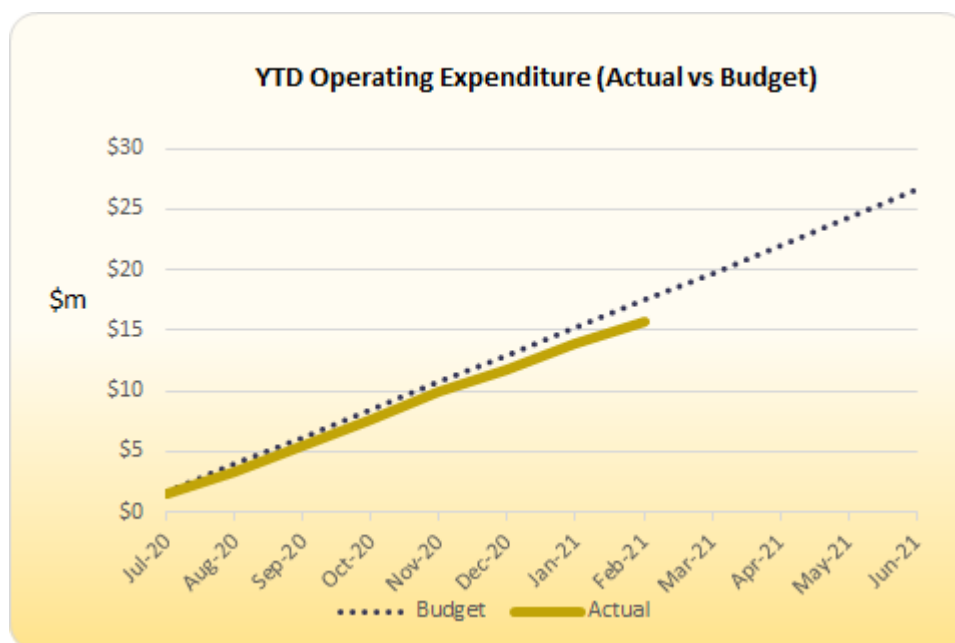
This is offset by additional income from the sale of products from the Class IV Cell (\$175,000 forecast compared to a budget of \$0), additional sales of products from the Woodwaste Project (\$807,716 forecast compared to a budget of \$700,000) and the additional sale of products from the Baywaste Transfer Station (\$60,000 forecast compared to a budget of \$0).

There were no further significant Operating Income variances as at 28 February 2021.



Item 14.2 continued

<b><u>Operating Expenditure</u></b>	Actuals for the Year	A favourable variance of \$687,162 (4.20%).
	End of Year Forecast	A favourable variance of \$1,123,723 (4.22%).



Operating Expenditure variances previously reported to Council:

1. Year to date Fuel Expenses of \$358,615 is below the budget by \$76,761 (17.63%). The variance is attributable to the lower purchase price of distillate compared to budget together with the lower level of commercial tonnages received to date compared to budget.

The full year Fuel Expenses has been forecast to be below the budget by \$157,774 (19.07%).

Operating Expenditure variances not previously reported to Council:

2. The full year Contract Expenses has been forecast to be \$568,342 (10.10%) above the budget of \$5,627,716. The variance relates primarily to additional contract labour and material expenses of \$474,299 and additional legal expenses of \$160,190. The additional contract labour expense is primarily as a result of staff vacancies. This is reflected in an end of year forecast that is \$576,593 lower than budget in the salary expenses.
3. Year to date Material Expenses of \$1,131,751 above the budget by \$223,183 (24.56%). The variance is attributable to the purchase of FOGO caddies and liners on behalf of the City of Bayswater that was not previously budgeted (\$483,625). A corresponding increase is in the reimbursement income which represents the recoup of costs from the City of Bayswater. The variance is off-set by expenditure lower than budget in the following directorates/business units: CEO's (\$6,118), Business Support (\$45,060), Sustainability (\$18,866), Operations (\$91,931) and Projects (\$98,465).
4. The full year Utility Expenses has been forecast to be \$55,531 (15.56%) below the budget of \$356,911. The variance relates primarily to the lower than budgeted electricity usage across the EMRC facilities together with anticipated savings based on renegotiated charges with the electricity supplier.



*Item 14.2 continued*

- Year to date Insurance Expenses of \$364,737 is above the budget by \$152,641 (71.97%). The variance is attributable to the repair costs (\$144,780) resulting from fire damage to the Hamel Shredder that was used to process mattresses at the Hazelmere Resource Recovery Facility (HRRF). This is off-set by a corresponding increase in reimbursement income from the insurance company.

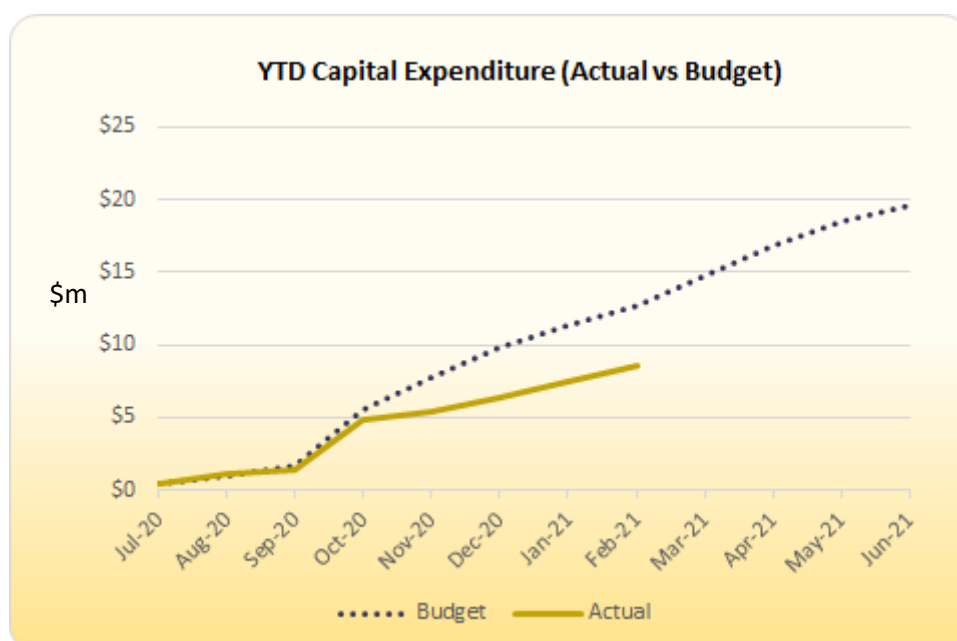
The full year Insurance Expenses has been forecast to be above the budget by \$163,980 (51.49%).

- The full year Depreciation Expenses has been forecast to be \$931,195 (16.82%) below the budget of \$5,537,697. The variance is principally due to the lower level of capital expenditure as at 28 February 2021 (\$8,550,355 compared to the forecast budget of \$18,885,613 and adopted budget of \$19,616,114).
- The full year Miscellaneous Expenses (excluding the Landfill Levy expenses) has been forecast to be \$175,478 (13.57%) below the budget of \$1,293,452. This variance is attributable to the lower level of travel and accommodation expenses (\$39,690 compared to a budget of \$66,774), Advertising Expenses associated with the advertising of the Avon Descent (\$0 compared to a budget of \$48,000), other miscellaneous advertising (\$120,375 compared to a budget of \$144,509), lower contribution expenses (\$28,000 compared to a budget of \$55,000), lower internet service provider expenses (\$83,104 compared to a budget of \$104,104) and lower general miscellaneous expenses across all directorates of the EMRC (\$107,428 compared to a budget of \$144,224).
- The full year Cost Allocations has been forecast to be \$153,743 (17.99%) below the budget of \$854,401. This variance relates specifically to internal costs allocated to various capital expenditure projects that were budgeted to utilise the EMRC's plant and have subsequently been reduced as part of the half year budget review process.

There were no further significant Operating Expenditure variances as at 28 February 2021.

**Capital Expenditure Statement (refer Attachment 2)**

<b><u>Capital Expenditure</u></b>	<i>Actuals for the Year</i>	An underspent variance of \$1,915,520.
	<i>End of Year Forecast</i>	An underspent variance of \$730,501.





*Item 14.2 continued*

Capital Expenditure variances:

An underspent variance of \$1,915,520 existed as at 28 February 2021 when compared to the year to date budget of \$10,465,876.

Major capital expenditures to 28 February 2021 include:

- Purchase Waste Management Land - Red Hill Landfill Facility (RHLF) - \$2,015,907;
- Develop Lots 8, 9 & 10 For Future Waste Activities - RHLF - \$1,881,982;
- Construct Class III Cell - Stage 16 - RHLF - \$864,048;
- Purchase FOGO Processing Plant - RHLF - \$463,050;
- Refurbish Plant - Hazelmere Resource Recovery Park (HRRP) - \$404,984;
- Construct and Commission HRRP - WWtE Building - \$389,101;
- Purchase / Replace Plant - HRRP - \$344,817;
- Purchase Plant and Equipment - HRRP - WWtE - \$315,242;
- Construct Leachate and Stormwater Infrastructure and Siltation Ponds - RHLF - \$289,116;
- Purchase / Replace Plant - RHLF - \$246,372;
- Purchase/Replace Vehicles - Ascot Place and RHLF - \$239,573;
- Construct Site Infrastructure - HRRP - \$223,112;
- Construct FOGO Processing Area - RHLF - \$187,870;
- Construct Access Road to Lots 8, 9 and 10 - RHLF - \$122,858;
- Implementation of the FOGO Recovery Strategy - RHLF - \$100,609; and
- Refurbish Plant - RHLF - \$78,158;

Major capital expenditure projects that are underspent compared to the year to date budget as at 28 February 2021 include:

- Construct Class III Cell - Stage 16 - RHLF - \$948,508;
- Purchase / Replace Plant - RHLF - \$385,000;
- Construct WWtE Utilities/Infrastructure - HRRP - \$338,242.
- Purchase WWtE Plant and Equipment - HRRP - \$304,959.
- Purchase Information Technology and Communications Equipment - \$212,276;
- Capital Improvement Ascot Place Administration Building - \$173,629; and
- Construct Workshop No. 3 - RHLF - \$143,162.

The underspends are principally due to the timing of the projects and/or purchases. It is expected that capital expenditure provisions will be utilised during the year, and will be in line with budget or forecast provisions as applicable.

The capital expenditure budget spread for 2020/2021 is constantly reviewed to provide a more accurate indication of when capital expenditure projects and purchases have been programmed to be undertaken for reporting and cash flow purposes.

The Capital Expenditure budgets as at year end have been reviewed throughout the year and in particular as part of the half year budget review undertaken during January/February 2021 in order to reflect the actual timing of various projects and match expenditure requirements in relation to tonnage forecasts.

Full Year Capital Expenditure has been forecast to be \$730,501 (3.72%) below the budget of \$19,616,114.

Significant reductions to capital budgets where savings have been achieved, or where project expenditure has been deferred due to delays and/or carried forward or not required include the following:



*Item 14.2 continued*

- Liquid Waste Project - Red Hill Landfill Facility (RHLF) - \$1,500,000 (c/fwd);
- Construct Workshop No 3 - RHLF - \$624,811 (c/fwd);
- Construct Class III Cell Stage 16 - RHLF - \$574,285;
- Liquid Waste Project Plant - Red Hill Landfill Facility (RHLF) - \$550,000 (c/fwd);
- Purchase / Replace Minor Plant & Equipment - RHLF - \$260,562;
- Construct Class III Cell Stage 17 - RHLF - \$250,000 (c/fwd);
- Construct Hazelmere Resource Recovery Park (HRRP) - Reuse Store Infrastructure - \$250,000;
- WWtE Plant and Equipment - HRRP - \$234,799;
- Purchase Waste Management Land - RHLF - \$219,093;
- Upgrade Power Supply to Workshop No 2 - RHLF - \$210,000 (c/fwd);
- Construct Drainage Diversion & Infrastructures - RHLF - \$200,000 (c/fwd);
- Construct Waste Management Facility Buildings - RHLF - \$180,000 (\$100,000 c/fwd);
- Woodwaste to Energy Project (WWtE) Utilities / Infrastructure - HRRP - \$170,727;
- Construct Leachate & Stormwater Infrastructure/Siltation Ponds - RHLF - \$110,000 (c/fwd);

This is offset by an increase in the following Capital Expenditure budget provision following a review of the capital expenditure program:

- Construct Site Workshop (HRRP) - \$1,465,750;  
This was subject to a confidential report submitted to Council and approved by Council at its meeting held on 17 September 2020.
- WWtE Building (HRRP) - \$458,711;  
This expenditure relates to the correct allocation of budget provisions for the class of asset relating to the WWtE project. This off-sets the WWtE budgeted provisions for Utilities / Infrastructure and Plant and Equipment which have been reduced by \$405,526.
- Refurbish Plant - HRRP - \$404,984;  
This expenditure relates to the refurbishment of plant that was expected to be completed and provided for in the previous financial year (2019/2020). There was no carried forward provision made in the 2020/2021 financial year for this expenditure and the resulting 2019/2020 total expenditure was below the expected forecast.
- Implementation of the FOGO Recovery Strategy - RHLF - \$400,000;  
This was subject to a report submitted to Council and approved by Council at its meeting held on 17 September 2020 for the permanent FOGO facility.
- Construct Access Road and Develop Lots 8, 9 & 10 - RHLF - \$372,039;  
This expenditure relates to the construction of the access road and development of Lots 8, 9 & 10 at the RHLF that was expected to be completed and provided for in the previous financial year (2019/2020). There was no carried forward provision made in the 2020/2021 financial year for this expenditure and the resulting 2019/2020 total expenditure was below the expected forecast.
- Purchase FOGO Processing Plant - RHLF - \$315,000;  
This additional expenditure relates to the purchase of the FOGO Processing Plant at the RHLF that was expected to be purchased in the previous financial year (2019/2020). There was no carried forward provision made in the 2020/2021 financial year for this expenditure and the resulting 2019/2020 total expenditure was below the budgeted provision.





*Item 14.2 continued*

- Air Pollution Control Residue Facility (APCR) - RHLF - \$300,000;  
This expenditure relates to the set up and licencing costs for the construction of the APCR facility for the acceptance of fly-ash material at the RHLF. This project will be subject to a Business Plan and authorisation by Council.
- Gas Extraction System Wells - RHLF - \$260,562;  
This expenditure is associated with the EMRC's contracted share of the gas extraction wells. Funding is provided from the Purchase / Replace Minor Plant & Equipment provision which has been reduced by the same amount.
- Capital Improvement - Ascot Place Administration Building - \$150,000;  
This relates to the increased cost of refurbishment of the Ascot Place Toilets and undercover car parking bays.
- Design and Construct Class IV Cell Stage 3 - RHLF - \$150,000;  
This was subject to a report submitted to Council and approved by Council at its meeting held on 17 September 2020.
- Construct FOGO Processing Area - RHLF - \$188,000;  
This expenditure relates to the construction of the FOGO Processing Area at the RHLF that was expected to be completed and provided for in the previous financial year (2019/2020). There was no carried forward provision made in the 2020/2021 financial year for this expenditure and the resulting 2019/2020 total expenditure was below the expected forecast.
- Construct Site Infrastructure - HRRP - \$100,000;  
This additional expenditure relates to the ongoing construction of the site infrastructure at the HRRP that was expected to be completed and provided for in the previous financial year (2019/2020). There was no carried forward provision made in the 2020/2021 financial year for this expenditure and the resulting 2019/2020 total expenditure was below the budgeted provision.

**Statement of Financial Position (refer Attachment 3)**

The Statement of Financial Position shows the overall impact of actual balances compared with budget provisions and end of year forecasts for operating and capital works activities.

Total Equity as at 28 February 2021 totals \$189,020,297. This is an increase of \$4,568,417 from the 30 June 2020 equity of \$184,451,880 and represents the net change in assets from operations.

It has been forecast that Total Equity as at 30 June 2021 will be below the original budget of \$190,233,375 by \$847,643.

**Statement of Cash and Investments (refer Attachment 4)**

The level of cash and investments in the Municipal Fund as at 28 February 2021 is \$6,342,570 and Restricted Cash amount to \$76,816,064.

The net movement for the month is an increase of \$1,399,225.

It has been forecast that Total Cash and Investments as at 30 June 2021 will be below the original budget of \$72,192,491 by \$948,744.

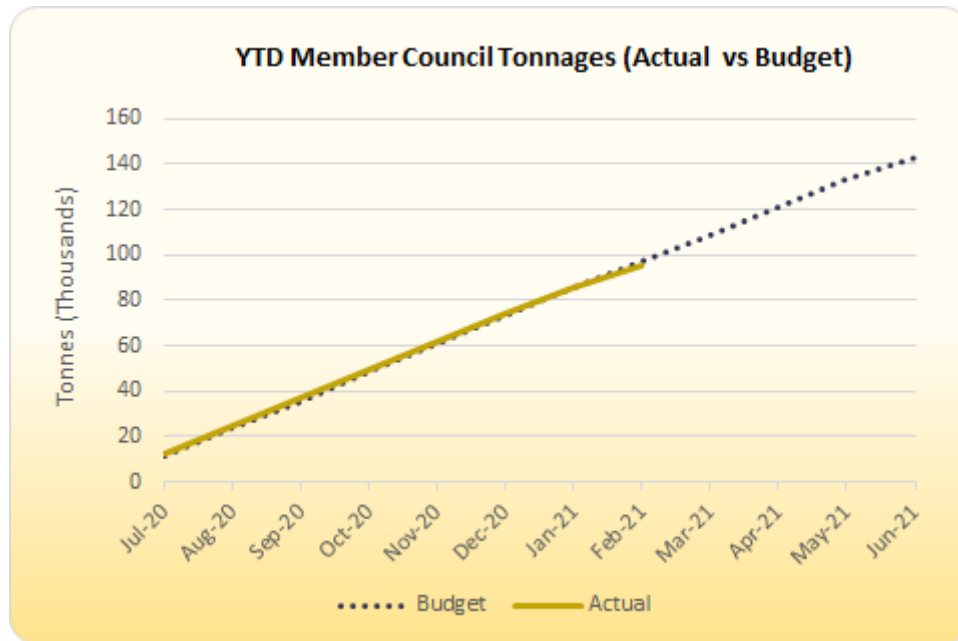
**Investment Report (refer Attachment 5)**

Term deposits valued at \$1,500,000 matured during February 2021. This was reinvesting into further term deposits together with additional funds.



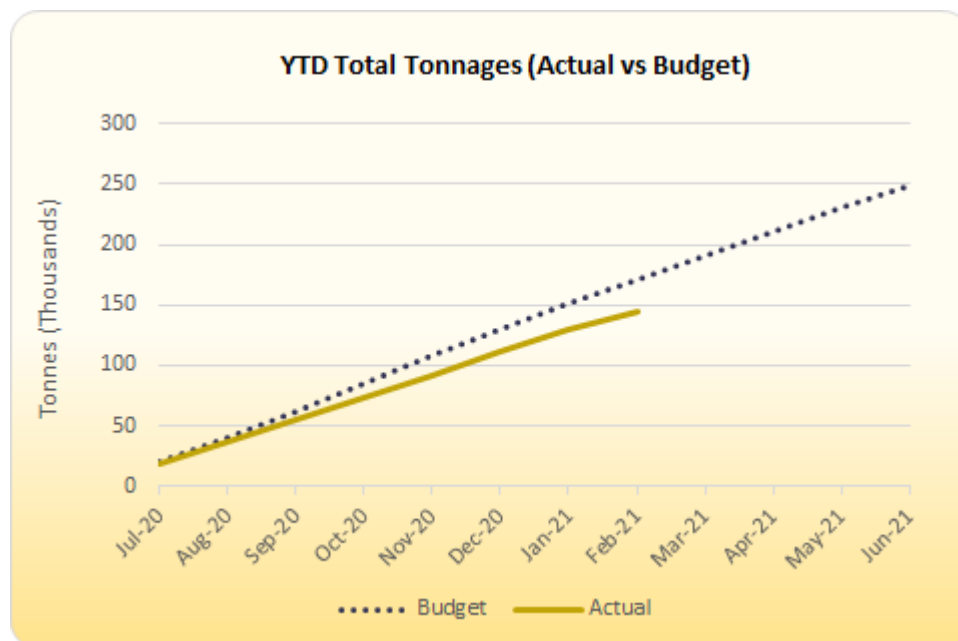
Item 14.2 continued

**Tonnages - Member Councils**



YTD tonnages received from member Councils total 95,626 compared to the budget of 96,939. As at the same period in 2019/2020 tonnages from member Councils totalled 92,308.

**Tonnages - Total Tonnages**



YTD total tonnages received from all source total 144,718 compared to the budget of 170,684. As at the same period in 2019/2020 tonnages received from all sources totalled 162,260.



*Item 14.2 continued*

## STRATEGIC/POLICY IMPLICATIONS

Key Result Area 3 - Good Governance

3.3 To provide responsible and accountable governance and management of the EMRC

3.4 To continue to improve financial and asset management practices

## FINANCIAL IMPLICATIONS

As outlined within the report and attachments.

## SUSTAINABILITY IMPLICATIONS

Nil

## RISK MANAGEMENT

<b>RISK:</b> Non-compliance with Financial Regulations		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Moderate
<b>Action / Strategy</b>		
<ul style="list-style-type: none"> <li>The financial report is scrutinised by the EMRC Council to ensure that all statutory requirements are met.</li> <li>Internal Audit reviews to ensure compliance with Financial Regulations.</li> <li>External Audit confirms compliance.</li> </ul>		

## MEMBER COUNCIL IMPLICATIONS

### Member Council

Town of Bassendean  
 City of Bayswater  
 City of Belmont  
 City of Kalamunda  
 Shire of Mundaring  
 City of Swan

### Implication Details

} As outlined in the report.



*Item 14.2 continued*

**ATTACHMENT(S)**

1. Statement of Comprehensive Income by Nature and Type (Ref: D2021/04095)
2. Capital Expenditure Statement (Ref: D2021/04096)
3. Statement of Financial Position (Ref: D2021/04097)
4. Statement of Cash and Investments (Ref: D2021/04098)
5. Investment Report (Ref: D2021/04099)

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION(S)**

That Council receives the Statement of Comprehensive Income, Capital Expenditure Statement, Statement of Financial Position, Statement of Cash and Investments and the Investment Report for the period ended 28 February 2021.

**COUNCIL RESOLUTION(S)**

MOVED CR HAMILTON

SECONDED CR CONGERTON

THAT COUNCIL RECEIVES THE STATEMENT OF COMPREHENSIVE INCOME, CAPITAL EXPENDITURE STATEMENT, STATEMENT OF FINANCIAL POSITION, STATEMENT OF CASH AND INVESTMENTS AND THE INVESTMENT REPORT FOR THE PERIOD ENDED 28 FEBRUARY 2021.

**CARRIED UNANIMOUSLY**



## STATEMENT OF COMPREHENSIVE INCOME

### Nature and Type

Year to Date

FEBRUARY 2021

Full Year

Year to Date			Full Year					
Actual	Budget	Variance		Forecast	Budget	Variance		
<b>Operating Income</b>								
\$21,195,630	\$24,120,460	(\$2,924,830)	(U)	User Charges	\$32,420,978	\$35,838,110	(\$3,417,132)	(U)
(\$8,920,607)	(\$9,669,584)	\$748,977	(F)	<u>Less</u> Landfill Levy Charges	(\$13,141,915)	(\$14,504,393)	\$1,362,478	(F)
\$12,275,023	\$14,450,876	(\$2,175,853)	(U)	Net User Charges	\$19,279,063	\$21,333,717	(\$2,054,654)	(U)
\$323,005	\$328,599	(\$5,594)	(U)	Special Charges	\$477,568	\$482,683	(\$5,115)	(U)
\$3,506,914	\$3,401,748	\$105,166	(F)	Secondary Waste Charge	\$4,803,276	\$4,738,691	\$64,585	(F)
\$398,685	\$343,496	\$55,189	(F)	Contributions	\$391,708	\$423,955	(\$32,247)	(U)
\$265,437	\$125,000	\$140,437	(F)	Operating Grants	\$275,437	\$415,000	(\$139,563)	(U)
\$79,323	\$88,000	(\$8,677)	(U)	Interest Municipal Cash Investments	\$132,000	\$170,000	(\$38,000)	(U)
\$523,368	\$615,944	(\$92,576)	(U)	Interest Restricted Cash Investments	\$940,123	\$929,975	\$10,148	(F)
\$1,498,793	\$823,321	\$675,472	(F)	Reimbursements	\$1,617,156	\$1,060,390	\$556,766	(F)
\$1,114,907	\$1,166,619	(\$51,712)	(U)	Other	\$2,114,025	\$2,440,311	(\$326,286)	(U)
\$245,727	\$255,000	(\$9,273)	(U)	Proceeds from Sale of Assets	\$268,000	\$275,000	(\$7,000)	(U)
<b>\$20,231,182</b>	<b>\$21,598,603</b>	<b>\$1,367,421</b>	<b>(U)</b>	<b>Total Operating Income</b>	<b>\$30,298,356</b>	<b>\$32,269,722</b>	<b>(\$1,971,366)</b>	<b>(U)</b>
<b>Operating Expenditure</b>								
\$6,493,916	\$6,862,875	\$368,959	(F)	Salary Expenses	\$10,224,688	\$10,801,281	\$576,593	(F)
\$3,323,091	\$3,606,360	\$283,269	(F)	Contract Expenses	\$6,196,058	\$5,627,716	(\$568,342)	(U)
\$1,131,751	\$908,568	(\$223,183)	(U)	Material Expenses	\$1,531,494	\$1,555,489	\$23,995	(F)
\$206,547	\$217,742	\$11,195	(F)	Utility Expenses	\$301,380	\$356,911	\$55,531	(F)
\$358,615	\$435,376	\$76,761	(F)	Fuel Expenses	\$669,409	\$827,183	\$157,774	(F)
\$364,737	\$212,096	(\$152,641)	(U)	Insurance Expenses	\$482,464	\$318,484	(\$163,980)	(U)
\$2,861,013	\$3,095,421	\$234,408	(F)	Depreciation Expenses	\$4,606,502	\$5,537,697	\$931,195	(F)
\$623,815	\$676,494	\$52,679	(F)	Miscellaneous Expenses	\$1,117,974	\$1,293,452	\$175,478	(F)
\$533,033	\$570,424	\$37,391	(F)	Provision Expenses	\$813,480	\$900,658	\$87,178	(F)
(\$420,667)	(\$420,667)	\$0	(F)	Costs Allocated	(\$700,658)	(\$854,401)	(\$153,743)	(U)
\$186,914	\$185,238	(\$1,676)	(U)	Carrying Amount of Assets Disposed Of	\$250,694	\$252,738	\$2,044	(F)
<b>\$15,662,765</b>	<b>\$16,349,927</b>	<b>\$687,162</b>	<b>(F)</b>	<b>Total Operating Expenditure</b>	<b>\$25,493,485</b>	<b>\$26,617,208</b>	<b>\$1,123,723</b>	<b>(F)</b>
<b>\$4,568,417</b>	<b>\$5,248,676</b>	<b>(\$680,259)</b>	<b>(U)</b>	<b>NET RESULT BEFORE OTHER COMPREHENSIVE INCOME</b>	<b>\$4,804,871</b>	<b>\$5,652,514</b>	<b>(\$847,643)</b>	<b>(U)</b>
Surplus	Surplus				Surplus	Surplus		
<b>Realised/Unrealised (Gain)/Loss From Change in Fair Value of Investments</b>								
\$0	\$0	\$0	(F)	Unrealised (Gain)/Loss	\$0	\$0	\$0	(F)
\$0	\$0	\$0	(F)	Realised (Gain)/Loss	\$0	\$0	\$0	(F)
<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(F)</b>	<b>Total (Gain)/Loss from change in Fair Value of Investments</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(F)</b>
<b>Other Comprehensive Income</b>								
\$0	\$0	\$0	(F)	Revaluation of Assets/Accumulated Depreciation Reversal	\$0	\$0	\$0	(F)
\$0	\$0	\$0	(F)	Other Comprehensive Income	\$0	\$0	\$0	(F)
<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(F)</b>	<b>Total Other Comprehensive Income</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(F)</b>
<b>\$4,568,417</b>	<b>\$5,248,676</b>	<b>\$680,259</b>	<b>(U)</b>	<b>CHANGE IN NET ASSETS FROM OPERATIONS</b>	<b>\$4,804,871</b>	<b>\$5,652,514</b>	<b>(\$847,643)</b>	<b>(U)</b>
Surplus	Surplus				Surplus	Surplus		

## Notes:

1. User Charges - include member Councils and casual users pertaining to waste, risk management and environmental services fees and charges;
2. Special Charges - Waste Education Levy;
3. Contributions - member Councils' contributions to projects and services;
4. Operating Grants - grant income predominantly from government agencies; and
5. Other Operating Income - includes income from the sale of products;

(F) denotes Favourable variance and (U) denotes Unfavourable variance



## CAPITAL EXPENDITURE STATEMENT

### FEBRUARY 2021

Year to Date			On Order		Full Year		
Actual	Budget	Variance			Forecast	Budget	Variance
<b>Business Support</b>							
\$120,741	\$165,000	\$44,259	\$891	<b>Purchase Vehicles - Ascot Place</b> ( 24440/00 )	\$177,000	\$200,000	\$23,000
\$0	\$30,000	\$30,000	\$0	<b>Purchase Furniture Fittings &amp; Equipment - Corporate Services</b> ( 24510/01 )	\$62,000	\$62,000	\$0
\$21,724	\$234,000	\$212,276	\$0	<b>Purchase Information Technology &amp; Communication Equipment</b> ( 24550/00 )	\$464,000	\$405,000	(\$59,000)
\$13,421	\$187,050	\$173,629	\$1,270	<b>Capital Improvement Administration Building - Ascot Place</b> ( 25240/01 )	\$458,000	\$308,000	(\$150,000)
\$0	\$5,000	\$5,000	\$0	<b>Upgrade Security Equipment - Ascot Place</b> ( 25530/01 )	\$5,000	\$5,000	\$0
<b>\$155,886</b>	<b>\$621,050</b>	<b>\$465,164</b>	<b>\$2,161</b>		<b>\$1,166,000</b>	<b>\$980,000</b>	<b>(\$186,000)</b>



# CAPITAL EXPENDITURE STATEMENT

FEBRUARY 2021

Year to Date			On Order		Full Year		
Actual	Budget	Variance			Forecast	Budget	Variance
<b>Sustainability Team</b>							
\$45,979	\$0	(\$45,979)	\$0	Purchase Polystyrene Compactor (Grant allocation) - Waste Education ( 24410/13 )	\$44,990	\$0	(\$44,990)
\$45,979	\$0	(\$45,979)	\$0		\$44,990	\$0	(\$44,990)



# CAPITAL EXPENDITURE STATEMENT

FEBRUARY 2021

Year to Date			On Order		Full Year		
Actual	Budget	Variance			Forecast	Budget	Variance
<b>Operations Team</b>							
\$0	\$0	\$0	\$222,183	<b>Gas Extraction System Wells - Red Hill Landfill Facility</b> ( 24399/20 )	\$260,562	\$0	(\$260,562)
\$246,372	\$631,372	\$385,000	\$0	<b>Purchase / Replace Plant - Red Hill Landfill Facility</b> ( 24410/00 )	\$1,856,842	\$1,935,000	\$78,158
\$344,817	\$415,000	\$70,183	\$87,380	<b>Purchase / Replace Plant - Hazelmere</b> ( 24410/01 )	\$595,000	\$595,000	\$0
\$52,072	\$220,360	\$168,288	\$61,200	<b>Purchase / Replace Minor Plant and Equipment-Red Hill Landfill Facility</b> ( 24420/00 )	\$264,438	\$525,000	\$260,562
\$0	\$10,000	\$10,000	\$0	<b>Purchase / Replace Minor Plant and Equipment - Hazelmere</b> ( 24420/02 )	\$34,000	\$34,000	\$0
\$118,832	\$129,000	\$10,168	\$891	<b>Purchase / Replace Vehicles - Red Hill Landfill Facility</b> ( 24430/00 )	\$176,000	\$129,000	(\$47,000)
\$5,315	\$0	(\$5,315)	\$0	<b>Purchase / Replace Office Equipment - Red Hill Landfill Facility</b> ( 24510/08 )	\$5,315	\$0	(\$5,315)
\$0	\$10,000	\$10,000	\$0	<b>Purchase Fire Fighting System/Equipment - Hazelmere</b> ( 24520/07 )	\$5,000	\$10,000	\$5,000
\$6,670	\$120,000	\$113,330	\$21,850	<b>Purchase / Replace Security System - Red Hill Waste Management Facility</b> ( 24530/08 )	\$170,000	\$170,000	\$0
\$11,356	\$51,356	\$40,000	\$0	<b>Purchase / Replace Other Equipment - Red Hill Landfill Facility</b> ( 24590/00 )	\$74,685	\$80,000	\$5,315
\$78,158	\$0	(\$78,158)	\$0	<b>Refurbish Plant - Red Hill Landfill Facility</b> ( 25410/00 )	\$78,158	\$0	(\$78,158)
\$404,984	\$0	(\$404,984)	\$0	<b>Refurbish Plant - Hazelmere</b> ( 25410/01 )	\$404,984	\$0	(\$404,984)
<b>\$1,268,576</b>	<b>\$1,587,088</b>	<b>\$318,512</b>	<b>\$393,504</b>		<b>\$3,924,984</b>	<b>\$3,478,000</b>	<b>(\$446,984)</b>





# CAPITAL EXPENDITURE STATEMENT

FEBRUARY 2021

Year to Date			On Order		Full Year		
Actual	Budget	Variance			Forecast	Budget	Variance
<b>Projects Team</b>							
\$2,015,907	\$2,015,907	\$0	\$0	<b>Purchase Waste Management Land ( 24150/02 )</b>	\$2,015,907	\$2,235,000	\$219,093
\$0	\$20,000	\$20,000	\$0	<b>Construct Waste Management Facility Buildings - Red Hill Landfill Facility ( 24250/01 )</b>	\$20,000	\$200,000	\$180,000
\$32,528	\$175,689	\$143,162	\$78,241	<b>Construct Workshop No 3 - Red Hill Landfill Facility ( 24250/08 )</b>	\$175,689	\$800,500	\$624,811
\$389,101	\$181,750	(\$207,351)	\$0	<b>Construct Wood Waste to Energy Building - HRRP ( 24259/05 )</b>	\$640,461	\$181,750	(\$458,711)
\$57,837	\$100,000	\$42,163	\$0	<b>Construct Community Recycling Centre (CRC) - HRRP ( 24259/06 )</b>	\$130,000	\$100,000	(\$30,000)
\$44,731	\$100,000	\$55,269	\$43,979	<b>Construct Commercial Transfer Station - HRRP ( 24259/10 )</b>	\$135,000	\$100,000	(\$35,000)
\$60,654	\$0	(\$60,654)	\$1,296,569	<b>Construct Site Workshop - HRRP ( 24259/13 )</b>	\$1,465,750	\$0	(\$1,465,750)
\$0	\$40,000	\$40,000	\$0	<b>Upgrade Power Supply to Workshop No 2 - Red Hill Landfill Facility ( 24259/15 )</b>	\$40,000	\$250,000	\$210,000
\$3,240	\$0	(\$3,240)	\$0	<b>Construct Class III Cell Stage 14 - Red Hill Landfill Facility ( 24310/12 )</b>	\$3,240	\$0	(\$3,240)
\$864,048	\$1,812,556	\$948,508	\$1,174,736	<b>Construct Class III Cell Stage 16 - Red Hill Landfill Facility ( 24310/19 )</b>	\$3,171,717	\$3,746,002	\$574,285
\$0	\$0	\$0	\$0	<b>Construct Class III Cell Stage 17 - Red Hill Landfill Facility ( 24310/21 )</b>	\$0	\$250,000	\$250,000
\$0	\$0	\$0	\$0	<b>Design and Construct Class IV Cell Stage 3 - Red Hill Landfill Facility ( 24330/05 )</b>	\$150,000	\$0	(\$150,000)
\$289,116	\$290,000	\$884	\$324,317	<b>Construct Leachate and Stormwaste Infrastructure and Siltation Ponds - Red Hill Landfill Facility ( 24350/01 )</b>	\$290,000	\$400,000	\$110,000



# CAPITAL EXPENDITURE STATEMENT

FEBRUARY 2021

Year to Date			On Order		Full Year		
Actual	Budget	Variance			Forecast	Budget	Variance
<b>Projects Team</b>							
\$0	\$124,401	\$124,401	\$49,033	Construct Roads / Carparks - Red Hill Landfill Facility ( 24370/00 )	\$124,401	\$124,401	\$0
\$122,858	\$50,000	(\$72,858)	\$0	Construct Access Road to Lots 8 9 10 - Red Hill Landfill Facility ( 24370/02 )	\$250,000	\$50,000	(\$200,000)
\$0	\$50,000	\$50,000	\$0	Construct Drainage Diversion and Earthworks Infrastructures - Red Hill Landfill Facility ( 24380/00 )	\$50,000	\$250,000	\$200,000
\$0	\$0	\$0	\$0	Construct Litter Fence - Redhill Landfill Facility ( 24394/05 )	\$0	\$50,000	\$50,000
\$0	\$50,000	\$50,000	\$0	Resource Recovery Park - Noise Control Fencing ( 24394/06 )	\$150,000	\$150,000	\$0
\$0	\$0	\$0	\$0	Construct Hardstand and Road - Hazelmere ( 24395/01 )	\$0	\$55,000	\$55,000
\$187,870	\$0	(\$187,870)	\$29,091	Construct FOGO Processing Area - Red Hill Landfill Facility ( 24395/05 )	\$188,000	\$0	(\$188,000)
\$0	\$0	\$0	\$0	Undertake FOGO Reference Site Tours ( 24395/06 )	\$0	\$62,500	\$62,500
\$100,609	\$0	(\$100,609)	\$0	Implimentation of the FOGO Recovery Strategy ( 24395/07 )	\$400,000	\$0	(\$400,000)
\$22,000	\$20,000	(\$2,000)	\$0	Construct Monitoring Bores - Red Hill Landfill Facility ( 24396/00 )	\$50,000	\$20,000	(\$30,000)
\$0	\$0	\$0	\$0	Construct Monitoring Bores - Hazelmere ( 24396/02 )	\$35,000	\$0	(\$35,000)
\$223,112	\$300,000	\$76,888	\$19,245	Construct Site Infrastructure - HRRP ( 24399/01 )	\$400,000	\$300,000	(\$100,000)
\$0	\$0	\$0	\$0	Construct Reuse Store Infrastructure (Car Park) - HRRP ( 24399/07 )	\$0	\$250,000	\$250,000
\$0	\$25,000	\$25,000	\$0	Air Supply lines - Waste Management Structures - Red Hill Landfill Facility ( 24399/10 )	\$25,000	\$75,000	\$50,000



# CAPITAL EXPENDITURE STATEMENT

FEBRUARY 2021

Year to Date			On Order		Full Year		
Actual	Budget	Variance			Forecast	Budget	Variance
<b>Projects Team</b>							
\$6,031	\$344,273	\$338,242	\$8,324	<b>Wood Waste to Energy Utilities/Infrastructure - HRRP ( 24399/11 )</b>	\$344,273	\$515,000	\$170,727
\$0	\$0	\$0	\$0	<b>Liquid Waste Project - Red Hill Landfill Facility ( 24399/16 )</b>	\$150,000	\$1,650,000	\$1,500,000
\$1,881,982	\$1,787,961	(\$94,021)	\$360,842	<b>Develop Lots 8 9 &amp; 10 For Future Waste Activities - Red Hill Landfill Facility ( 24399/19 )</b>	\$1,960,000	\$1,787,961	(\$172,039)
\$0	\$0	\$0	\$0	<b>Air Pollution Control Residue Facility (APCR) - Red Hill Landfill Facility ( 24399/21 )</b>	\$300,000	\$0	(\$300,000)
\$315,242	\$620,201	\$304,959	\$274,926	<b>Purchase Wood Waste to Energy Plant &amp; Equipment - HRRP ( 24410/03 )</b>	\$620,201	\$855,000	\$234,799
\$463,050	\$150,000	(\$313,050)	\$1,500	<b>Purchase FOGO Processing Plant - Red Hill Landfill Facility ( 24410/10 )</b>	\$465,000	\$150,000	(\$315,000)
\$0	\$0	\$0	\$0	<b>Liquid Waste Project Plant - Red Hill Landfill Facility ( 24410/11 )</b>	\$0	\$550,000	\$550,000
<b>\$7,079,914</b>	<b>\$8,257,738</b>	<b>\$1,177,824</b>	<b>\$3,660,802</b>		<b>\$13,749,639</b>	<b>\$15,158,114</b>	<b>\$1,408,475</b>
<b>\$8,550,356</b>	<b>\$10,465,876</b>	<b>\$1,915,520</b>	<b>\$4,056,467</b>	<b>TOTAL CAPITAL EXPENDITURE</b>	<b>\$18,885,613</b>	<b>\$19,616,114</b>	<b>\$730,501</b>



## STATEMENT OF FINANCIAL POSITION

FEBRUARY 2021

Actual June 2020	Actual Year to Date	(F) = Favourable variation (U) = Unfavourable variation	Full Year		
			Forecast	Budget	Variance
<b>Current Assets</b>					
\$1,102,124	\$3,278,162	Cash and Cash Equivalents	\$1,109,530	\$1,109,530	\$0 (F)
\$85,324,608	\$79,880,472	Investments	\$70,134,217	\$71,082,961	(\$948,744) (U)
\$2,987,058	\$4,233,546	Trade and Other Receivables	\$2,716,470	\$2,716,470	\$0 (F)
\$39,035	\$30,842	Inventories	\$54,739	\$54,739	\$0 (F)
\$67,382	\$461,058	Other Assets	\$42,555	\$42,555	\$0 (F)
<b>\$89,520,206</b>	<b>\$87,884,081</b>	<b>Total Current Assets</b>	<b>\$74,057,511</b>	<b>\$75,006,255</b>	<b>(\$948,744) (U)</b>
<b>Current Liabilities</b>					
\$6,160,299	\$4,925,153	Trade and Other Payables	\$5,541,725	\$5,541,725	\$0 (F)
\$1,835,255	\$1,835,255	Provisions	\$1,676,448	\$1,676,448	\$0 (F)
<b>\$7,995,554</b>	<b>\$6,760,408</b>	<b>Total Current Liabilities</b>	<b>\$7,218,173</b>	<b>\$7,218,173</b>	<b>\$0 (F)</b>
<b>\$81,524,652</b>	<b>\$81,123,673</b>	<b>Net Current Assets</b>	<b>\$66,839,338</b>	<b>\$67,788,082</b>	<b>(\$948,744) (U)</b>
<b>Non Current Assets</b>					
\$50,570,000	\$52,585,907	Land	\$52,805,000	\$52,805,000	\$0 (F)
\$7,292,678	\$7,217,393	Buildings	\$11,087,739	\$11,071,240	\$16,499 (F)
\$21,123,020	\$19,659,385	Structures	\$31,013,251	\$30,764,213	\$249,038 (F)
\$12,895,549	\$13,625,256	Plant	\$19,376,941	\$18,788,644	\$588,297 (F)
\$606,150	\$552,814	Equipment	\$1,147,719	\$1,080,598	\$67,121 (F)
\$135,079	\$129,333	Furniture and Fittings	\$156,124	\$158,299	(\$2,175) (U)
\$17,736,763	\$22,091,580	Work in Progress	\$12,680,829	\$13,411,330	(\$730,501) (U)
<b>\$110,359,239</b>	<b>\$115,861,668</b>	<b>Total Non Current Assets</b>	<b>\$128,267,603</b>	<b>\$128,079,324</b>	<b>\$188,279 (F)</b>
<b>Non Current Liabilities</b>					
\$7,432,011	\$7,965,044	Provisions	\$5,721,209	\$5,634,031	(\$87,178) (U)
<b>\$7,432,011</b>	<b>\$7,965,044</b>	<b>Total Non Current Liabilities</b>	<b>\$5,721,209</b>	<b>\$5,634,031</b>	<b>(\$87,178) (U)</b>
<b>\$184,451,880</b>	<b>\$189,020,297</b>	<b>Net Assets</b>	<b>\$189,385,732</b>	<b>\$190,233,375</b>	<b>(\$847,643) (U)</b>
<b>Equity</b>					
\$58,106,903	\$66,352,626	Accumulated Surplus/Deficit	\$75,379,157	\$75,379,157	\$0 (F)
\$75,968,089	\$75,968,089	Cash Backed Reserves	\$67,070,539	\$67,070,539	\$0 (F)
\$42,131,165	\$42,131,165	Asset Revaluation Reserve	\$42,131,165	\$42,131,165	\$0 (F)
<b>\$8,245,723</b>	<b>\$4,568,417</b>	<b>Net change in assets from operations</b>	<b>\$4,804,871</b>	<b>\$5,652,514</b>	<b>(\$847,643) (U)</b>
<b>\$184,451,880</b>	<b>\$189,020,297</b>	<b>Total Equity</b>	<b>\$189,385,732</b>	<b>\$190,233,375</b>	<b>(\$847,643) (U)</b>

## CASH AND INVESTMENTS FEBRUARY 2021

Actual June 2020	Actual Year to Date		Full Year		
			Forecast	Budget	Variance
<b>Municipal Cash and Investments</b>					
1,098,174	3,274,112	Cash at Bank - Municipal Fund 01001/00	1,105,580	1,105,580	0 (F)
3,950	4,050	Cash on Hand 01019/00 - 02	3,450	3,450	0 (F)
9,031,911	3,064,408	Investments - Municipal Fund 02021/00	2,039,496	2,988,240	(948,744) (U)
<b>10,134,035</b>	<b>6,342,570</b>	<b>Total Municipal Cash</b>	<b>3,148,526</b>	<b>4,097,270</b>	<b>(948,744) (U)</b>
<b>Restricted Cash and Investments</b>					
141,856	142,729	Restricted Investments - Plant and Equipment 02022/01	267,120	267,120	0 (F)
4,986,647	5,017,334	Restricted Investments - Post Closure Site Rehabilitation Red Hill 02022/02	3,525,256	3,525,256	0 (F)
18,263,389	18,375,781	Restricted Investments - Future Development 02022/03	15,072,575	15,072,575	0 (F)
2,350,987	2,365,455	Restricted Investments - Environmental Monitoring Red Hill 02022/04	1,545,172	1,545,172	0 (F)
46,892	47,181	Restricted Investments - Environmental Insurance Red Hill 02022/05	57,268	57,268	0 (F)
15,631	15,727	Restricted Investments - Risk Management 02022/06	15,699	15,699	0 (F)
649,866	653,866	Restricted Investments - Class IV Cells Red Hill 02022/07	710,295	710,295	0 (F)
321,607	323,587	Restricted Investments - Regional Development 02022/08	322,511	322,511	0 (F)
45,240,494	45,518,902	Restricted Investments - Secondary Waste Processing 02022/09	44,803,335	44,803,335	0 (F)
2,873,244	2,890,926	Restricted Investments - Class III Cells 02022/10	482,686	482,686	0 (F)
78,920	79,405	Restricted Investments - Building Refurbishment (Ascot Place) 02022/11	79,259	79,259	0 (F)
324,608	380,472	Restricted Investments - Accrued Interest 02022/19	189,362	189,362	0 (F)
0	0	Restricted Investments - Unrealised Loss/Gain on Investments 02022/20	0	0	0 (F)
998,556	1,004,701	Restricted Investments - Long Service Leave 02022/90	1,024,683	1,024,683	0 (F)
<b>76,292,697</b>	<b>76,816,064</b>	<b>Total Restricted Cash</b>	<b>68,095,221</b>	<b>68,095,221</b>	<b>0 (F)</b>
<b>86,426,732</b>	<b>83,158,634</b>	<b>TOTAL CASH AND INVESTMENTS</b>	<b>71,243,747</b>	<b>72,192,491</b>	<b>(948,744) (U)</b>

The Cash at Bank - Municipal Fund represents the balance on the last day of the relevant month. Any portion of the balance available for investment is transferred into the Investment - Municipal Fund account in the following period. Funds held in the Cash at Bank - Municipal Fund continue to accrue interest as per the Westpac commercial rates.

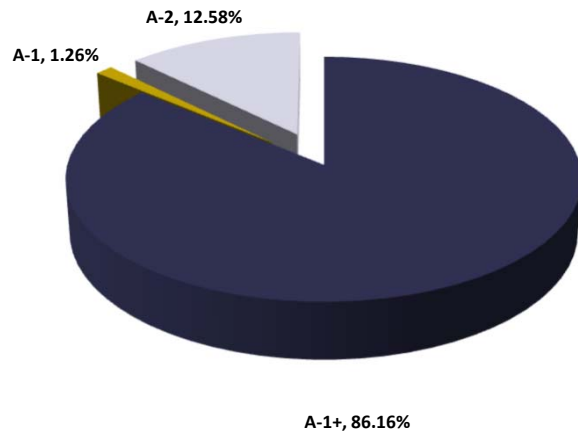
# EMRC Investment Report

February 2021

## I. Overall Portfolio Limits

S&P Long Term Rating	S&P Short Term Rating	% Portfolio	Investment Maximum %
AAA	A-1+	86.16%	100.00%
AA	A-1	1.26%	100.00%
BBB	A-2	12.58%	15.00%
		<u>100.00%</u>	

Investment by S&P Rating



## II. Single Entity Exposure

	S&P Long Term Rating	S&P Short Term Rating	% Portfolio	
AMP	BBB	A-2	4.40%	
ANZ Banking Group	AAA	A-1+	26.42%	
ME Bank	BBB	A-2	4.40%	*
NAB	AAA	A-1+	32.08%	
Rural Bank	BBB	A-2	0.00%	*
Westpac / St. George Bank	AAA	A-1+	27.67%	
Suncorp	AA	A-1	0.00%	*
Bank of Queensland	BBB	A-2	3.77%	
Macquarie Bank	AA	A-1	1.26%	
			<u>100.00%</u>	

\* Non-Fossil Fuel ADI (Authorised Deposit Taking Institution)

## III. Term to Maturity Framework

Maturity Profile	Investment Policy Guidelines		
	% Portfolio	% Min	% Max
Less Than 1 Year	100.00%	40%	100%
Greater than 1 year & less than or equal to 3 years	0.00%	0%	60%
		<u>100.00%</u>	

## IV. Fossil Fuel Divestment

	% Portfolio
Non-Fossil Fuel ADI's	4.40%
Fossil Fuel ADI's	95.60%
<u>100.00%</u>	

NB: This report is consistent with the reporting requirements of the Policy 3.3 - Management of Investments Policy



### 14.3 APPOINTMENT OF MEMBERS TO THE AUDIT COMMITTEE (AC)

REFERENCE: D2021/02913

#### PURPOSE OF REPORT

The purpose of this report is to appoint a replacement deputy council member to the Audit Committee (AC).

#### KEY POINTS AND RECOMMENDATION(S)

- On 4 November 2019 Cr Powell and Cr Wolff from the Participant Local Government – the City of Belmont were appointed as the council member and deputy council member respectively of the Audit Committee.
- In December 2020 Cr Wolff resigned from the EMRC Council resulting in a vacant deputy member position to the Audit Committee.
- On 25 February 2021, Cr Marks and Cr Rossi were sworn in as a Councillor and Deputy Councillor of the of the EMRC respectively.

#### Recommendation(s)

That Council by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995* the following Councillor be formally appointed as deputy member to the Audit Committee:

Participant Local Government

City of Belmont

Deputy Council Member

Cr Phil Marks

#### SOURCE OF REPORT

Chief Financial Officer

#### BACKGROUND

Audit Committee:

Established: 19 May 2005.

Membership: Membership of the Committee is comprised of one (1) Councillor from each member Council.

Meetings: The Committee meets as required at the discretion of the Chairman of the Committee at least three (3) times per year to coincide with approval of the strategic and annual plans, the annual budget, the annual Compliance Audit Return and the auditor's report on the annual financial report.



*Item 14.3 continued*

Terms of Reference: To assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of controls and facilitating the organisation's ethical development.

On 4 November 2019, Council resolved as follows:

*“THAT BY ABSOLUTE MAJORITY, IN ACCORDANCE WITH SECTION 5.10 OF THE LOCAL GOVERNMENT ACT 1995:*

*1. THE FOLLOWING COUNCILLORS BE APPOINTED AS MEMBERS TO THE AUDIT COMMITTEE:*

<u>PARTICIPANT LOCAL GOVERNMENT</u>	<u>COUNCIL MEMBER</u>
TOWN OF BASSENDEAN	CR HAMILTON
CITY OF BAYSWATER	CR CLARKE
CITY OF BELMONT	CR POWELL
CITY OF KALAMUNDA	CR BOYD
SHIRE OF MUNDARING	CR JEANS
CITY OF SWAN	CR CONGERTON

*2. THE FOLLOWING COUNCILLORS BE APPOINTED AS DEPUTY MEMBERS TO THE AUDIT COMMITTEE:*

<u>PARTICIPANT LOCAL GOVERNMENT</u>	<u>DEPUTY COUNCIL MEMBER</u>
TOWN OF BASSENDEAN	CR WILSON
CITY OF BAYSWATER	CR JOHNSON
CITY OF BELMONT	CR WOLFF
CITY OF KALAMUNDA	CR O'CONNOR
SHIRE OF MUNDARING	CR DAW
CITY OF SWAN	CR ZANNINO"

## REPORT

The appointment of deputy members to committees provides the opportunity for a committee member to be represented when he or she is unable to attend. Council Policy 2.1 allows for a deputy to be appointed for each committee member. The appointment of deputies is also recommended as a means of ensuring a quorum is present to allow for the orderly flow of business.

In the event that the Committee member is unable to attend a meeting, he or she is to organise with the deputy Committee member from the same participant member Council to attend in his or her place as well as notify the EMRC.

On 4 December 2020, Cr Wolff resigned from the EMRC Council. Section 5.11(1)(b) of the *Local Government Act 1995* provides that the membership of a committee continues until the person resigns from the committee.

Consequently, following Cr Wolff's resignation there is a vacancy for the position of a deputy council member position for the Audit Committee. As nominations for a deputy council member of the AC will automatically be the other Councillor member of each participant member Council, therefore it is recommended that Cr Phil Marks shall fill the role of deputy council member for the City of Belmont.

## STRATEGIC/POLICY IMPLICATIONS

Council Policy 2.1 provides for the establishment of the Audit Committee.





*Item 14.3 continued*

Key Result Area 3 – Good Governance

3.3 To provide responsible and accountable governance and management of the EMRC

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**RISK IMPLICATIONS**

<b>RISK:</b> Non - compliance with section 5.11(1)(d) of the <i>Local Government Act 1995</i>		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Moderate
<b>Action/Strategy</b>		
Formal appointment to the Audit Committee of Cr Marks as deputy council member representing the City of Belmont.		

**MEMBER COUNCIL IMPLICATIONS**

<b>Member Council</b>	<b>Implication Details</b>
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

ATTACHMENT(S)

Nil

VOTING REQUIREMENT

Absolute Majority



*Item 14.3 continued*

**RECOMMENDATION(S)**

That Council by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995* the following Councillor be formally appointed as deputy member to the Audit Committee:

Participant Local Government

City of Belmont

Deputy Council Member

Cr Phil Marks

**COUNCIL RESOLUTION(S)**

MOVED CR HAMILTON

SECONDED CR CONGERTON

THAT COUNCIL BY ABSOLUTE MAJORITY, IN ACCORDANCE WITH SECTION 5.10 OF THE *LOCAL GOVERNMENT ACT 1995* THE FOLLOWING COUNCILLOR BE FORMALLY APPOINTED AS DEPUTY MEMBER TO THE AUDIT COMMITTEE:

PARTICIPANT LOCAL  
GOVERNMENT

CITY OF BELMONT

DEPUTY COUNCIL MEMBER

CR PHIL MARKS

**CARRIED UNANIMOUSLY**



## 14.4 ATTENDANCE AT EVENTS POLICY

REFERENCE: D2021/03899

### PURPOSE OF REPORT

The purpose of this report is to cancel the EMRC Policy 6.1 – Member Conference, Seminar and Study Tour Attendance Policy and to adopt a new and revised 6.3 – Attendance at Events Policy to ensure responsible and accountable governance and management of the EMRC in line with the amended legislation.

### KEY POINTS AND RECOMMENDATION(S)

- The EMRC's existing 6.1 - Member Conference, Seminar and Study Tour Attendance Policy has been reviewed and a new proposed 6.3 Attendance at Events Policy has been drafted to meet the requirements of section 5.90A of the *Local Government Act 1995* which provides that a local government must prepare and adopt an attendance at events policy.
- The new and proposed 6.3 – Attendance at Events Policy includes the provisions from the previous 6.1 Member Conference, Seminar and Study Tour Attendance Policy and several new provisions to ensure compliance with the Act.

#### Recommendation(s)

That Council:

1. By absolute majority in accordance with s.5.90A of the *Local Government Act 1995* cancels Council Policy 6.1 - Member Conference, Seminar and Study Tour Attendance Policy, forming Attachment 1 of this report.
2. By absolute majority in accordance with s.5.90A of the *Local Government Act 1995* adopts a new Council Policy 6.3 - Attendance at Events Policy, forming Attachment 2 of this report.

### SOURCE OF REPORT

Chief Executive Officer

### BACKGROUND

On 27 June 2019, the *Local Government Legislation Amendment Act 2019*, was passed by the Western Australian Parliament, coming into effect on 6 July 2019. This Act included several amendments including the requirement for local governments to have a Council policy for Council members and the Chief Executive Officer (CEO) to represent their local government at events.

To meet the requirements of the *Local Government Act 1995* (section 5.90A), a local government must prepare and adopt (by absolute majority) a policy that deals with matters relating to the attendance of council members and the CEO at events, including; the provision of tickets to events; payments in respect of attendance; approval of attendance by the local government and criteria for approval; and any other prescribed matter.



*Item 14.4 continued*

**REPORT**

A new and proposed 6.3 - Attendance at Events Policy has been drafted to address matters relating to the attendance of council members and the CEO at events in respect to:

- The approval of attendance to events as a representative of the local government, including criteria for approval
- The provision of tickets to events
- Payments in respect of attendance, including declaration of gifts.

While there can be benefit to organisations and communities from local government representation at events, the potential benefit needs to be considered in balance with the perceived or actual influence of decision-makers.

A perceived influence may arise through a financial relationship, personal relationship or receipt of gifts. Therefore, a 'best-practice' attendance at events policy would pay regard to both these concepts and provide transparency of council decision-making pertaining to council member and CEO event attendance.

In order to develop the EMRC's new 6.3 Attendance at Events Policy, a sample of other WA local government Attendance at Events policies have been researched to identify areas of commonality and highlight issues that are advantageous to consider in the review and development of the EMRC's policy.

**STRATEGIC/POLICY IMPLICATIONS**

Key Result Area 3 – Good Governance

- 3.3 To provide responsible and accountable governance and management of the EMRC

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**RISK IMPLICATIONS**

<b>RISK:</b> The EMRC is required to adopt an attendance at events policy to meet the requirements of section 5.90A of the <i>Local Government Act 1995</i>		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Likely	High
<b>Action/Strategy</b>		
Council to adopt the proposed Council policy 6.3 Attendance at Events Policy		



Item 14.4 continued

## MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

## ATTACHMENT(S)

1. Council Policy 6.1 - Member Conference, Seminar and Study Tour Attendance Policy (Ref: D2021/03900)
2. Proposed new Council Policy 6.3 - Attendance at Events Policy (Ref: D2021/03901)

## VOTING REQUIREMENT

Absolute Majority

## RECOMMENDATION(S)

That Council:

1. By absolute majority in accordance with s.5.90A of the *Local Government Act 1995* cancels Council Policy 6.1 - Member Conference, Seminar and Study Tour Attendance Policy, forming Attachment 1 of this report.
2. By absolute majority in accordance with s.5.90A of the *Local Government Act 1995* adopts a new Council Policy 6.3 - Attendance at Events Policy, forming Attachment 2 of this report.

## COUNCIL RESOLUTION(S)

MOVED CR HAMILTON

SECONDED CR CONGERTON

THAT COUNCIL:

1. BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S.5.90A OF THE *LOCAL GOVERNMENT ACT 1995* CANCELS COUNCIL POLICY 6.1 - MEMBER CONFERENCE, SEMINAR AND STUDY TOUR ATTENDANCE POLICY, FORMING ATTACHMENT 1 OF THIS REPORT.
2. BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S.5.90A OF THE *LOCAL GOVERNMENT ACT 1995* ADOPTS A NEW COUNCIL POLICY 6.3 - ATTENDANCE AT EVENTS POLICY, FORMING ATTACHMENT 2 OF THIS REPORT.

**CARRIED UNANIMOUSLY**



## 6.1 Member Conference, Seminar and Study Tour Attendance Policy

### STRATEGIC PLAN OBJECTIVE

3.3 To provide responsible and accountable governance and management of the EMRC.

### PURPOSE

To establish a policy for the attendance by appointed members at intrastate, interstate, or international conferences, seminars, and study tours in an official capacity.

### LEGISLATION

Nil

### POLICY STATEMENT

1. Council recognises that attendance at conferences, seminars, and study tours contributes to the personal and professional development of Councillors and is consistent with Council's objectives.
2. Attendance by an appointed member at a conference, seminar or study tour should be consistent with the current or future direction of the EMRC and must be related to a subject matter directly referred to in Council's approved and adopted publications (ie. Strategic Plan for the Future or annual budget) and identified as an organisational objective.
3. Attendance by appointed members at intrastate, interstate or international conferences, seminars and study tours will be authorised in advance by Council.
4. The amount available to individual appointed members for conference/seminar/study tour attendance shall be in accordance with the amount allocated specifically for this purpose in Council's annual budget. Expenditure in excess of the allocated sum for each appointed member will require Council approval prior to the expenditure occurring.
5. Any appointed member, who is offered sponsorship in the form of conference or seminar registration or other costs in an official capacity, wholly or partly by any government agency, external organisation or person, shall immediately make this known to the Chairman and Chief Executive Officer.
6. A written report shall be prepared for the information of Council by every appointed member who has travelled intrastate, interstate or overseas in an official capacity. The report shall provide comment on the value of the conference/seminar/study tour and related benefits to the EMRC, and provide recommendations for further action (if applicable). In the event that two or more appointed members attend the same conference, for the purposes of this policy, only one written report is required which may be a joint report.



## FINANCIAL CONSIDERATIONS

An amount will be provided in the annual budget to meet estimated costs.

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Adopted/Reviewed by Council	<ol style="list-style-type: none"><li>1. 24 February 1994</li><li>2. 22 July 1999</li><li>3. 02 May 2002</li><li>4. 20 May 2004</li><li>5. 23 February 2006</li><li>6. 18 September 2008</li><li>7. 23 September 2010</li><li>8. 18 September 2014</li><li>9. 06 December 2018</li></ol>
Next Review	Following the Ordinary Elections in 2021
Responsible Directorate	Corporate Services



## Council Policy 6.3

### Attendance at Events

#### Strategic Plan Objective

3.3 To provide responsible and accountable governance and management of the EMRC.

#### Purpose

The purpose of this policy is to meet legislative requirements of Section 5.90A of the *Local Government Act 1995 (Act)* and to provide transparency regarding Events attended by council members and the Chief Executive Officer (CEO) where tickets, or invitations have been provided to the EMRC as a Gift, without restricting a council member's or the CEO's ability to participate in Council meetings.

#### Scope

This policy covers invitations addressed to the CEO, Chairman or Councillor of the EMRC that invite EMRC council member/s or the CEO to attend an Event. Any invitations or offer of tickets not addressed in this manner is not captured by this policy and must be disclosed in accordance with the Gift and interest provisions in the Act.

#### Definitions

**Event(s)** In accordance with section 5.90A of the *Local Government Act 1995* events includes, but is not limited to, concerts, conferences, functions and sporting events.

**Gift** refers to free, subsidised and discounted tickets to an event or any travel and accommodation that is related to attending the event.

#### Legislation

Section 5.90A of the *Local Government Act 1995*

Regulation 20B of the *Local Government (Administration) Regulations 1996*

#### Policy Statement

Council recognises that attendance at Events including conferences, seminars and study tours contributes to the personal and professional development of council members and is consistent with Council's objectives.

Attendance by a council member at an event should be consistent with the current or future direction of the EMRC and must be related to a subject matter directly referred to in Council's approved and adopted publications (i.e. Strategic Plan for the Future or annual budget) and identified as an organisational objective.

#### Invitations or Tickets to Events

Invitations or offers of tickets should be in writing and sent to the EMRC.

A ticket or invitation not sent to the EMRC is not captured by this policy, and is subject to both the Gift and interest provisions of the Act.





In accordance with regulation 20B of the *Local Government (Administration) Regulations 1996*, invitations or offers of tickets from the following organisations are excluded from the conflict of interest provisions, but Gifts from these sources (if over \$300) must still be disclosed and published on the gifts register:

- WALGA (excluding LGIS);
- Local Government Professionals Australia (WA);
- Australian Local Government Association;
- A department of the public service or statutory authority;
- A government department of another State, a Territory or the Commonwealth; and
- A local government or regional local government.

Invitations or offers of tickets in accordance with the above list will exclude the Gift holder from the requirement to disclose an interest, if the donor has a matter before Council and the ticket is above \$300. However, receipt of the Gift will still be required to be disclosed and published on the EMRC's gifts register in accordance with the gift provisions.

Any other invitation or offer of tickets not sent to the EMRC are not captured by this policy and must be disclosed.

#### **Criteria for Events requiring Council Approval (by simple majority)**

Attendance by council members and/or the CEO at intrastate, interstate or international Events including conferences, seminars and study tours will be authorised in advance by Council.

Matters to be considered by Council in the deliberation of whether to have an EMRC council member or the CEO represent the EMRC at an Event include:

- Who is providing the ticket to the event;
- The location of the event (within the Perth Eastern Region or outside the Perth Eastern Region);
- The benefit of EMRC representation at the Event, particularly the relevance to the EMRC's corporate business plan;
- The cost to attend the Event, including the cost of the ticket and any other expense, such as travel and accommodation;
- The budget allocated to individual council members for attendance at Events;
- The number of invitations/tickets received; and
- The number of representatives that may already be approved to attend.

A written report shall be prepared for Council's information by each council member and the CEO who intends to travel intrastate, interstate or overseas in an official capacity. In the event that one or more council members/CEO attend the same Event, for the purposes of this policy, only one written report is required.

#### **Events that Council Members and the CEO are prohibited from attending as a representative of the EMRC**

These Events are

- Political party events and fundraisers; and
- Events that primarily benefit a council member or the CEO in a personal capacity or role unrelated to the EMRC.

#### **Accommodation and Travel**

Any expenses, including travel and accommodation associated with Events will be paid for in accordance with existing policies and procedures.



### **Partner Attendance**

Where partners of an authorised council member or the CEO attend an Event, any tickets for that person, if paid for by the EMRC, must be reimbursed by the council member or CEO respectively (unless expressly authorised by the EMRC Council).

### **Attendance Register**

Events attended by a council member or the CEO are to be recorded on the attendance register. These events will be publicly listed on the EMRC's website for the duration of the council member's term or CEO's employment.

### **Attendance at Events not to Unduly Interfere with the Business of Council**

Attendance at Events specified under this policy should not unduly interfere with the business of the EMRC (i.e. affects a quorum for a Council or Committee meeting).

### **Financial Considerations**

An amount will be provided in the annual budget to meet estimated costs associated with attendance at Events by council members and the CEO.

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<b>Adopted/Reviewed</b>	<b>25 March 2021</b>
<b>Next Review</b>	<b>Following the Ordinary Elections 2021</b>
<b>Responsible Unit</b>	<b>CEO's Office</b>



## 14.5 LEGAL COMMITTEE TERMS OF REFERENCE

REFERENCE: D2021/03902

### PURPOSE OF REPORT

The purpose of this report is to present to Council for adoption a proposed Terms of Reference for the newly established Legal Committee (LC).

### KEY POINTS AND RECOMMENDATION(S)

- On 8 February 2021, Council resolved to establish a Legal Committee to address a legal matter arising out of the Establishment Agreement.
- The Legal Committee is to be disbanded at the next Local Government elections in October 2021.
- The Legal Committee is comprised of councillor members, deputy members and second deputy members from five (5) member Councils.
- The proposed terms of reference are intended to govern the Legal Committee's functions and responsibilities.

#### Recommendation(s)

That Council adopts the Legal Committee proposed Terms of Reference, forming Attachment 1 to this report, with immediate effect.

### SOURCE OF REPORT

Chief Financial Officer

### BACKGROUND

At a Special Council meeting held on 8 February 2021, Council resolved as follows:

*“THAT*

- 1. COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S.5.8 OF THE LOCAL GOVERNMENT ACT 1995 ESTABLISHES A LEGAL COMMITTEE TO UNDERTAKE ACTIONS TO ADDRESS ANY SUCH LEGAL MATTERS ARISING OUT OF THE ESTABLISHMENT AGREEMENT AND BE DISBANDED AT THE NEXT LOCAL GOVERNMENT ELECTIONS IN OCTOBER 2021.*
- 2. COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S.5.10 OF THE LOCAL GOVERNMENT ACT 1995 APPOINTS THE FOLLOWING COUNCILLORS TO THE LEGAL COMMITTEE:*

<u>PARTICIPANT LOCAL GOVERNMENT</u>	<u>COUNCILLOR MEMBER</u>	<u>DEPUTY MEMBER</u>	<u>SECOND DEPUTY MEMBER</u>
TOWN OF BASSENDEAN	CR WILSON	CR HAMILTON	CR MACWILLIAM
CITY OF BAYSWATER	CR CLARKE	CR G JOHNSON	CR PIFFARETTI
CITY OF KALAMUNDA	CR O'CONNOR	CR BOYD	CR BLAIR
SHIRE OF MUNDARING	CR JEANS	CR DAW	CR COLLINS
CITY OF SWAN	CR CONGERTON	CR ZANNINO	CR I JOHNSON



*Item 14.5 continued*

3. *COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S.5.16 OF THE LOCAL GOVERNMENT ACT 1995 DELEGATES TO THE LEGAL COMMITTEE THE POWER TO UNDERTAKE ACTIONS IN RESPONSE TO THE LEGAL MATTER AS OUTLINED WITHIN THE CONFIDENTIAL REPORT.*
4. *NOTES THE RATIONALE FOR THE MOTION IS TO ENABLE THE EMRC COUNCIL TO UNDERTAKE ACTIONS IN RESPONSE TO THE LEGAL MATTER AS OUTLINED WITHIN THE CONFIDENTIAL REPORT THROUGH THE NEWLY ESTABLISHED LEGAL COMMITTEE.*
5. *THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND THE CEO.*

## **REPORT**

Following the establishment of the Legal Committee to address the legal matter concerning the EMRC's Establishment Agreement, a terms of reference document is required to be developed and adopted to govern the Legal Committee's roles and responsibilities.

The proposed draft Legal Committee Terms of Reference address the following:

- Objectives of Committee;
- Responsibilities;
- Membership;
- Meetings;
- Operating Procedures;
- Reporting; and
- Delegated power.

In accordance with the Council resolution of 8 February, the Legal Committee shall be disbanded at the time of the next Local Government elections in October 2021. This should provide sufficient time to resolve the legal matter that is the subject of the Legal Committee's formation.

## **STRATEGIC/POLICY IMPLICATIONS**

Key Result Area 3 – Good Governance

- 3.3 To provide responsible and accountable governance and management of the EMRC

## **FINANCIAL IMPLICATIONS**

Nil

## **SUSTAINABILITY IMPLICATIONS**

Nil



Item 14.5 continued

## RISK IMPLICATIONS

<b>RISK:</b> Non-compliance with Council resolutions EMRC's responsibility to maintain responsible and accountable governance and management of the organisation.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Moderate
<b>Action/Strategy</b>		
Council to adopt the proposed terms of reference for the newly established Legal Committee		

## MEMBER COUNCIL IMPLICATIONS

Member Council	Implication Details
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

## ATTACHMENT(S)

Proposed draft Legal Committee Terms of Reference (Ref: D2021/03903)

## VOTING REQUIREMENT

Simple Majority

## **RECOMMENDATION(S)**

That Council adopts the Legal Committee proposed Terms of Reference, forming Attachment 1 to this report, with immediate effect.

## **COUNCIL RESOLUTION(S)**

MOVED CR HAMILTON

SECONDED CR CONGERTON

THAT COUNCIL ADOPTS THE LEGAL COMMITTEE PROPOSED TERMS OF REFERENCE, FORMING ATTACHMENT 1 TO THIS REPORT, WITH IMMEDIATE EFFECT.

**CARRIED UNANIMOUSLY**

## **TERMS OF REFERENCE**

### **LEGAL COMMITTEE**

#### **1. OBJECTIVES OF COMMITTEE**

The Legal Committee (LC) is a formally appointed committee of Council and is responsible to that body. It was established at a Special Council Meeting on 8 February 2021 to deal with matters arising out of the EMRC's Establishment Agreement and is to be disbanded at the next Local Government elections in October 2021.

1.1. The Legal Committee's role is to:

- (a) Report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate decision-making by Council in relation to the discharge of its responsibilities.
- (b) Carry out its functions and fulfil its responsibilities as required by the *Local Government Act 1995* and associated regulations, guidelines and protocols of the Council which are relevant to the Committee.
- (c) The Legal Committee will only have those executive powers as specifically delegated to it.

#### **2. RESPONSIBILITIES**

2.1 The Legal Committee shall have the following functions:

- (a) To participate and consult with the Chief Executive Officer, Chairman and Council to address legal matters arising out of the EMRC's Establishment Agreement and related matters as delegated to the Legal Committee;
- (b) To provide feedback and recommendations on the legal matters described in 2.1(a) above to Council; and
- (c) To be disbanded at the next Local Government elections in October 2021 as resolved by Council on 8 February 2021.

#### **3. MEMBERSHIP:**

3.1 The Legal Committee will comprise of Council members and Deputy members as appointed by Council.

3.2 Members will be appointed to the inaugural Legal Committee for a term of up to nine months, expiring in October 2021.

#### **4. MEETINGS**

- 4.1 The Legal Committee shall meet as required, in person or electronically, convened at the discretion of the Chairman.

#### **5. OPERATING PROCEDURES**

- 5.1 All meetings of the LC are to be conducted in accordance with the *Local Government Act 1995*, associated Regulations and the *EMRC Standing Orders Local Law 2013*.

- 5.2 A quorum for a meeting of the Committee shall be at least 50% of the number of offices (whether vacant or not) of members of the Committee.

- 5.3 Voting

(a) All decisions of the Committee shall be made on the basis of a simple majority decision of the members present or, if another kind of majority has been prescribed by regulations for the particular kind of decision, by that kind of majority.

(b) If the decision results in a tied vote, the person presiding is to cast a second vote.

(c) Persons other than Committee members are not entitled to cast a vote.

(d) Each member shall have one (1) vote. Legal Committee members who will not be present for a meeting must notify the Chairman.

(e) All other aspects related to voting procedure shall be consistent with relevant sections of the *EMRC Standing Orders Local Law 2013*.

- 5.4 Other EMRC staff may attend meetings, at the discretion of the Chief Executive Officer to provide advice and information when required.

- 5.5 Other persons may attend meetings, at the discretion of the Chief Executive Officer and/or Chairman, to provide advice and information as required.

#### **6. REPORTING**

- 6.1 The Legal Committee shall after every meeting forward the minutes of that meeting to the next Ordinary Meeting of Council, including a report explaining any specific recommendations and key outcomes.

#### **7. DELEGATED POWER**

- 7.1 The Legal Committee has only those delegated powers and duties of Council delegated to the Legal Committee associated with dealing with legal matters arising out of the EMRC's Establishment Agreement.

**Related Documentation:**

Policy 2.1      Committees of Council

*EMRC Standing Orders Local Law 2013*

EMRC Code of Conduct

**Administration:**

Adopted / Reviewed by Council:      25 March 2021

Next Review:                              Nil – to be disbanded following the Local Government  
Ordinary Elections in 2021

Responsible Business Unit              Business Support





## 14.6 REVIEW OF COUNCIL POLICY 2.1 – COMMITTEES OF COUNCIL

**REFERENCE: D2021/03904**

### PURPOSE OF REPORT

The purpose of this report is to review the EMRC Policy 2.1 – Committees of Council to ensure responsible and accountable governance and management of the EMRC in line with the newly adopted Council and Committee meeting structure and to include the newly established Legal Committee.

### KEY POINTS AND RECOMMENDATION(S)

- The EMRC's existing 2.1 – Committees of Council Policy has been reviewed and a new proposed 2.1 Committees of Council Policy has been drafted as a result of the review of the EMRC's Council and Committees meeting structure.
- The new and proposed 2.1 – Committees of Council Policy has been reviewed to remove from the policy the committees that no longer exist and to include the newly formed Legal Committee.

#### **Recommendation(s)**

That Council adopts the revised EMRC Policy 2.1 – Committees of Council Forming Attachment 2 of this report.

### SOURCE OF REPORT

Chief Executive Officer

### BACKGROUND

On 22 October 2020, Council resolved as follows:

*“THAT COUNCIL:*

1. *ENDORSES THE EMRC MEETING STRUCTURE AS DETAILED IN THIS REPORT.*
2. *BY ABSOLUTE MAJORITY DISBAND THE CHIEF EXECUTIVE OFFICER ADVISORY COMMITTEE*
3. *BY ABSOLUTE MAJORITY DISBAND THE INVESTMENT COMMITTEE.*
4. *BY ABSOLUTE MAJORITY DISBAND THE WASTE ADVISORY COMMITTEE.*
5. *ADOPTS THE MEETING PROCEDURES FOR AGENDA BRIEFING FORUMS AND INFORMATION SESSIONS, FORMING THE ATTACHMENT TO THIS REPORT.*
6. *REQUESTS THAT THE CEO CONTINUE TO PROVIDE CONFIDENTIAL REPORTS AND ATTACHMENTS AS PART OF THE PUBLIC AGENDA FORUM PROCESS TO THE MEMBER COUNCIL CHIEF EXECUTIVE OFFICERS AND STAFF NORMALLY ATTENDING THE TECHNICAL OFFICERS MEETING TO ALLOW THEM TO ADVISE THEIR RESPECTIVE EMRC COUNCILLORS.”*



*Item 14.6 continued*

At a Special Council Meeting on 8 February 2021, Council resolved as follows:

*“THAT*

- 1. COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S.5.8 OF THE LOCAL GOVERNMENT ACT 1995 ESTABLISHES A LEGAL COMMITTEE TO UNDERTAKE ACTIONS TO ADDRESS ANY SUCH LEGAL MATTERS ARISING OUT OF THE ESTABLISHMENT AGREEMENT AND BE DISBANDED AT THE NEXT LOCAL GOVERNMENT ELECTIONS IN OCTOBER 2021.*
- 2. COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S.5.10 OF THE LOCAL GOVERNMENT ACT 1995 APPOINTS THE FOLLOWING COUNCILLORS TO THE LEGAL COMMITTEE:*

<u>PARTICIPANT LOCAL GOVERNMENT</u>	<u>COUNCILLOR MEMBER</u>	<u>DEPUTY MEMBER</u>	<u>SECOND DEPUTY MEMBER</u>
TOWN OF BASSENDEAN	CR WILSON	CR HAMILTON	CR MACWILLIAM
CITY OF BAYSWATER	CR CLARKE	CR G JOHNSON	CR PIFFARETTI
CITY OF KALAMUNDA	CR O’CONNOR	CR BOYD	CR BLAIR
SHIRE OF MUNDARING	CR JEANS	CR DAW	CR COLLINS
CITY OF SWAN	CR CONGERTON	CR ZANNINO	CR I JOHNSON

- 3. COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S.5.16 OF THE LOCAL GOVERNMENT ACT 1995 DELEGATES TO THE LEGAL COMMITTEE THE POWER TO UNDERTAKE ACTIONS IN RESPONSE TO THE LEGAL MATTER AS OUTLINED WITHIN THE CONFIDENTIAL REPORT.*
- 4. NOTES THE RATIONALE FOR THE MOTION IS TO ENABLE THE EMRC COUNCIL TO UNDERTAKE ACTIONS IN RESPONSE TO THE LEGAL MATTER AS OUTLINED WITHIN THE CONFIDENTIAL REPORT THROUGH THE NEWLY ESTABLISHED LEGAL COMMITTEE.*
- 5. THE REPORT AND ATTACHMENTS REMAIN CONFIDENTIAL AND BE CERTIFIED BY THE CHAIRMAN AND THE CEO.”*

**REPORT**

A new and proposed Council Policy 2.1 – Committees of Council has been drafted to reflect the new Council and Committee structure and the newly formed Legal Committee.

The following Committees and its associated references have been removed from 2.1 – Committees of Council Policy as they no longer exist:

- Chief Executive Officer Advisory Committee (CEOAC);
- Investment Committee (IC);
- Resource Recovery Committee (RRC); and
- Technical Advisory Committee (TAC), or most recently known as the Waste Advisory Committee (WAC).



*Item 14.6 continued*

The following new committee was established by resolution of Council (special council meeting) on 8 February 2021:

- Legal Committee (LC).

The Audit Committee has a prescribed role as defined by the *Local Government Act 1995* (the Act) and its associated regulations and accordingly is to be retained as it is a legislative requirement under the Act.

The CEOPRC has been established to conduct an annual review of the Chief Executive Officer's performance, remuneration, contract terms and conditions with the assistance of an external facilitator. Its objective is to ensure that the review of performance of the Chief Executive Officer for the EMRC is undertaken with the provisions of the Act and the *Local Government (Administration) Regulations 1996* and EMRC's policies.

Accordingly, the CEOPRC will continue to assist in the administration of the annual Chief Executive Officer's performance.

The Legal Committee is a newly appointed committee that was established at a special council meeting on 8 February 2021 to deal with matters arising out of the EMRC's Establishment Agreement and is to be disbanded at the next Local Government elections in October 2021.

A draft Terms of Reference has been drafted for Council consideration and adoption at its next ordinary council meeting on 25 March 2021.

## **STRATEGIC/POLICY IMPLICATIONS**

Key Result Area 3 – Good Governance

- 3.3 To provide responsible and accountable governance and management of the EMRC

## **FINANCIAL IMPLICATIONS**

Nil

## **SUSTAINABILITY IMPLICATIONS**

Nil

## **RISK IMPLICATIONS**

<b>RISK:</b> Non-compliance with EMRC's responsibility to maintain responsible and accountable governance and management of the organisation.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Likely	High
<b>Action/Strategy</b>		
Council to adopt the new and revised Council policy 2.1 Committees of Council Policy		



*Item 14.6 continued*

## **MEMBER COUNCIL IMPLICATIONS**

<b>Member Council</b>	<b>Implication Details</b>
Town of Bassendean	}
City of Bayswater	
City of Belmont	
City of Kalamunda	
Shire of Mundaring	
City of Swan	
	Nil

## **ATTACHMENT(S)**

1. Council Policy 2.1 - Committees of Council Policy (Ref: D2021/03905)
2. Proposed new and revised Council Policy 2.1 - Committees of Council Policy (Ref: D2021/03906)

## **VOTING REQUIREMENT**

Simple Majority

## **RECOMMENDATION(S)**

That Council adopts the revised EMRC Policy 2.1 – Committees of Council Forming Attachment 2 of this report.

## **COUNCIL RESOLUTION(S)**

MOVED CR HAMILTON

SECONDED CR CONGERTON

THAT COUNCIL ADOPTS THE REVISED EMRC POLICY 2.1 – COMMITTEES OF COUNCIL FORMING ATTACHMENT 2 OF THIS REPORT.

**CARRIED UNANIMOUSLY**



## 2.1 Committees of Council

### STRATEGIC PLAN OBJECTIVE

3.3 To provide responsible and accountable governance and management of the EMRC.

### PURPOSE

To maintain a Chief Executive Officers Advisory Committee (CEOAC), Technical Advisory Committee (TAC), Resource Recovery Committee (RRC), Chief Executive Officer Performance Review Committee (CEOPRC), Audit Committee (AC), Investment Committee (IC), and determine attendance of officers at council meetings of the EMRC.

### LEGISLATION

*Local Government Act 1995 s5.8-5.25, 7.1A, B, C*  
*Local Government (Administration) Regulations 1996 r4 - 14B*

### POLICY STATEMENT

1. Council will maintain a Chief Executive Officers Advisory Committee (CEOAC), a Technical Advisory Committee (TAC), a Resource Recovery Committee (RRC), a Chief Executive Officer Performance Review Committee (CEOPRC); an Audit Committee (AC) and an Investment Committee (IC) (occasional committee) and determine Terms of Reference for each of these.
2. Membership of the CEOAC will comprise the CEO of the EMRC and the CEO of each participant local government; and the committee will have the Terms of Reference as detailed in [D2014/12021](#).
3. Membership of the TAC will comprise the CEO of the EMRC, or nominee, and a principal officer of each of the participant local governments nominated by the member council CEO; and the committee will have the Terms of Reference as detailed in [D2014/12022](#).
4. Membership of the RRC will comprise of the members of the TAC and one councillor from each of the participant Local Governments; and the committee will have the Terms of Reference as detailed in [D2014/12023](#).
5. Membership of the CEOPRC will comprise of Council members only and the committee will have the Terms of Reference as detailed in [D2014/12024](#).
6. Membership of the AC comprise of one council member from each of the participant Local Governments and the committee will have the Terms of Reference as detailed in [D2014/12025](#).



7. Membership of the IC will comprise of Council members only and the Committee will have the Terms of Reference as detailed in [D2014/12026](#).
8. Through the following process a deputy member will be appointed by council for each committee member.
  - A deputy member for CEOAC and TAC may be nominated by the CEO of each participant local government.
  - The deputy members appointed for TAC will have the same role on the RRC.
  - Council will appoint deputy members to members of the Council on the RRC and the AC.
  - No deputy members are appointed to the CEOPRC as the continuity of members during the annual performance review is important in ensuring a fair and objective process is achieved.
  - No deputy members are appointed to the IC.
9. That a flexible approach be taken to those matters generally classified as commercial enterprises or investment and these matters be treated on a project basis with the CEO of the EMRC deciding whether to liaise with either of the committees where necessary. Working parties with specific terms of reference may be used in the future for these matters.
10. That meetings be generally face-to-face meetings. However, teleconferencing, videoconferencing and other electronic means will be used when appropriate.
11. The Chairman of the CEOAC & TAC may attend EMRC Council meetings as an advisor but that officer may not sit at the council table.
12. Where officers from Participants attend EMRC Council meetings, they are to have the status of observer.

## FINANCIAL CONSIDERATIONS

Nil

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Adopted/Reviewed by Council

1. 8 December 1994
2. 22 July 1999
3. 24 February 2000
4. 02 May 2002
5. 19 February 2004
6. 20 May 2004
7. 23 February 2006
8. 18 September 2008
9. 23 September 2010
10. 18 September 2014
11. 06 December 2018

Next Review

Following the Ordinary Elections in 2021

Responsible Directorate

Corporate Services



# Council Policy 2.1

## Committees of Council

### Strategic Plan Objective

3.3 To provide responsible and accountable governance and management of the EMRC.

### Purpose

This policy outlines the governance of the following Council approved committees:

- Audit Committee (AC);
- Chief Executive Officer Performance Review Committee (CEOPRC); and
- Legal Committee (LC)

The committees are designed to play an important part in the corporate decision-making process on a variety of matters and are designed to report on recommendations to Council of an advisory nature.

### Legislation

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

*EMRC Standing Orders Local Laws 2013*

### Policy Statement

#### Formation of Committees

EMRC Committees are established by Council for the purpose of providing advice and technical expertise on issues relevant to the EMRC Council.

Council will maintain an Audit Committee, a Chief Executive Officer Performance Review Committee and a Legal Committee and determine a Terms of Reference for each of the established committees.

#### Audit Committee (AC)

Membership of the AC will comprise of one council member from each of the participant member councils and the committee will have a Terms of Reference as amended from time to time by Council approval.

Council will appoint deputy members to members of the Council on the AC.

#### Chief Executive Officer Performance Review Committee (CEOPRC)

Membership of the CEOPRC will comprise of council members only and the committee will have a Terms of Reference as amended from time to time by Council approval.



No deputy members are appointed to the CEOPRC as the continuity of members during the annual performance review is important in ensuring that a fair and objective process is achieved.

#### **Legal Committee (LC)**

The Legal Committee will comprise of council members, deputy members and second deputy members, as appointed by Council and will have a Terms of Reference as amended from time to time by Council approval.

Members will be appointed to the inaugural Legal Committee for a term of up to nine months, expiring in October 2021.

#### **Attendance Management**

The meetings are to take place in person (face to face) where possible. However, teleconferencing, videoconferencing and other electronic means will be used when necessary.

If officers from member councils attend EMRC committee meetings, they are to have the status of observer.

### **Financial Considerations**

Nil

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**Adopted/Reviewed**

**25 March 2021**

**Next Review**

**Following the Local Government elections in 2021**

**Responsible Unit**

**CEO's Office**





## 14.7 CHIEF EXECUTIVE OFFICER ATTENDANCE AT WASTE 2021 CONFERENCE

REFERENCE: D2021/03947

### PURPOSE OF REPORT

The purpose of this report is to seek Council's approval for the Chief Executive Officer (CEO) to attend the Waste 2021 Conference that is scheduled to be held in Coffs Harbour from 4 to 6 May 2021.

### KEY ISSUES AND RECOMMENDATION(S)

- As part of the Chief Executive Officer's professional development, the following conference has been identified.
- The Waste 2021 Conference is held annually and is hosted by the Impact Environmental Consulting Pty Ltd.
- The Conference include best practice Waste Management from leading waste experts.

#### Recommendation(s)

That Council approves the Chief Executive Officer to attend the Waste 2021 Conference being held in Coffs Harbour from 4 to 6 May 2021.

### SOURCE OF REPORT

Chief Executive Officer

### BACKGROUND

On 27 June 2019, the *Local Government Legislation Amendment Act 2019*, was passed by the Western Australian Parliament, coming into effect on 6 July 2019. This Act included several amendments including the requirement for local governments to have a Council policy for Council members and the Chief Executive Officer (CEO) to represent their local government at events.

To meet the requirements of the *Local Government Act 1995* (section 5.90A), a local government must prepare and adopt (by absolute majority) a policy that deals with matters relating to the attendance of council members and the CEO at events, including; the provision of tickets to events; payments in respect of attendance; approval of attendance by the local government and criteria for approval; and any other prescribed matter.

The new policy 6.3 is detailed in item 14.3 of the agenda of this meeting to be held on 25 March 2021.

### REPORT

Celebrating 25 years, first established back in 1996, the Coffs Harbour Waste Management Conference is now well regarded as the industry's leading waste management conference in Australia. Historically, attracting delegates both nationally and internationally, the conference is targeted at anyone who works in, or has an interest in waste management issues, and is particularly relevant to local government. This prestigious event features two and a half days of presentations, a comprehensive trade exhibition and social events on three evenings providing invaluable networking opportunities.

Attendees will hear from leading waste management professionals on the latest developments in the industry, be able to visit a vast array of exhibitions, and have the opportunity to network with other 'waste experts'.



*Item 14.7 continued*

The Waste 2021 Conference program begins on Tuesday 4 May 2021 and concludes on Thursday 6 May 2021. The program is streamed to allow delegates to tailor their learning to their specific needs. There are also 3 social events for onsite delegates providing ample networking opportunities.

Relevant topics on the programme include:

- Energy from Waste;
- Alternative Recycling Pathways;
- Regional Issues;
- Key Waste Issues and Strategy;
- Plastics;
- Circular Economy;
- Technology;
- Product Stewardship;
- Litter;
- Organics; and
- Illegal Dumping

The conference topics align to current and future work being undertaken by the EMRC at the Red Hill Waste Management Facility and Hazelmere Resource Recovery Park.

The EMRC Chief Executive Officer is a “Waste Management & Resource Recovery Association Australia (WMRR) Member” and the conference cost WMRR Members is discounted to \$2412.00 per attendee inclusive of accommodation, excluding incidental expenses and meals. Cost of airfares is \$2,181.56.

## **STRATEGIC/POLICY IMPLICATIONS**

Key Result Area 1 – Environmental Sustainability

- 1.1 To investigate leading edge waste management practices

## **FINANCIAL IMPLICATIONS**

Each year funds are budgeted for officer attendance at conferences. The expected cost of the conference is \$4600.

## **SUSTAINABILITY IMPLICATIONS**

Nil



Item 14.7 continued

## RISK IMPLICATIONS

<b>RISK: Non-compliance with Council Policy</b>		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Moderate
<b>Action / Strategy</b>		
<ul style="list-style-type: none"><li>Approval be sought for the CEO to attend Waste 2021 Conference and Exhibition to comply with Council Policy 6.3 Attendance at Events</li></ul>		

## MEMBER COUNCIL IMPLICATIONS

<b>Member Council</b>	<b>Implication Details</b>
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
Shire of Kalamunda	
Shire of Mundaring	
City of Swan	

## ATTACHMENT(S)

Conference Program (Ref: D2021/04181)

## VOTING REQUIREMENT

Simple Majority

## **RECOMMENDATION(S)**

That Council approves the Chief Executive Officer to attend the Waste 2021 Conference being held in Coffs Harbour from 4 to 6 May 2021.

## **COUNCIL RESOLUTION(S)**

MOVED CR HAMILTON

SECONDED CR CONGERTON

THAT COUNCIL APPROVES THE CHIEF EXECUTIVE OFFICER TO ATTEND THE WASTE 2021 CONFERENCE BEING HELD IN COFFS HARBOUR FROM 4 TO 6 MAY 2021.

**CARRIED UNANIMOUSLY**

Tuesday, May 4, 2021	Wednesday, May 5, 2021	Thursday, May 6, 2021
<b>**** WASTE 2021 CONFERENCE BEGINS ****</b> Registration from 7:30 AM in the Pre Function Foyer		
10:00 AM - 10:10 AM	<b>Opening Address &amp; Welcome</b> <u>Greg Freeman, Managing Director, Impact Environmental Consulting</u>	
10:10 AM - 10:30 AM	<b>Keynote Address 1: The nature of waste</b> <u>Ms Cate McQuillen, Creative Producer / Owner, One Story – mememe productions (home of dirtgirlworld and Get Grubby TV)</u>	
<b>SEPARATE ROOMS FOR STREAMS</b>		
10:35 AM - 12:15 PM	<b>ENERGY FROM WASTE</b>	<b>EDUCATION (PART 1)</b>
10:40 AM - 11:00 AM	<u>Energy from Waste 1 - The role of Energy from Waste in NSW</u> <u>Nancy Chang, Executive Director Regulatory Policy, Initiatives and Advice, NSW Environment Protection Authority</u>	<u>Education (Part 1) 1 - REDUCE – engaging communities in (measured) waste avoidance with Plastic Free July</u> <u>Helen Whitkin, Memberships Manager, Plastic Free Foundation</u>
11:00 AM - 11:20 AM	<u>Energy from Waste 2 - Queensland's Energy from Waste Policy</u> <u>Esther Richards, Senior Policy Officer, Department of Environment &amp; Science QLD</u>	<u>Education (Part 1) 2 - Utilising fun, gamification and online technology to drive behaviour change</u> <u>Megan Bekesi, Education &amp; Promotions Coordinator, East Waste</u>
11:20 AM - 11:40 AM	<u>Energy from Waste 3 - Mt Piper energy recovery project update</u> <u>Garth Lamb, Chief Development Officer, ReGroup</u>	<u>Education (Part 1) 3 - Social Marketing: Influencing behaviour change to drive environmental change</u> <u>Glenda Viner, General Manager – Corporate &amp; Community Relations, Container Exchange</u>
11:40 AM - 12:00 PM	<u>Energy from Waste 4 - How do Australian EfW Projects Achieve 95% Landfill Diversion?</u> <u>Jason Pugh, General Manager, East Rockingham Waste To Energy</u>	<u>Education (Part 1) 4 - Recycling it right in Waverley apartment buildings</u> <u>Beth Kasumovic, Sustainable Waste Manager, Waverley Council</u>
12:00 PM - 12:15 PM	<b>QUESTIONS - EFW</b>	<b>QUESTIONS - EDUCATION (PART 1)</b>
12:15 PM - 1:10 PM	<b>LUNCH - TUESDAY</b>	
1:10 PM - 2:50 PM	<b>ALTERNATIVE RECYCLING PATHWAYS</b>	<b>EDUCATION (PART 2)</b>
1:15 PM - 1:35 PM	<u>Alternative Recycling Pathways 1 - Topic TBC</u> <u>John Hassett, Chief Executive NSW B&amp;D, Bingo Industries</u>	<u>Education (Part 2) 1 - Building a nationally consistent approach to sustainable packaging communications</u> <u>Alejandra Laclette, Recycling Label Program Manager, Planet Ark</u>
1:35 PM - 1:55 PM	<u>Alternative Recycling Pathways 2 - Innovation and excellence in CRC management</u> <u>Michael Neville, Team Leader, Strategy, Projects &amp; Education, Waste Management, Hornsby Shire Council</u>	<u>Education (Part 2) 2 - "Little Sorters"- Empowering early learning centres and their children!</u> <u>Leesa Hajduk, Senior Education Officer, Cleanaway</u>
1:55 PM - 2:15 PM	<u>Alternative Recycling Pathways 3 - The people power of buying recycled</u> <u>Ms Sally Miles, General Manager Activation, Clean Up Australia</u>	<u>Education (Part 2) 3 - The power of art in creating change</u> <u>Elyse Marcolin, Resource Recovery Education Officer, Penrith City Council</u>
2:15 PM - 2:35 PM	<u>Alternative Recycling Pathways 4 - 2021 for used tyre recycling</u> <u>Robert Kelman, Executive Officer, ATRA</u>	<u>Education (Part 2) 4 - Disposable baby nappies: the waste item we can avoid</u> <u>Emma Avery, Consultant, EA Sustainability</u>
2:35 PM - 2:50 PM	<b>QUESTIONS - ALTERNATIVE RECYCLING PATHWAYS</b>	<b>QUESTIONS - EDUCATION (PART 2)</b>
2:50 PM - 3:20 PM	<b>AFTERNOON TEA - TUESDAY</b>	
3:20 PM - 5:00 PM	<b>REGIONAL ISSUES</b>	<b>EDUCATION (PART 3)</b>
3:25 PM - 3:45 PM	<u>Regional Issues 1 - Waste management presents economic opportunities for Goldfields Region, Western Australia</u> <u>James Trail, CEO, Shire of Coolgardie</u>	<u>Education (Part 3) 1 - BC is not BS! Implementing the behaviour change continuum</u> <u>Anna Ricketts, NSW Regional Manager, EnviroCom Australia</u>
3:45 PM - 4:05 PM	<u>Regional Issues 2 - The management and security of unmanned waste transfer stations</u> <u>Keith Halford, Manager Environment &amp; Planning, Banana Shire Council</u>	<u>Education (Part 3) 2 - Addressing food waste in schools</u> <u>Rachel Rothwell, NSW Education Coordinator FEAST, OzHarvest</u>
4:05 PM - 4:25 PM	<u>Regional Issues 3 - Extending municipal collections for regional and remote areas</u> <u>Priya Murthy, Resource Recovery Officer, Cleanaway</u>	<u>Education (Part 3) 3 - Topic TBC</u> <u>Presenter TBC</u>
4:25 PM - 4:45 PM	<u>Regional Issues 4 - Title TBC</u> <u>Presenter TBC</u>	<u>Education (Part 3) 4 - Waste education: Linking curriculum to community change</u> <u>Michelle Wilkinson, Halve Waste Program Coordinator, Albury City Council</u>
4:45 PM - 5:00 PM	<b>QUESTIONS - REGIONAL ISSUES</b>	<b>QUESTIONS - EDUCATION (PART 3)</b>
5:30 PM - 7:30 PM	<b>CONFERENCE WELCOME RECEPTION</b> The Welcome Reception will take place outside among the outdoor exhibits at Opal Cove Resort (weather permitting).	

Tuesday, May 4, 2021	Wednesday, May 5, 2021	Thursday, May 6, 2021
8:00 AM - 9:00 AM	<b>WELCOME TEA AND COFFEE - WEDNESDAY</b>	
9:00 AM - 9:05 AM	<b>Introduction and Welcome from the Chair</b> <a href="#">Gayle Sloan, CEO, WMRR</a>	
9:05 AM - 9:10 AM	<b>Welcome from Coffs Harbour City Council</b> Presenter TBC	
9:10 AM - 9:35 AM	<b>Keynote Address 2: Topic TBC</b> <a href="#">Kate Wilson, Executive Director, Climate Change and Sustainability, Department of Planning, Industry and Environment</a>	
9:35 AM - 10:00 AM	<b>Keynote Address 3: Highlights of the National Waste Report 2020</b> <a href="#">Dr Joe Pickin, Director, Blue Environment</a>	
10:00 AM - 10:35 AM	<b>MORNING TEA - WEDNESDAY</b>	
10:35 AM - 12:15 PM	<b>KEY WASTE ISSUES &amp; STRATEGY</b>	<b>CIRCULAR ECONOMY (PART 1)</b>
10:40 AM - 11:00 AM	<a href="#">Key Waste Issues &amp; Strategy 1 - Topic TBC</a> Presenter TBC	<a href="#">Circular Economy (Part 1) 1 - One year into the 10-year plan for Victoria's circular economy</a> <a href="#">Angela Hoefnagels, Director Programs and High Risk Waste, Environment and Climate Change, Department of Environment Land Water &amp; Planning, (DELWP)</a>
11:00 AM - 11:20 AM	<a href="#">Key Waste Issues &amp; Strategy 2 - Future strategic considerations for the industry</a> <a href="#">Jim Fairweather, Chief Executive Officer, ResourceCo Group (incl. Tyrecycle)</a>	<a href="#">Circular Economy (Part 1) 2 - Facilitating business transition to a circular economy</a> <a href="#">Heidi Robertson, Senior Project Officer, NSW Environment Protection Authority</a>
11:20 AM - 11:40 AM	<a href="#">Key Waste Issues &amp; Strategy 3 - Domestic waste management charges review – IPART talking garbage</a> <a href="#">Gerard O'Dea, Principal Analyst, Independent Pricing &amp; Regulatory Tribunal (IPART)</a>	<a href="#">Circular Economy (Part 1) 3 - Queensland's regional place-based approach to a Circular Economy</a> <a href="#">Georgine Roodenrys, Executive Director, Department of Environment &amp; Science, Queensland Government</a>
11:40 AM - 12:00 PM	<a href="#">Key Waste Issues &amp; Strategy 4 - Challenges and opportunities for Local Councils</a> <a href="#">Liz Quinlan, Senior Policy Officer - Waste, Local Government NSW</a>	<a href="#">Circular Economy (Part 1) 4 - The role of the Australian Circular Economy Hub</a> <a href="#">Paul Klymenko, CEO, Planet Ark</a>
12:00 PM - 12:15 PM	<b>QUESTIONS - KEY WASTE ISSUES &amp; STRATEGY</b>	<b>QUESTIONS - CIRCULAR ECONOMY (PART 1)</b>
12:15 PM - 1:10 PM	<b>LUNCH - WEDNESDAY</b>	
1:10 PM - 2:35 PM	<b>PLASTICS</b>	<b>CIRCULAR ECONOMY (PART 2)</b>
1:15 PM - 1:35 PM	<a href="#">Plastics 1 - Reducing the ACT's plastic consumption – Phasing out single-use plastic</a> <a href="#">Martin Berry, Assistant Director, Waste Policy, ACT NoWaste</a>	<a href="#">Circular Economy (Part 2) 1 - Paving the way: Driving recycled glass markets through procurement</a> <a href="#">Justin Bonsey, Strategic Lead, Resource Recovery, Southern Sydney Regional Organisation of Councils (SSROC)</a>
1:35 PM - 1:55 PM	<a href="#">Plastics 2 - Unwrapped - the good, bad and ugly side of plastic</a> <a href="#">Ricki Hershburgh, Executive Director, Plastic Oceans Australasia</a>	<a href="#">Circular Economy (Part 2) 2 - Evolution, not revolution: The journey of a food waste start-up</a> <a href="#">Katy Barfield, Founder &amp; CEO, Yume Food</a>
1:55 PM - 2:15 PM	<a href="#">Plastics 3 - Taking a regional approach to plastics - ANZPAC Plastics Pact</a> <a href="#">Meredith Epp, Industry Partnership Manager, Australian Packaging Covenant Organisation</a>	<a href="#">Circular Economy (Part 2) 3 - Resource recovery partnerships: The foundations of a Circular Economy</a> <a href="#">Yasmin Grigaliunas, CEO &amp; Co-Founder, World's Biggest Garage Sale</a>
2:15 PM - 2:35 PM	<a href="#">Plastics 4 - Marine pollution – How to prevent plastics from entering our oceans</a> <a href="#">Sophie Degaggy, Head of Australia, Eunomia</a>	<a href="#">Circular Economy (Part 2) 4 - How to achieve circular results using best practice strategic innovation</a> <a href="#">Matt Champion, Director, Strategy &amp; Circular Solutions, Grid Powr</a>
2:35 PM - 2:50 PM	<b>QUESTIONS - PLASTICS</b>	<b>QUESTIONS - CIRCULAR ECONOMY (PART 2)</b>
2:50 PM - 3:25 PM	<b>AFTERNOON TEA - WEDNESDAY</b>	
3:20 PM - 5:00 PM	<b>TECHNOLOGY</b>	<b>PRODUCT STEWARDSHIP</b>
3:25 PM - 3:45 PM	<a href="#">Technology 1 - Smarter than the average bin: Smart bins, bin sensors and IoT</a> <a href="#">Andrew Quinn, Technical Director - Waste &amp; Resources Management, SLR Consulting Australia</a>	<a href="#">Product Stewardship 1 - Product stewardship, circular economy &amp; plastic packaging – How do these fit together?</a> <a href="#">Barry Cosier, Director, Sustainability, Australian Food &amp; Grocery Council</a>
3:45 PM - 4:05 PM	<a href="#">Technology 2 - Reducing landfill by making it personal with real data</a> <a href="#">Andrea Baldwin, Team Leader Waste Management, Albury City Council</a>	<a href="#">Product Stewardship 2 - A right to repair for Australians helps solving our waste crisis</a> <a href="#">Guido Verbist, General Manager, The Bower Reuse &amp; Repair Centre</a>
4:05 PM - 4:25 PM	<a href="#">Technology 3 - Smart monitoring solutions, control everything</a> <a href="#">Freddie Coertze, Technology Manager, ifm efector</a>	<a href="#">Product Stewardship 3 - Progress and impacts of mattress recycling</a> <a href="#">Janelle Wallace, Program Lead, Australian Bedding Stewardship Council</a>
4:25 PM - 4:45 PM	<a href="#">Technology 4 - Leveraging technology &amp; the on-demand economy to reinvent recycling</a> <a href="#">Giorgio Baracchi, CEO, RecycleSmart</a>	<a href="#">Product Stewardship 4 - drumMUSTER - The success of industry led product stewardship</a> <a href="#">Dominique Doyle, General Manager, Agsafe</a>
4:45 PM - 5:00 PM	<b>QUESTIONS - TECHNOLOGY</b>	<b>QUESTIONS - PRODUCT STEWARDSHIP</b>
6:30 PM - 11:59 PM	<b>CONFERENCE DINNER</b> The conference dinner will be held offsite at Pacific Bay Resort and the theme is 'Australia'. Let's celebrate this amazing country and dine in true Aussie style. Come dressed in the traditional colours of the land, transform yourself into your favourite Australian idol or simply get out your quintessential boardies, stobbies, trackies, singlets, skivvies, thongs or uggies and top it all off with an Akubra (but please keep your budgie smugglers and cossies out of sight)!! Let's catch up with those we missed seeing last year and enjoy an evening celebrating everything Australian. Free scheduled transport will be provided between venues.	



Tuesday, May 4, 2021	Wednesday, May 5, 2021	Thursday, May 6, 2021
8:00 AM - 9:00 AM	<b>WELCOME TEA &amp; COFFEE - THURSDAY</b>	
9:00 AM - 9:10 AM	<b>Welcome address from the chair</b> <a href="#">Mike Ritchie, Managing Director, MRA Consulting Group</a>	
9:10 AM - 9:35 AM	<b>Keynote Address 4: Social Theory, Public Policy and the Circular Economy</b> <a href="#">Dr Heinz Schandl, Research Group Leader Urban and Industrial Transformations, CSIRO Land and Water</a>	
9:35 AM - 10:00 AM	<b>Keynote Address 5: Topic TBC</b> Presenter TBC	
10:00 AM - 10:35 AM	<b>MORNING TEA - THURSDAY</b>	
10:35 AM - 12:15 PM	<b>INDIGENOUS WASTE MANAGEMENT</b>	<b>ORGANICS (PART 1)</b>
10:40 AM - 11:00 AM	<a href="#">Indigenous Waste Management 1 - Clean Country - Collaboration and local solutions</a> <a href="#">Robert Barnett, Regional Aboriginal Environmental Health Project Officer, NSW Health</a>	<a href="#">Organics (Part 1) 1 - Topic TBC</a> <a href="#">Richard Kirkman, CEO &amp; Managing Director, Veolia Australia &amp; New Zealand</a>
11:00 AM - 11:20 AM	<a href="#">Indigenous Waste Management 2 - Topic TBC</a> Presenter TBC	<a href="#">Organics (Part 1) 2 - FOGO - Where is our organics revolution up to now?</a> <a href="#">Mike Ritchie, Managing Director, MRA Consulting Group</a>
11:20 AM - 11:40 AM	<a href="#">Indigenous Waste Management 3 - Caring for Country in Summervale Village: Engaging the community to reduce and manage waste</a> <a href="#">Andrew Beach, Senior Project Officer - Aboriginal Programs, NSW Environment Protection Authority</a>	<a href="#">Organics (Part 1) 3 - The challenges of redesigning waste management infrastructure for the future</a> <a href="#">Olympia Yarger Founder &amp; CEO Goterra</a>
11:40 AM - 12:00 PM	<a href="#">Indigenous Waste Management 4 - The MRF creating opportunities in a disadvantaged community</a> <a href="#">Glenn Byrne, Design Manager, RDT Engineering</a>	<a href="#">Organics (Part 1) 4 - Topic TBC</a> Presenter TBC
12:00 PM - 12:15 PM	<b>QUESTIONS - INDIGENOUS WASTE MANAGEMENT</b>	<b>QUESTIONS - ORGANICS (PART 1)</b>
12:15 PM - 1:10 PM	<b>LUNCH - THURSDAY</b>	
1:10 PM - 2:50 PM	<b>LITTER</b>	<b>ORGANICS (PART 2)</b>
1:15 PM - 1:35 PM	<a href="#">Litter 1 - The litter journey: New thinking on the scope of litter prevention in NSW</a> <a href="#">John Lavarack, Senior Project Officer, NSW Environment Protection Authority</a>	<a href="#">Organics (Part 2) 1 - National food waste strategy feasibility study</a> <a href="#">Carolyn Cameron, General Manager Food Sustainability, Food Innovation Australia</a>
1:35 PM - 1:55 PM	<a href="#">Litter 2 - Being Litter Smart in Bondi - targeting takeaway packaging litter</a> <a href="#">Elizabeth Macdonald, Sustainable Waste Officer, Waverley Council</a>	<a href="#">Organics (Part 2) 2 - Novel approach to organic waste management at local government scale</a> <a href="#">Melita Jazbec, Senior Research Consultant, Institute for Sustainable Futures, UTS</a>
1:55 PM - 2:15 PM	<a href="#">Litter 3 - Zero waste event guide</a> <a href="#">Ashley Pittard, Executive Officer, Barwon South West Waste &amp; Resource Recovery Group</a>	<a href="#">Organics (Part 2) 3 - City of Sydney food scraps recycling trial</a> <a href="#">Jodie Larsen, Project Coordinator, City of Sydney</a>
2:15 PM - 2:35 PM	<a href="#">Litter 4 - Solving Australia's 8 billion cigarette butt litter problem</a> <a href="#">Katinka Day, No Plastic In Nature Policy Manager, WWF</a>	<a href="#">Organics (Part 2) 4 - Organics market development - Compost in the built environment</a> <a href="#">Mike Twemlow, Sustainability Consultant, Edge Environment</a>
2:35 PM - 2:50 PM	<b>QUESTIONS - LITTER</b>	<b>QUESTIONS - ORGANICS (PART 2)</b>
2:50 PM - 3:20 PM	<b>AFTERNOON TEA - THURSDAY</b>	
3:20 PM - 5:00 PM	<b>ILLEGAL DUMPING</b>	<b>ORGANICS (PART 3)</b>
3:25 PM - 3:45 PM	<a href="#">Illegal Dumping 1 - Best practice response to illegal dumping</a> <a href="#">Samuel Lawson, Research &amp; Project Coordinator, Keep Victoria Beautiful</a>	<a href="#">Organics (Part 3) 1 - City of Karratha organics processing trial</a> <a href="#">Steve Wachter, Manager City Services, City of Karratha</a>
3:45 PM - 4:05 PM	<a href="#">Illegal Dumping 2 - Illegal dumping detection technology</a> <a href="#">Anthony Callaghan, Managing Director, EnviroCam</a>	<a href="#">Organics (Part 3) 2 - Recipe for action - increasing organics circularity in South Australia</a> <a href="#">Jessica Wundke, Principal Adviser, Policy &amp; Projects, Green Industries SA</a>
4:05 PM - 4:25 PM	<a href="#">Illegal Dumping 3 - An innovative illegal dumping program managing the tyranny of distance</a> <a href="#">James Vincent, Illegal Dumping Prevention Coordinator, Illawarra Shoalhaven Joint Organisation</a>	<a href="#">Organics (Part 3) 3 - FOGO and MUDs - developer perspective and local government solutions</a> <a href="#">Geraldine Busby, Principle Consultant, Encycle Consulting</a>
4:25 PM - 4:45 PM	<a href="#">Illegal Dumping 4 - Reducing illegal dumping using surveillance technology, smart data and education</a> <a href="#">Joe Logiaccio, Manager Waste &amp; Cleansing Services, Bayside Council</a>	<a href="#">Organics (Part 3) 4 - Topic TBC</a> Presenter TBC
4:45 PM - 5:00 PM	<b>QUESTIONS - ILLEGAL DUMPING</b>	<b>QUESTIONS - ORGANICS (PART 3)</b>
6:30 PM - 11:59 PM	<b>CONFERENCE FINALE BUFFET</b> The conference finale buffet will be held at Opal Cove Resort on the outdoor terrace (weather permitting) and in Horizons Restaurant.	



## 14.8 CHIEF EXECUTIVE OFFICER ATTENDANCE AT KEEP AUSTRALIA BEAUTIFUL ANNUAL GENERAL MEETING

REFERENCE: D2021/04320

### PURPOSE OF REPORT

The purpose of this report is to seek Council's approval for the Chief Executive Officer (CEO) to attend the Keep Australia Beautiful (KAB) Annual General Meeting (AGM) that is scheduled to be held in Beechworth, Victoria on 4 June 2021.

### KEY ISSUES AND RECOMMENDATION(S)

- The Chief Executive Officer remains committed to improve Waste Management and the impact it has on the environment.
- The Keep Australia Beautiful (KAB) Annual General Meeting (AGM) is held annually.

#### Recommendation(s)

That Council:

1. Approves the Chief Executive Officer to attend the Keep Australia Beautiful (KAB) Annual General Meeting (AGM) and Sustainable Cities - Tidy Towns Awards 2021, scheduled to be held in Beechworth, Victoria on Friday 4 June 2021.
2. Acknowledges that the payment for the travel, accommodation and attendance at the KAB AGM will be solely borne by KAB.

### SOURCE OF REPORT

Chief Executive Officer

### BACKGROUND

On 27 June 2019, the *Local Government Legislation Amendment Act 2019*, was passed by the Western Australian Parliament, coming into effect on 6 July 2019. This Act included several amendments including the requirement for local governments to have a Council policy for Council members and the Chief Executive Officer (CEO) to represent their local government at events.

To meet the requirements of the *Local Government Act 1995* (section 5.90A), a local government must prepare and adopt (by absolute majority) a policy that deals with matters relating to the attendance of council members and the CEO at events, including; the provision of tickets to events; payments in respect of attendance; approval of attendance by the local government and criteria for approval; and any other prescribed matter.

The new policy 6.3 is detailed in item 14.3 of the agenda of this meeting to be held on 25 March 2021.

### REPORT

The Chief Executive Officer was invited to become a Director of the National Keep Australia Beautiful not-for-profit organisation with the appointment effective from the AGM.

The AGM is followed by the National Sustainable Cities - Tidy Towns Awards 2021,

The Chief Executive Officer's travel and accommodation costs will be covered by Keep Australia Beautiful.



*Item 14.8 continued*

Founded in 1968, Keep Australia Beautiful was our nation's first sustainable and anti-litter campaigner.

Since then, we've been working with our state-based offices and local community groups to raise awareness on how we can all live more sustainably.

The mission of Keep Australia Beautiful is "We aspire to grow a community of Australians committed to keeping our country beautiful for years to come."

**1970 – 1989**

1971 Keep Australia Beautiful National Association commenced, formed by Dame Phyllis Frost and Colin Hill.

1972 Gough Whitlam launches 'Live Without Litter Week'. Watch it here

1974-5 "Dopes Rubbish Australia" and "Pig" television campaigns launched.

1970's CARE AWARDS and Golden Broom Awards.

**1990 – 1999**

1990- 1995 Australian Environmental Awards for Schools.

1991 Australian Tidy Towns Awards commenced (a concept borrowed from Ireland, commenced in Australia in WA in 1968).

1998-2001 National programs administered by SA office.

**2000 – 2009**

2008 KAB 'Green Ribbon' cause marketing program commenced.

2008 First Branded Litter Study published.

2009 Judging visits for the Australian Sustainable Communities Awards consisting of Tidy Towns, Sustainable Cities and Clean Beaches.

2009 Governor General accepts role as Patron of KABNA and hosts the Australian Tidy Towns Awards.

**2010 – Present**

2010 Beverage Container Recycling Grants funded by the Coca-Cola Foundation.

2011 National Bin Network (Australia's Litter Action Plan) Pilot Trialled.

2012 The LITTLE Committee commenced (ending in 2014).

2014 Adopt a Patch program commenced.

2014 Eco-Schools Australia commenced.

2017 Young Reporters for the Environment Australia commenced.

The objectives of Keep Australia Beautiful is to:

- To lead, influence and advocate for environmental sustainability
- To honour achievement in environmental preservation
- To provide support through education, innovation, engagement and research
- To deliver effective partnerships and programs that benefit the environment

The event aligns to current and future work being undertaken by the EMRC to become a low waste, circular economy protecting human health and the environment.





*Item 14.8 continued*

## **STRATEGIC/POLICY IMPLICATIONS**

Key Result Area 1 – Environmental Sustainability

- 1.1 To investigate leading edge waste management practices

## **FINANCIAL IMPLICATIONS**

Nil

## **SUSTAINABILITY IMPLICATIONS**

Nil

## **RISK IMPLICATIONS**

<b>RISK: Non-compliance with Council Policy</b>		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Moderate
<b>Action / Strategy</b>		
<ul style="list-style-type: none"><li>Approval be sought for the CEO to attend Keep Australia Beautiful (KAB) Annual General Meeting (AGM) and Sustainable Cities - Tidy Towns Awards 2021, to comply with Council Policy 6.3 Attendance at Events</li></ul>		

## **MEMBER COUNCIL IMPLICATIONS**

<b>Member Council</b>	<b>Implication Details</b>
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

## ATTACHMENT(S)

Nil

## VOTING REQUIREMENT

Simple Majority



*Item 14.8 continued*

**RECOMMENDATION(S)**

That Council:

1. Approves the Chief Executive Officer to attend the Keep Australia Beautiful (KAB) Annual General Meeting (AGM) and Sustainable Cities - Tidy Towns Awards 2021, scheduled to be held in Beechworth, Victoria on Friday 4 June 2021.
2. Acknowledges that the payment for the travel, accommodation and attendance at the KAB AGM will be solely borne by KAB.

**COUNCIL RESOLUTION(S)**

MOVED CR HAMILTON

SECONDED CR CONGERTON

THAT COUNCIL:

1. APPROVES THE CHIEF EXECUTIVE OFFICER TO ATTEND THE KEEP AUSTRALIA BEAUTIFUL (KAB) ANNUAL GENERAL MEETING (AGM) AND SUSTAINABLE CITIES - TIDY TOWNS AWARDS 2021, SCHEDULED TO BE HELD IN BEECHWORTH, VICTORIA ON FRIDAY 4 JUNE 2021.
2. ACKNOWLEDGES THAT THE PAYMENT FOR THE TRAVEL, ACCOMMODATION AND ATTENDANCE AT THE KAB AGM WILL BE SOLELY BORNE BY KAB.

**CARRIED UNANIMOUSLY**



## 14.9 ADOPTION OF NEW CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

REFERENCE: D2021/04190

### PURPOSE OF REPORT

The purpose of this report is for council to adopt the *Local Government (Model Code of Conduct) Regulations 2021* as its Code of Conduct for council members, committee members and candidates.

### KEY POINTS AND RECOMMENDATION(S)

- On 3 February 2021, the *Local Government (Model Code of Conduct) Regulations 2021* was gazetted and came into effect.
- From 3 February 2021 and until such time as a local government adopts a Code of Conduct, the model code applies to all Councillors, Committee Members and Candidates.
- Section 5.104 of the *Local Government Act 1995* requires that local governments adopt the Model Code as its Code of Conduct by 3 May 2021.
- Adoption of the Code of Conduct reflects the recent and imminent changes to the *Local Government Act 1995* and is based on the principles of accountability, personal integrity and effective working relationships with others.

#### Recommendation(s)

That Council by absolute majority in accordance with section 5.103 of the *Local Government Act 1995*, adopts a new Code of Conduct for council members, committee members and candidates, forming the attachment of this report.

### SOURCE OF REPORT

Chief Financial Officer

### BACKGROUND

The *Local Government Legislation Amendment Act 2019* (Amendment Act) was developed in response to feedback that there was a need for governance reforms, including a Code of Conduct for Councillors, Committee members and candidates that clearly reflects the community expectations of behaviour and supports consistency between local governments for managing alleged breaches of that Code of Conduct.

As a result, key reforms under the Amendment Act include the introduction of a model code of conduct that must be adopted by local governments and is to apply to Councillors, committee members and candidates.

On 3 February 2021, the *Model Code of Conduct Regulations 2021* was gazetted and came into effect. The model code replaces the previous statutory requirement for local governments to develop and implement an individual code of conduct for their Councillors, committee members and employees.

From 3 February 2021 and until such time as a local government adopts a Code of Conduct, the model code applies to all Councillors, Committee Members and Candidates.

To begin implementation of the Model Code of Conduct, local governments are to:

- (a) appoint a person(s) to receive complaints by either affirming the complaint officers or appointing a new or additional officer(s), and
- (b) approve a form for complaints to be lodged.



*Item 14.9 continued*

At its first ordinary meeting of the year on 25 February 2021, Council resolved:

**THAT COUNCIL:**

1. *AUTHORISES THE CHIEF EXECUTIVE OFFICER TO BE THE COMPLAINTS OFFICER.*
2. *BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S.5.42 OF THE LOCAL GOVERNMENT ACT 1995, DELEGATES POWER TO THE CHIEF EXECUTIVE OFFICER TO APPOINT AUTHORISED COMPLAINTS OFFICERS.*
3. *ENDORSE THE COMPLAINT ABOUT ALLEGED BREACH FORM, FORMING ATTACHMENT 1 TO THIS REPORT.*

**REPORT**

The *Local Government (Model Code of Conduct) Regulations 2021* (the Regulations) have been developed to give effect to the Amendment Act to establish standards and principles that outline the expected behaviours and relevant legal responsibilities for each appointed and prospective elected member, committee member and candidate.

The purpose of the Model Code of Conduct is to guide decisions, actions and behaviours of council members, elected and unelected committee members, and candidates in local elections. The intent of the model code is that local governments will address behaviour through education rather than sanctions.

Individuals who are, or seek to be, members of local councils and council committees are entrusted by their community to represent local views, make sound decisions, and utilise public funds effectively to deliver services and amenities for their community. As such, a high standard of professional and ethical conduct is expected of council members and committee members in local governments, as well as candidates in local government elections.

A review of the *Local Government Act 1995* (the Act), including consultation with community and sector stakeholders, led to the implementation of priority reforms under the Amendment Act.

It facilitates the delivery of good governance by Council and the Chief Executive Officer by supporting:

- Decision making processes that are responsible, inclusive, participatory and representative and deliver outcomes which are in the best interests of our member councils and communities;
- Developing and strengthening public trust in the integrity of the EMRC and local government; and
- Strong, effective relationships between Councillors, committee members, candidates, the CEO and EMRC officers based on clear roles and responsibilities and shared principles.

The Code of Conduct replaces the EMRC's existing code of conduct.

Section 5.104 of the Act requires that local governments adopt the model code as its Code of Conduct within three months of the Regulations coming into operation by (3 May 2021). This means that the principles, behaviour requirements and rules of conduct of the Regulations apply to council members, committee members and candidates even if their local government has not yet adopted the Model Code.

To adopt the Model Code, a resolution passed by an absolute majority of the council is required. Once the Code is adopted, it must be published on the local government's official website [section 5.104(7)].

It is the individual responsibility of council members, committee members and candidates to become familiar with the Model Code, the Guidelines on the Model Code as well as any relevant policies of their local government, and to follow the Code at all times.



*Item 14.9 continued*

Councillors must comply with the provisions in the Code of Conduct in fulfilling their role and responsibilities in Council and on Council committees, as set out in the Act. Where the behaviour of a Councillor, committee member or candidate does not comply with the Code of Conduct, it is intended that the local government address the behaviour through education and other remedial actions that the Council considers appropriate, rather than formal sanctions.

Where an individual does not comply with any action required by the Council, then the Council may determine that the matter is to be referred to the Standards Panel as an alleged contravention of a rule of conduct. The Standards Panel has the authority to make binding decisions regarding allegations of minor misconduct.

Local governments may not amend Division 2 (Principles) or Division 4 (Rules of Conduct). Additional behaviour requirements can be included in Division 3 (Behaviours) if deemed appropriate by the local government. Any additions must be consistent with the Model Code of Conduct [section 5.104(3) of the Act].

In preparing the model code for adoption, local governments are encouraged to review their existing Code and consider incorporating any additional behaviour requirements that are not represented in the Model Code. This may include specific dress standards or the appropriate use of technology.

**STRATEGIC/POLICY IMPLICATIONS**

Key Result Area 3 – Good Governance

- 3.3 To provide responsible and accountable governance and management of the EMRC

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**RISK IMPLICATIONS**

<b>RISK:</b> Non-compliance with the <i>Local Government Act 1995</i> and EMRC's responsibility to maintain responsible and accountable governance and management of the organisation.		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Moderate
<b>Action/Strategy</b>		
Council to adopt the Code of Conduct, forming the attachment of this report.		



Item 14.9 continued

## MEMBER COUNCIL IMPLICATIONS

### Member Council

Town of Bassendean  
City of Bayswater  
City of Belmont  
City of Kalamunda  
Shire of Mundaring  
City of Swan

### Implication Details

While Councillors will also be governed by a same Model Code of Conduct at their own council, this relates specifically the community expectations of behaviour in discharging their duties as Councillors of the EMRC.

## ATTACHMENT(S)

Code of Conduct for Council Members, Committee Members and Candidates (Ref: D2021/04263)

## VOTING REQUIREMENT

Absolute Majority

## **RECOMMENDATION(S)**

That Council by absolute majority in accordance with section 5.103 of the *Local Government Act 1995*, adopts a new Code of Conduct for council members, committee members and candidates, forming the attachment of this report.

Cr Powell questioned whether the wording around Disclosure of Interests had changed dramatically from the existing document.

The CFO advised that the wording is more transparent in terms of obligations and how information is utilised and disclosed.

Cr Jeans queried whether the EMRC had a clear idea of what dealing with complaints means.

The CEO advised that the EMRC has appointed a Complaints Officer and complaints procedure which allows issues to be dealt with on a case by case basis.

The Chairman asked whether WALGA could provide an information session on dealing with complaints.

The CEO agreed to request this information from WALGA.

## **COUNCIL RESOLUTION(S)**

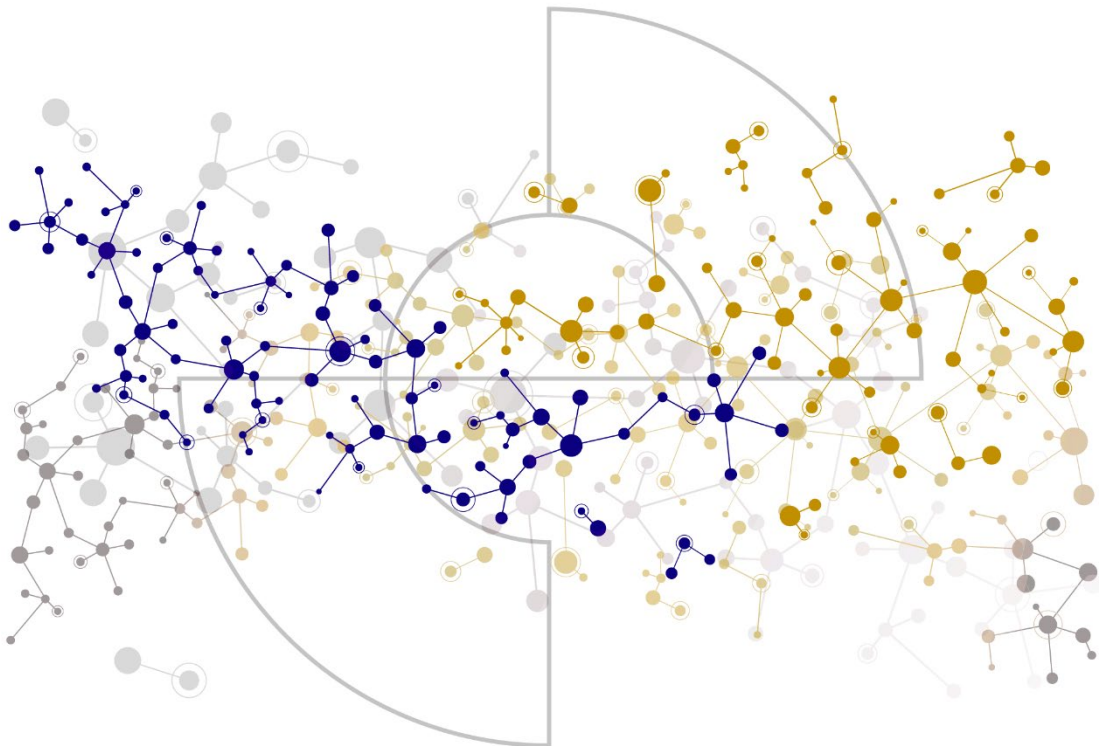
MOVED CR CONGERTON

SECONDED CR MARKS

THAT COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH SECTION 5.103 OF THE *LOCAL GOVERNMENT ACT 1995*, ADOPTS A NEW CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES, FORMING THE ATTACHMENT OF THIS REPORT.

**CARRIED UNANIMOUSLY**

# EMRC Code of Conduct



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# **Local Government (Model Code of Conduct) Regulations 2021**

## **Part 1 — Preliminary**

### **1 Citation**

These regulations are the Local Government (Model Code of Conduct) Regulations 2021.

### **2 Commencement**

These regulations come into operation as follows —

- a) Part 1 — on the day on which these regulations are published in the Gazette;
- b) the rest of the regulations — on the day on which the Local Government Legislation Amendment Act 2019 sections 48 to 51 come into operation.

## Part 2 — Model code of conduct

### 3 Model code of conduct (Act s. 5.103(1))

The model code of conduct for council members, committee members and candidates is set out in Schedule 1.

## Part 3 — Repeal and consequential amendments

### Division 1 — Repeal

#### 4 Local Government (Rules of Conduct) Regulations 2007 repealed

The Local Government (Rules of Conduct) Regulations 2007 are repealed.

### Division 2 — Other regulations amended

#### 5 Local Government (Administration) Regulations 1996 amended

1. This regulation amends the Local Government (Administration) Regulations 1996.
2. After regulation 34C insert:

## Part 9A — Minor breaches by council members

#### 34D. Contravention of local law as to conduct (Act s. 5.105(1)(b))

1. In this regulation — local law as to conduct means a local law relating to the conduct of people at council or committee meetings.
2. The contravention of a local law as to conduct is a minor breach for the purposes of section 5.105(1)(b) of the Act.

#### 6 Local Government (Audit) Regulations 1996 amended

1. This regulation amends the Local Government (Audit) Regulations 1996.
2. In regulation 13 in the Table:
  - a) under the heading “Local Government Act 1995” delete “s. 5.103” and insert:  
s. 5.104
  - b) delete:

<b><i>Local Government (Rules of Conduct) Regulations 2007</i></b>		
r. 11		

**7 Local Government (Constitution) Regulations 1998 amended**

1. This regulation amends the Local Government (Constitution) Regulations 1998.
2. In Schedule 1 Form 7 delete “Local Government (Rules of Conduct) Regulations 2007.” and insert:

code of conduct adopted by the 3 ..... under section 5.104 of the Local Government Act 1995.

## Schedule 1 — Model code of conduct

[r. 3]

### Division 1 — Preliminary provisions

#### 1. Citation

This is the EMRC Code of Conduct for Council Members, Committee Members and Candidates.

#### 2. Terms used

1) In this code —

Act means the Local Government Act 1995;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform.

2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

### Division 2 — General principles

#### 3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

#### 4. Personal integrity

1) A council member, committee member or candidate should —

a) act with reasonable care and diligence; and

b) act with honesty and integrity; and

c) act lawfully; and

d) identify and appropriately manage any conflict of interest; and

e) avoid damage to the reputation of the local government.

2) A council member or committee member should —

a) act in accordance with the trust placed in council members and committee members; and

- b) participate in decision making in an honest, fair, impartial and timely manner; and
- c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

## **5. Relationship with others**

- 1) A council member, committee member or candidate should —
  - a) treat others with respect, courtesy and fairness; and
  - b) respect and value diversity in the community.
- 2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

## **6. Accountability**

A council member or committee member should —

- a) base decisions on relevant and factually correct information; and
- b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- c) read all agenda papers given to them in relation to council or committee meetings; and
- d) be open and accountable to, and represent, the community in the district.

# **Division 3 — Behaviour**

## **7. Overview of Division**

This Division sets out —

- a) requirements relating to the behaviour of council members, committee members and candidates; and
- b) the mechanism for dealing with alleged breaches of those requirements.

## **8. Personal integrity**

- 1) A council member, committee member or candidate —
  - a) must ensure that their use of social media and other forms of communication complies with this code; and
  - b) must only publish material that is factually correct.

- 2) A council member or committee member —
  - a) must not be impaired by alcohol or drugs in the performance of their official duties; and
  - b) must comply with all policies, procedures and resolutions of the local government.

## **9. Relationship with others**

A council member, committee member or candidate —

- a) must not bully or harass another person in any way; and
- b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- c) must not use offensive or derogatory language when referring to another person; and
- d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

## **10. Council or committee meetings**

When attending a council or committee meeting, a council member, committee member or candidate —

- a) must not act in an abusive or threatening manner towards another person; and
- b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- c) must not repeatedly disrupt the meeting; and
- d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- e) must comply with any direction given by the person presiding at the meeting; and
- f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

## **11. Complaint about alleged breach**

- 1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- 2) A complaint must be made —
  - a) in writing in the form approved by the local government; and
  - b) to a person authorised under subclause (3); and
  - c) within 1 month after the occurrence of the alleged breach.



- 3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

## 12. Dealing with complaint

- 1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- 2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- 3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- 4) If the local government makes a finding that the alleged breach has occurred, the local government may —
  - a) take no further action; or
  - b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- 5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- 6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
  - a) engage in mediation;
  - b) undertake counselling;
  - c) undertake training;
  - d) take other action the local government considers appropriate.
- 7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
  - a) its finding and the reasons for its finding; and
  - b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

## 13. Dismissal of complaint

- 1) The local government must dismiss a complaint if it is satisfied that —
  - a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
  - b) either —
    - i. the behaviour was dealt with by the person presiding at the meeting; or

- ii. the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- 2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

#### **14. Withdrawal of complaint**

- 1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- 2) The withdrawal of a complaint must be —
  - a) in writing; and
  - b) given to a person authorised under clause 11(3).

#### **15. Other provisions about complaints**

- 1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- 2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

## **Division 4 — Rules of conduct**

Notes for this Division:

- 1) Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
- 2) A minor breach is dealt with by a standards panel under section 5.110 of the Act.

#### **16. Overview of Division**

- 1) This Division sets out rules of conduct for council members and candidates.
- 2) A reference in this Division to a council member includes a council member when acting as a committee member.

#### **17. Misuse of local government resources**

- 1) In this clause —

electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the Electoral Act 1907 or the Commonwealth Electoral Act 1918;

resources of a local government includes —

- a) local government property; and
- b) services provided, or paid for, by a local government.

- 2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

#### **18. Securing personal advantage or disadvantaging others**

- 1) A council member must not make improper use of their office —
  - a) to gain, directly or indirectly, an advantage for the council member or any other person; or
  - b) to cause detriment to the local government or any other person.
- 2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or The Criminal Code section 83.

#### **19. Prohibition against involvement in administration**

- 1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- 2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

#### **20. Relationship with local government employees**

- 1) In this clause —

local government employee means a person —

- a) employed by a local government under section 5.36(1) of the Act; or
  - b) engaged by a local government under a contract for services.
- 2) A council member or candidate must not —
    - a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
    - b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
    - c) act in an abusive or threatening manner towards a local government employee.
  - 3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
  - 4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
    - a) make a statement that a local government employee is incompetent or dishonest; or
    - b) use an offensive or objectionable expression when referring to a local government employee.
  - 5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

## 21. Disclosure of information

- 1) In this clause —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non confidential document means a document that is not a confidential document.

- 2) A council member must not disclose information that the council member —

- a) derived from a confidential document; or
- b) acquired at a closed meeting other than information derived from a non confidential document.

- 3) Subclause (2) does not prevent a council member from disclosing information —

- a) at a closed meeting; or
- b) to the extent specified by the council and subject to such other conditions as the council determines; or
- c) that is already in the public domain; or
- d) to an officer of the Department; or
- e) to the Minister; or
- f) to a legal practitioner for the purpose of obtaining legal advice; or
- g) if the disclosure is required or permitted by law.

## 22. Disclosure of interests

- 1) In this clause —

interest —

- a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- b) includes an interest arising from kinship, friendship or membership of an association.

- 2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —

- a) in a written notice given to the CEO before the meeting; or
- b) at the meeting immediately before the matter is discussed.

- 3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- 4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
  - a) that they had an interest in the matter; or
  - b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- 5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
  - a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
  - b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- 6) Subclause (7) applies in relation to an interest if —
  - a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
  - b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- 7) The nature of the interest must be recorded in the minutes of the meeting.

### **23. Compliance with plan requirement**

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

## Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

<b>Defined term</b>	<b>Provision(s)</b>
Act .....	Sch. 1 cl. 2(1)
candidate.....	Sch. 1 cl. 2(1)
closed meeting .....	Sch. 1 cl. 21(1)
complaint .....	Sch. 1 cl. 2(1)
confidential document .....	Sch. 1 cl. 21(1)
document .....	Sch. 1 cl. 21(1)
electoral purpose.....	Sch. 1 cl. 17(1)
interest .....	Sch. 1 cl. 22(1)
local government employee.....	Sch. 1 cl. 20(1)
non-confidential document .....	Sch. 1 cl. 21(1)
publish .....	Sch. 1 cl. 2(1)
resources of a local government .....	Sch. 1 cl. 17(1)



## 14.10 AMENDMENT OF LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 2021 – CHIEF EXECUTIVE MODEL

REFERENCE: D2021/04339

### PURPOSE OF REPORT

The purpose of this report is to replace EMRC Policy 4.1 – Chief Executive Officer – Appointment and Performance Review Policy and to adopt a new and revised 4.1 – Chief Executive Officer – Appointment, Performance Review and Termination Policy and to adopt a new Council Policy - 4.6 Appointment of Acting Chief Executive Officer to ensure responsible and accountable governance and management of the EMRC in line with the amended legislation.

### KEY POINTS AND RECOMMENDATION(S)

- The EMRC's existing 4.1 – Chief Executive Officer – Appointment and Performance Review Policy has been reviewed and a new proposed 4.1 Chief Executive Officer Appointment, Performance and Termination Policy has been drafted to meet the requirements of Section 5 Division 4 of the *Local Government Act 1995*. *The Local Government (Administration) Regulations (Schedule 2) – Division 1, 2, 3* outlines the CEO Model Standards which should be adopted in accordance with s.5.39B of the Act.
- The new and proposed 4.1 – CEO Appointment, Performance Review and Termination Policy includes the provisions from the previous Policy 4.1 CEO Appointment and Performance Review Policy and new provisions to ensure compliance with the amended Act and Regulations.
- A new policy – Council Policy 4.6 Appointment of Acting Chief Executive Officer has been drafted to ensure compliance with the s.53C of the *Local Government Act 1995*. This will negate Delegation C2/2006 which previously allowed for the CEO to delegate a Director to act in his/her position for a period of up to 6 weeks.

#### Recommendation(s)

That Council:

1. By absolute majority in accordance with s5.39B of the *Local Government Act 1995* rescinds Council Policy 4.1 – CEO Recruitment and Performance Review Policy, forming Attachment 1 of this report.
2. By absolute majority in accordance with s5.39B of the *Local Government Act 1995* adopts a new Council Policy 4.1 - CEO Recruitment, Performance Review and Termination Policy, forming Attachment 2 of this report.
3. By absolute majority in accordance with 5.39C of the *Local Government Act 1995* adopts a policy for the appointment of Appointment of Acting Chief Executive Officer, forming Attachment 3 of this report.
4. By absolute majority withdraws delegation C2/2006.

### SOURCE OF REPORT

Manager Human Resources



*Item 14.10 continued*

## **BACKGROUND**

On the 3 February 2021, *the Local Government (Administration) Regulations 2021* (CEO Standards) introduced mandatory minimum standards for the recruitment, selection, performance review and termination of employment in relation to local government Chief Executive Officers (CEOs). The aim of the CEO Standards is to provide local government with a consistent and equitable process for CEO recruitment, performance review, and termination across all local governments, in accordance with the principles of merit, equity and transparency.

It is a requirement that local governments prepare and adopt the CEO Standards within three months of the CEO Standards coming into operation (by 3 May 2021).

To ensure consistency and compliance the EMRC has chosen to adopt the CEO Standards as prescribed under Schedule 2 without amendment and has incorporated these changes into Policy 4.1 as required.

At its 24 August 2006 meeting, Council resolved:

*That Council:*

1. *By an absolute majority delegates power to the Chief Executive Officer to make appointments to the position of Acting Chief Executive Officer based on:*
  - a. *The EMRC employee holding the substantive position of Executive Manager;*
  - b. *Appointments being for a period of not longer than six (6) weeks.*

This delegation for the CEO to appoint the Acting CEO is reaffirmed annually with the most recent renewal being at the 25 February 2021 (no. C2/2006) meeting.

## **REPORT**

Two proposed new policies have been drafted Council Policy 4.1 - CEO Recruitment, Performance Review and Termination Policy and Council Policy 4.6 Appointment of an Acting CEO have been drafted to address matters relating to the appointment, performance review and termination in accordance with the relevant legislative amendments.

The key change to Council Policy 4.1 is to include provisions for the termination of employment of the employment of a CEO in accordance with the CEO Model Standards, which is to ensure fairness and transparency and due diligence.

Local governments are required under s.5.39B of the Act are required to develop and implement a policy that outlines the arrangements to temporarily replace a CEO for any period less than twelve months, for example, where a CEO is on planned or unplanned leave. The policy should include the decision-maker(s) for appointing an Acting CEO. Any appointment of an Acting CEO exceeding a period of 4 weeks must be made by the Council.

With this new policy, there is no further requirement for the existing delegation C2/2006 for the CEO to appoint the Acting CEO and should be withdrawn.

Both policies will be available on the EMRC's website following endorsement.

WALGA has reviewed both policies to ensure that they meet the new standards and are legislative compliant.





Item 14.10 continued

**STRATEGIC/POLICY IMPLICATIONS**

Key Result Area 3 – Good Governance

- 3.3 To provide responsible and accountable governance and management of the EMRC
- 3.5 To improve organisational culture, health, welfare and safety.

**FINANCIAL IMPLICATIONS**

Nil

**SUSTAINABILITY IMPLICATIONS**

Nil

**RISK IMPLICATIONS**

<b>RISK:</b>		
The EMRC is required to adopt policies as outlined in the Local Government Act 1995 Division 4		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Likely	High
<b>Action/Strategy</b>		
Council to adopt the proposed Council policy 4.1 and 4.6 as prescribed by the new CEO Model Standards.		

**MEMBER COUNCIL IMPLICATIONS**

Member Council	Implication Details
Town of Bassendean	} Nil
City of Bayswater	
City of Belmont	
City of Kalamunda	
Shire of Mundaring	
City of Swan	

ATTACHMENT(S)

1. Council Policy 4.1 - CEO Recruitment and Performance Review Policy (Ref: D2021/04431)
2. Proposed new Council Policy 4.1 - CEO Recruitment, Performance Review and Termination Policy (Ref: D2021/04317)
3. Proposed new Council Policy 4.6 – Appointment of an Acting Chief Executive Officer (Ref: D2021/04316)



*Item 14.10 continued*

#### VOTING REQUIREMENT

Absolute Majority

#### **RECOMMENDATION(S)**

That Council:

1. By absolute majority in accordance with s5.39B of the *Local Government Act 1995* rescinds Council Policy 4.1 – CEO Recruitment and Performance Review Policy, forming Attachment 1 of this report.
2. By absolute majority in accordance with s5.39B of the *Local Government Act 1995* adopts a new Council Policy 4.1 - CEO Recruitment, Performance Review and Termination Policy, forming Attachment 2 of this report.
3. By absolute majority in accordance with 5.39C of the *Local Government Act 1995* adopts a policy for the appointment of Appointment of Acting Chief Executive Officer, forming Attachment 3 of this report.
4. By absolute majority withdraws delegation C2/2006.

#### **COUNCIL RESOLUTION(S)**

MOVED CR HAMILTON

SECONDED CR CONGERTON

THAT COUNCIL:

1. BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S5.39B OF THE *LOCAL GOVERNMENT ACT 1995* RESCINDS COUNCIL POLICY 4.1 – CEO RECRUITMENT AND PERFORMANCE REVIEW POLICY, FORMING ATTACHMENT 1 OF THIS REPORT.
2. BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S5.39B OF THE *LOCAL GOVERNMENT ACT 1995* ADOPTS A NEW COUNCIL POLICY 4.1 - CEO RECRUITMENT, PERFORMANCE REVIEW AND TERMINATION POLICY, FORMING ATTACHMENT 2 OF THIS REPORT.
3. BY ABSOLUTE MAJORITY IN ACCORDANCE WITH 5.39C OF THE *LOCAL GOVERNMENT ACT 1995* ADOPTS A POLICY FOR THE APPOINTMENT OF APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER, FORMING ATTACHMENT 3 OF THIS REPORT.
4. BY ABSOLUTE MAJORITY WITHDRAWS DELEGATION C2/2006.

**CARRIED UNANIMOUSLY**



## 4.1 Chief Executive Officer - Appointment and Performance Review Policy

### STRATEGIC PLAN OBJECTIVE

3.3 To provide responsible and accountable governance and management of the EMRC

3.5 To improve organisational culture, health, welfare and safety

### PURPOSE

To ensure that the appointment and review of performance of the Eastern Metropolitan Regional Council (EMRC) Chief Executive Officer (CEO) is undertaken in accordance with the provisions of the *Local Government Act (1995)* and *Local Government (Administration) Regulations 1996* and EMRC policies.

### LEGISLATION

*Local Government Act (1995)*

*Local Government (Administration) Regulations 1996*

*Salaries and Allowances Tribunal Act 1975*

### POLICY STATEMENT

1. The CEO shall be appointed under s5.36 of the *Local Government Act (1995)* and associated regulations..
2. The performance of the CEO will be reviewed annually by the Chief Executive Officer's Performance Review Committee (CEOPRC)
3. The CEOPRC will comprise of an EMRC Councillor from each member Council inclusive of the Chairman of the Council.
4. The duties of the CEOPRC will be those as outlined within the Terms of Reference contained with Council Policy 2.1 Committees of Council
5. An external consultant agreed to by both the Council and the CEO will be appointed to assist with the process.
6. The CEO's performance review is to be based on performance objectives and measures to be set at the time of review for the following year in agreement with the CEO.
7. All matters dealt with by the CEOPRC are to be referred to Council for consideration and actioning.



8. The item of Council business referred to in this policy is to be treated as confidential in accordance with s5.23(2) of the Local Government Act 1995, r14(2) of the Local Government (Administration) Regulations 1996, EMRC's Standing Orders Local Law 2013 Clause 5.2 and Council's Policy 1.5 related to dealing with confidential items.

## FINANCIAL CONSIDERATIONS

An amount will be provided in the annual budget to meet estimated costs.

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Adopted/Reviewed by Council	1. 20 October 1992 2. 09 December 1993 3. 22 July 1999 4. 02 May 2002 5. 20 May 2004 6. 23 February 2006 7. 31 May 2007 8. 18 September 2008 9. 23 September 2010 10. 18 September 2014 11. 6 December 2018
Next Review	Following the Ordinary Elections in 2021
Responsible Directorate	Corporate Services



# Council Policy 4.1

## CEO Appointment, Performance Review and Termination

### Strategic Plan Objective

3.3 To provide responsible and accountable governance and management of the EMRC

3.5 To improve organisational culture, health, welfare and safety

### Purpose

To ensure that the appointment, review of performance and termination of the Eastern Metropolitan Regional Council (EMRC) Chief Executive Officer (CEO) is undertaken in accordance with the provisions of the *Local Government Act (1995)* and *Local Government (Administration) Regulations 1996* Schedule 2 and EMRC policies.

### Scope

This policy applies to the CEO of the Eastern Metropolitan Regional Council (the EMRC).

### Legislation

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

*Salaries and Allowances Tribunal Act 1975*

### Policy Statement

- The CEO shall be appointed under s5.36 of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* – Schedule 2 Division 2 and CEO Model Standards.
- The performance of the CEO will be reviewed annually by the Chief Executive Officer's Performance Review Committee (CEOPRC) as outlined in Section 5.38 of the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996* – Schedule 2 – Division 3.
- The CEOPRC will comprise of an EMRC Councillor from each member Council inclusive of the Chairman of the Council.
- The duties of the CEOPRC will be those as outlined within the Terms of Reference contained with Council Policy 2.1 Committees of Council
- An external consultant agreed to by both the Council and the CEO will be appointed to assist with the process.
- The CEO's performance review is to be based on performance objectives and measures to be set at the time of review for the following year in agreement with the CEO.
- All matters dealt with by the CEOPRC are to be referred to Council for consideration and actioning.
- The Termination of the CEO must be undertaken in accordance with the *Local Government (Administration) Regulations 1996* Schedule 2 – Division 4.
- All items of Council business referred to in this policy is to be treated as confidential in accordance with s5.2 3(2) of the *Local Government Act 1995*, r14(2) of the *Local Government (Administration) Regulations 1996*, EMRC's *Standing Orders Local Law 2013* Clause 5.2 and Council's Policy 1.5 related to dealing with confidential items.

## Financial Considerations

An amount will be provided in the annual budget to meet estimated costs.

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<b>Adopted/Reviewed</b>	20 October 1992 9 December 1993 22 July 1999 2 May 2002 20 May 2004 23 February 2006 31 May 2007 18 September 2008 23 September 2010 18 September 2014 6 December 2018
<b>Next Review</b>	Following the Ordinary Elections in 2021
<b>Responsible Unit</b>	Human Resources

## Schedule 2 — Model standards for CEO recruitment, performance and termination

[r. 18FA]

### Division 1 — Preliminary provisions

#### 1. Citation

These are the [*insert name of local government*] *Standards for CEO Recruitment, Performance and Termination*.

#### 2. Terms used

##### (1) In these standards —

*Act* means the *Local Government Act 1995*;

*additional performance criteria* means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

*applicant* means a person who submits an application to the local government for the position of CEO;

*contract of employment* means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

*contractual performance criteria* means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

*job description form* means the job description form for the position of CEO approved by the local government under clause 5(2);

*local government* means the [*insert name of local government*];

*selection criteria* means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

*selection panel* means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

##### (2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

### Division 2 — Standards for recruitment of CEOs

#### 3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

**4. Application of Division**

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —
  - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
  - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

**5. Determination of selection criteria and approval of job description form**

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
  - (a) the duties and responsibilities of the position; and
  - (b) the selection criteria for the position determined in accordance with subclause (1).

**6. Advertising requirements**

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

**7. Job description form to be made available by local government**

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
  - (i) email a copy of the job description form to an email address provided by the person; or



- (ii) mail a copy of the job description form to a postal address provided by the person.

**8. Establishment of selection panel for employment of CEO**

- (1) In this clause —  
*independent person* means a person other than any of the following —
  - (a) a council member;
  - (b) an employee of the local government;
  - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
  - (a) council members (the number of which must be determined by the local government); and
  - (b) at least 1 independent person.

**9. Recommendation by selection panel**

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
  - (a) a summary of the selection panel's assessment of each applicant; and
  - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
  - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
  - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
  - (a) in an impartial and transparent manner; and
  - (b) in accordance with the principles set out in section 5.40 of the Act.

- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
  - (a) assessed the applicant as having demonstrated that the applicant’s knowledge, experience, qualifications and skills meet the selection criteria; and
  - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
  - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant’s character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

**10. Application of cl. 5 where new process carried out**

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
  - (a) clause 5 does not apply to the new recruitment and selection process; and
  - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

**11. Offer of employment in position of CEO**

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

**12. Variations to proposed terms of contract of employment**

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the *negotiated contract*) containing terms different to the proposed terms approved by the local government under clause 11(b).

- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

**13. Recruitment to be undertaken on expiry of certain CEO contracts**

- (1) In this clause —  
*commencement day* means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
- (2) This clause applies if —
  - (a) upon the expiry of the contract of employment of the person (the *incumbent CEO*) who holds the position of CEO —
    - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
    - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;
  - and
  - (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

**14. Confidentiality of information**

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

**Division 3 — Standards for review of performance of CEOs****15. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

**16. Performance review process to be agreed between local government and CEO**

- (1) The local government and the CEO must agree on —
  - (a) the process by which the CEO's performance will be reviewed; and
  - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

**17. Carrying out a performance review**

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
  - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
  - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

**18. Endorsement of performance review by local government**

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

**19. CEO to be notified of results of performance review**

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

## **Division 4 — Standards for termination of employment of CEOs**

### **20. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

### **21. General principles applying to any termination**

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
  - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
  - (b) notifying the CEO of any allegations against the CEO; and
  - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
  - (d) genuinely considering any response given by the CEO in response to the allegations.

### **22. Additional principles applying to termination for performance-related reasons**

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
  - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the *performance issues*) related to the performance of the CEO; and
  - (b) informed the CEO of the performance issues; and
  - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
  - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

**23. Decision to terminate**

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

**24. Notice of termination of employment**

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

N. HAGLEY, Clerk of the Executive Council.

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## Council Policy 4.6

### Appointment of Acting Chief Executive Officer

#### Strategic Plan Objective

3.3 To provide responsible and accountable governance and management of the EMRC

3.5 To improve organisational culture, health, welfare and safety

#### Purpose

To guide the arrangements for the appointment of an Acting Chief Executive Officer (Acting CEO) in the absence of the Chief Executive Officer (CEO) due to annual leave, long service leave, extended personal leave or other circumstances.

#### Scope

This policy applies to the CEO and Chiefs of the Eastern Metropolitan Regional Council (the EMRC).

#### Legislation

*Local Government Act (1995)*

*Local Government (Administration) Regulations 1996*

*Salaries and Allowances Tribunal Act 1975*

#### Policy Statement

The CEO is eligible to annual leave, long service leave and personal leave (including carer's leave, sick leave and compassionate leave) as provided in the contract of employment and EMRC Management Guidelines.

To facilitate those arrangements and to ensure the continuous operations of the EMRC, the following guidelines are provided:

- 1 For periods of leave less than five days (i.e. less than one week)**
  - 1.1** The CEO will provide notification to the Chair or Deputy of planned leave of less than five days one week in advance, or as soon as practicable if the leave is unplanned for approval by the Chair, and that such approval not be unreasonably withheld.
  - 1.2** In the CEO's absence the appropriate Chief will manage issues relevant to their area of responsibility.
  - 1.3** Where possible, the CEO will monitor communications and be contactable for urgent matters.

**2 For periods of leave of five consecutive days (i.e. one week) and up to four weeks**

- 2.1** The CEO will liaise with the Chair or Deputy Chair at least two weeks prior to taking planned leave of five consecutive days and up to four weeks for approval by the Chair or Deputy Chair, and that such approval will not be unreasonably withheld, and advise the Council as soon as practicable thereafter.
- 2.2** An Acting CEO will be appointed by the CEO in consultation with the Chair.
- 2.3** Councillors will be informed which Chief has been appointed as soon as practicable thereafter.

**3 For periods of leave more than four weeks**

- 3.1** The CEO will submit a report to Council for planned leave of more than four weeks for approval at least one month prior to the leave commencing.
- 3.2** An Acting CEO will be appointed by Council.

**4 Acting Chief Executive Officer (CEO) Arrangements**

- 4.1** Chiefs acting in the role of CEO will be delegated the powers and be able to discharge the duties of the CEO, other than the power of delegation, as provided in Section 5.44 of the *Local Government Act 1995* during the period of acting.
- 4.2** The CEO will provide delegations in writing with any limitations to the Acting CEO.
- 4.3** Chiefs acting in the role of CEO will be eligible to be paid higher duties for the period of acting.
- 4.4** The following employees are eligible to be appointed to the role of Acting CEO:
  - 4.4.1 Chief Operating Officer
  - 4.4.2 Chief Financial Officer; or
  - 4.4.3 Chief Sustainability; or
  - 4.4.4 Chief Project Officer; or
  - 4.4.5 any other employee deemed suitably qualified and experienced by the Council.
- 4.5** Appointment of the Acting CEO will be on a rotational basis at the discretion of the CEO, dependent on availability and operational requirements and for a defined period and shall be made in writing.

**5** If in the event the CEO becomes vacant and whilst a recruitment and selection process is being undertaken the Council may appointment a person into the role of CEO for a term not exceeding 1 year.

**Financial Considerations**

**Remuneration**

Unless Council otherwise resolves and the acting CEO agrees, a person acting as CEO shall be remunerated at the following rates:

At 75% of the substantive CEO's base salary, if acting for periods of less than four weeks;

At 80% of the substantive CEO's base salary, if acting for periods of more than four weeks.

Adopted/Reviewed

March 2021

Next Review

Following the Ordinary Elections in 2021

Responsible Unit

Human Resources





#### **14.11 ITEMS CONTAINED IN THE INFORMATION BULLETIN**

**REFERENCE: D2021/03526**

The following items are included in the Information Bulletin, which accompanies the Agenda.

- 1.1 REGISTER OF COUNCIL RESOLUTIONS 2021 (Ref: D2021/03889)
- 1.2 CEO EXERCISE OF DELEGATED POWERS AND DUTIES (Ref: D2021/03525)
- 1.3 2020/2021 COUNCIL TONNAGE COMPARISONS AS AT 28 FEBRUARY 2021 (Ref: D2021/03951)

#### **RECOMMENDATION(S)**

That Council notes the items contained in the Information Bulletin accompanying the 25 March 2021 Ordinary Meeting of Council Agenda.

#### **COUNCIL RESOLUTION(S)**

MOVED CR HAMILTON                      SECONDED CR CONGERTON

THAT COUNCIL NOTES THE ITEMS CONTAINED IN THE INFORMATION BULLETIN ACCOMPANYING THE 25 MARCH 2021 ORDINARY MEETING OF COUNCIL AGENDA.

**CARRIED UNANIMOUSLY**



## **15 REPORTS OF COMMITTEES**

### **15.1 AUDIT COMMITTEE MEETING HELD 4 MARCH 2021**

**(REFER TO MINUTES OF COMMITTEE)**

**REFERENCE: (D2021/02329 (AC) D2021/03891)**

The minutes of the Audit Committee meeting held on **4 March 2021** accompany and form part of this agenda – (refer to section of 'Minutes of Committees' for Council accompanying this Agenda).

### **QUESTIONS**

The Chairman invites general questions from members on the minutes of the Audit Committee.

### **RECOMMENDATION(S)**

That with the exception of items ....., which are to be withdrawn and dealt with separately, Council adopts the recommendations in the Audit Committee report (Section 15.1).

### **COUNCIL RESOLUTION(S)**

MOVED CR CONGERTON                      SECONDED CR BOYD

THAT COUNCIL ADOPTS THE RECOMMENDATIONS IN THE AUDIT COMMITTEE REPORT (SECTION 15.1).

**MOTION CARRIED 11/0**

**Cr Hamilton was absent for the vote**

Cr Hamilton returned to the meeting at 6:45pm.



## **16 REPORTS OF DELEGATES**

### **16.1 MUNICIPAL WASTE ADVISORY COUNCIL (MWAC) MINUTES HELD 24 FEBRUARY 2021**

Cr Johnson, the MWAC delegate member for the EMRC, provided the minutes of the MWAC meeting held on 24 February 2021 that were distributed prior to the meeting.

The Chairman invited Cr Johnson to speak to this item and take any questions from Councillors.

There was no questions for Councillors.



MUNICIPAL WASTE ADVISORY COUNCIL  
*"Getting the Environment Right"*

# Municipal Waste Advisory Council

## Minutes

**4.00pm**  
**Wednesday 24 February 2021**  
**WALGA Offices**  
**ONE70 Railway Parade, West Leederville**

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**ATTENDANCE**

Cr Doug Thompson (Fremantle)	Southern Metropolitan Regional Council	<i>Chair</i>
Cr Les Price (Cue)	WALGA State Council	
Mayor Logan Howlett (Cockburn)	WALGA State Council	
Cr Ruth Butterfield (Armadale)	WALGA State Council	
Cr Peter Abetz	City of Gosnells	
Cr Giorgia Johnson (City of Bayswater)	Eastern Metropolitan Regional Council	
Cr David Boothman (Stirling)	Mindarie Regional Council	
Cr Stephanie Stroud (Subiaco)	Western Metropolitan Regional Council	
Mr Tim Youé	Southern Metropolitan Regional Council	<i>OAG Chair</i>
Mr Tony Battersby	Bunbury Harvey Regional Council	
Mr Douglas Bruce	Eastern Metropolitan Regional Council	
Mr Marcus Geisler	Eastern Metropolitan Regional Council	
Mr Gunther Hoppe	Mindarie Regional Council	
Mr John McNally	Rivers Regional Council	
Mr Stefan Frodsham	Western Metropolitan Regional Council	
Ms Ruth March (Albany)	Non-Metropolitan Local Government	
Ms Rebecca Brown	Municipal Waste Advisory Council	
Ms Candy Wong	Municipal Waste Advisory Council	
Ms Tazra Hawkins	Municipal Waste Advisory Council	

**APOLOGIES**

Mayor Tracey Roberts	WALGA President
Ms Narelle Cant	WA Local Government Association
Cr Tresslyn Smith (Bunbury)	Bunbury Harvey Regional Council
Ms Jessica Felix	City of Greater Geraldton
Mr Chris Hoskisson (Joondalup)	Metropolitan Local Government
Cr Bob Hall	City of Greater Geraldton
Mr James Trail (Coolgardie)	Non-Metropolitan Local Government

# 1 PROCEDURAL MATTERS

## 1.1 MWAC Minutes tabled at WALGA State Council

A summary of the Minutes of the Municipal Waste Advisory Council meeting held Wednesday 9 December 2020, will be noted at the next State Council meeting.

# 2 MINUTES OF PREVIOUS MEETING

## 2.1 Confirmation of the Previous MWAC Minutes

### MUNICIPAL WASTE ADVISORY COUNCIL MOTION (CR PRICE/CR STROUD)

That the Minutes of the meeting of the Municipal Waste Advisory Council held on Wednesday, 24 February 2021 be confirmed as a true and accurate record of the proceedings.

## 2.2 Business Arising from the Previous MWAC Minutes

<b>A</b>	<b>Issue</b>	August 2018 MWAC Item 3.4 Community and Industry Engagement Grant - Feedback		
	<b>Action</b>	That the Municipal Waste Advisory Council endorse: 1. Providing feedback to the Waste Authority on the CIE Projects 2. Undertaking the following Projects as staffing capacity allows: ○ Reuse Shop Awards ○ Non-Metropolitan Waste Summit ○ Container Deposit Scheme – events		
	<b>Timeframe</b>		<b>Status</b>	1. Complete – response yet to be received 2. Reuse Shop Awards – will be progressed in 2021.
<b>B</b>	<b>Issue</b>	October 2020 MWAC Item 4.1 Strategic Planning for Non-Metropolitan Waste Management		
	<b>Action</b>	Correspondence be sent to the Waste Authority highlighting the need to fast track non-metropolitan waste planning – across all waste streams.		
	<b>Timeframe</b>		<b>Status</b>	Work in progress

### 3 DECISION ITEMS

#### 3.1 *Submission on Productivity Commission inquiry into the Right to Repair \*\*\**

##### **MUNICIPAL WASTE ADVISORY COUNCIL MOTION (CR PRICE/CR STROUD)**

**That the Municipal Waste Advisory Council endorse the Draft Submission to the Productivity Commission into the Right to Repair.**

##### **In Brief**

- The Productivity Commission is undertaking an inquiry into the Right to Repair in Australia
- Initial submissions in response to the [Right to Repair Issues Paper](#) (released 7 December 2020) will inform a draft Report expected to be released in June 2021
- The focus of this Inquiry is on consumers' ability to repair faulty goods and to access repair services at a fair price
- WALGA has made a short Submission based on feedback from Local Government.

##### **Background**

Following direction from the Federal Treasurer the Productivity Commission is examining the potential benefits and costs associated with Right to Repair in the Australian context, including current and potential legislative, regulatory and non-regulatory frameworks and their impact on consumers' ability to repair products that develop faults or require maintenance.

The Commission will look into the barriers and enablers of competition in repair markets and the costs and benefits of a regulated Right to Repair, including facilitating access to embedded software in consumer and other goods. There will also be opportunity to look at arrangements for preventing premature or planned product obsolescence and the proliferation of e-waste, and means of reducing e-waste through improved access to repairs. The inquiry process will include consultation with state and territory consumer affairs regulators, public hearings, as well as inviting submissions from the broader community.

##### **Comment**

In December 2020, WALGA undertook a short online survey of Local Government seeking feedback on the potential for Right to Repair legislation. Forty-four Local Governments responded to the survey with 95% indicating that they supported federal action to introduce laws to improve consumers' Right to Repair options. The Officers Advisory Group and Municipal Waste Advisory Council also discussed key issues related to the Inquiry. This feedback from the sector has been used to develop a short Submission.

Western Australian Local Governments collected almost 1.5 million tonnes of domestic waste and spent an estimated \$311 million in the delivery of waste services during the 2018-19 financial year. This includes \$77.57 million paid in waste levies for waste disposed of to landfill. The 'reuse and repair' approach holds enormous potential to move the State to a low-waste society by reducing waste generation, increasing the amount of resources recovered and reducing disposal to landfill for both the metropolitan and non-metropolitan areas. The development of effective legislation that will strengthen consumers' Right to Repair will drive clear economic, environmental and community benefits. Feedback on the Issues Paper was due on Monday, 1 February 2021. There will be further opportunity to comment on this matter when the Commission release their draft Report mid-year. The Submission was **attached (pg. 1)**.

##### **Discussion at the Municipal Waste Advisory Council**

This item was passed with minimal discussion.



### **3.2 Submission on Technical Discussion Paper on Regulating the Export of waste plastic**

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#### **MUNICIPAL WASTE ADVISORY COUNCIL MOTION (CR PRICE/CR STROUD)**

**That the Municipal Waste Advisory Council endorse the Draft Submission to the Department of Agriculture, Water and Environment on the Technical Discussion Paper on Regulating the Export of waste plastic.**

#### **In Brief**

- Following the passage of the national [Recycling and Waste Reduction Act 2020](#), the Department of Agriculture, Water and Environment is developing the legislative instruments to put the various export bans into force.
- The Technical Discussion Paper which has been released (on 22 January) is the first step in regulating the export of waste plastic.
- The export ban for mixed plastics will commence 1 July 2021, mixed plastics are defined as plastics that are not of a single resin or polymer type or where further sorting, cleaning and/or processing is required before re-use.
- Data from the [Kerbside audit](#), undertaken as part of the Container Deposit Scheme implementation, indicated mixed plastics make up 2.2% of material collected through kerbside.

#### **Background**

The national *Recycling and Waste Reduction Act 2020* provides the legislative head of power for the Federal Government to implement the various export bans for glass, plastics, paper, cardboard and tyres. The Schedule for the export bans is:

- 1 January 2021 – unprocessed glass in a whole or broken state. Both formed packaging and flat sheet glass
- 1 July 2021 - mixed plastics are defined as plastics that are not of a single resin or polymer type or where further sorting, cleaning and/or processing is required before re-use
- 1 December 2021 – whole used tyres including baled tyres. This does not include bus, truck and aviation tyres exported for re-treading to a verified facility
- 1 July 2022 – single resin or polymer plastics that have not been reprocessed. For example, cleaned and baled PET bottles
- 1 July 2024 - mixed and unsorted paper and cardboard.

The Act allows the Federal Minister to prescribe kinds of waste material, then regulate this waste material and its export – unless certain conditions prescribed in the export conditions are met. Conditions include a requirement to hold a licence to export the regulated waste material and to provide the Minister with an export declaration before the waste material is exported. The Minister can grant exemptions to the regulations.

#### **Comment**

The Technical Discussion Paper is the first step of engagement regarding plastics, with the Department indicating that the draft waste plastic rules will be discussed at a webinar in March 2021. It is likely the rules for plastics will be similar to the regulatory instrument for [glass](#).

The kerbside audit which was undertaken as part of the Container Deposit Scheme implementation indicated that mixed plastic – which will be completely banned from export – was 2.2% of the material collected through kerbside. The 18/19 Local Government Census indicated that, Statewide, 225,673 tonnes of material was collected through kerbside recycling. As an approximation, using these figures equate to 4,900 tonnes of material collected through kerbside being mixed plastic. From 1 July this year, other options will be needed for this material, either further sorting or reprocessing within Australia. Some mixed plastic from WA is currently being sent to South Australia for further processing.

The Discussion Paper states:

*From 1 July 2021, waste plastic can only be exported if it has been sorted into single resin or polymer types, or processed with other materials into processed engineered fuel. From 1 July 2022, waste plastic can only be exported if it has been sorted into single resin or polymer types and has been further processed, or processed with other materials into processed engineered fuel.*

The Department of Water and Environmental Regulation ran a grant program for plastic recycling in mid-2020, with the recipients [announced](#) on Tuesday 2 February. The relevant projects for Plastics are:

- A joint venture between the Pact Group Holdings and Cleanaway that will receive over \$9.5 million for a plastics reprocessing facility in east Perth. It will process plastic waste into high quality flakes that can be used to make for food grade and non-food grade recycled resin. The new facility will process 17,000 tonnes of waste plastic each year.
- Chairay Sustainable Plastic Company will receive over \$5.6 million for the construction of a new 15,000 tonne per year plastics reprocessing plant and 6,000 tonne per year sorting line in the Perth metropolitan region to recycle polyolefin and polyester plastics (such as PET, HDPE and polypropylene).
- D&M Waste Management will receive over \$800,000 to recover HDPE and PET waste plastics in Kwinana and HDPE in Karratha. The HDPE will be used to manufacture corrugated HDPE drainage pipes. The new facilities will process between 1,500 and 2,500 tonnes of waste plastics per year.

Feedback on the Discussion Paper was due COB Monday, 8 February 2021. The Submission was **attached (pg. 5)**.

#### **Discussion at the Municipal Waste Advisory Council**

As Western Australia is geographically closer to Asia, the state has been heavily dependent on exporting recyclable materials offshore. In 2018, the National Sword Policy enacted by China disrupted global commodity markets and led to increases in domestic recycling costs. While the Federal Government has released significant funding to develop infrastructure that will allow for local processing, the Group expressed concern that the flow on costs to kerbside recycling still remain uncertain. It is predicted that costs are likely to rise unless there is significant investment from the packaging industry to underwrite some of these costs through initiatives that include Extended Producer Responsibility and mandatory Product Stewardship Schemes. Concern was expressed that a requirement for materials to be washed would mean that PET and HDPE from material recovery facilities would effectively be banned from export as these facilities do not have the capability to wash materials and any planned infrastructure that may meet this requirement will not be constructed in time for the export bans.

The Chairay Sustainable Plastic Company will be conducting a trial in the next few months aiming to determine the composition of the mixed plastics stream, they are renting a property from EMRC to undertake this process. This will enable stakeholders to gain a better understanding of what can be recovered and what can be avoided. WALGA will approach the entities that received grant funding to seek clarification on what is being planned for local waste infrastructure and the timeframes involved.

## **4 INFORMATION ITEMS**

### **4.1 Paintback Authorisation Extension\*\*\***

- The voluntary Product Stewardship Scheme, Paintback, is seeking reaccreditation from the ACCC. This Scheme has been very successful in WA and significantly reduced costs to the Household Hazardous Waste Program, which has allowed the expansion of the Program.
- WALGA developed the **attached (pg. 8)** letter of support for the Scheme.

## **4.2 Response to Correspondence\*\*\***

- MWAC wrote to the Environment Minister regarding the Container Deposit Scheme and the minimum network standards. A response has been received and is **attached (pg. 10)**.
- MWAC wrote to the Environment Minister and Director General of the Department of Water and Environmental Regulation regarding COVID second wave planning. Responses have been received and are **attached (pgs. 12 and 13)**.
- MWAC wrote to the Local Government Minister regarding the Office of the Auditor General Report on Local Government Waste Services. A response has been received and is **attached (pg. 14)**.

## **4.3 Summary of Environmental Protection Act Changes**

- The changes to the Environmental Protection Act relating to prescribed activities (previously prescribed premises) are significant for Local Government. The changes to the Act indicate that carrying out a prescribed activity is an offence unless you have a Licence under the Act. The way the Act was worded previously meant that there was not a requirement for a Licence, instead a Licence was a protection against prosecution for pollution. Local Governments should ensure that any activities that they are undertaking, which are identified under [Schedule 1](#) of the EP Act and exceed the design capacity listed, have the appropriate licence (e.g. Transfer stations). These amendment to the Act also mean that there is another avenue for enforcement actions against activities like small scale illegal landfilling and skip bin operations. These types of operation have been difficult to address in the past, as the Department of Water and Environmental Regulation had to prove environmental harm through a prosecution. The Discussion Paper, which informed the changes to the Act, flagged the need for consequential amendments to Schedule 1 of the EP Act Regulations regarding Prescribed Premises (to become prescribed activities).
- If Local Governments have submitted works approvals/licence amendments (prior to the Act change), the Act changes allows for these to progress. All works approvals and licences which were in place prior to the Acts commencement also continue.
- The changes to the Act also grant the Director General (CEO) of DWER additional powers in relation to licences. The CEO can now have regard to “any development approval or planning instrument that the CEO considers relevant”. This is an important clarification, as it negates the situation where the CEO could approve a Licence for something which has been refused a Local Governments planning approval. The CEO can also now take into account “any other matter the CEO considers relevant” in the decision to grant a licence. WALGA has been advocating that in granting licences it is important that the CEO can refuse a license application if a proposed facility will undermine Waste Avoidance and Resource Recovery Strategy outcomes and targets. Whether this power will be used in this manner is yet to be seen.

## **4.4 Container Deposit Scheme**

- WALGA CEO and staff met with the Scheme Coordinator to discuss the progress of the Scheme and how the 85% return rate will be achieved by 2023. The current return rate is approximately 35% through refund points and 25-30% through material recovery facilities (kerbside recycling).
- The Scheme Coordinator is keen to work in partnership with Local and State Government to ensure consistent promotion of waste management across all sectors. The Coordinator is seeking to form a Local Government working group to facilitate engagement with the sector.

### **Discussion at the Municipal Waste Advisory Council**

The Scheme Coordinator has expressed concern over the current recovery rate of eligible containers. WALGA has highlighted a number of areas that could be investigated in order to accelerate reaching the target of 85% recovery rate by 2023. These mainly involve enhancing convenience, and increasing awareness and education about eligible containers. A recent HHW survey of 400 households revealed that up to 5% of drink containers are being placed

in General Waste bins. This only accounts for what is being consumed at home and indicates that there is still a considerable knowledge gap relating to where containers are being lost from the waste stream. Hospitality and heavy industry were discussed as some of the sectors that could be sources of leaks in the system.

#### **4.5 E-waste Grants**

- WALGA submitted 4 applications to the Department of Jobs, Tourism, Science and Innovation (JTSI) funding program for e-waste recycling. The applications were to provide e-waste temporary collection events in the metropolitan and non-metropolitan area. One of the applications was granted, to provide e-waste events in the non-metropolitan area. The grant is for \$80,000 over the 2020/21 and 2021/22 financial years.
- WALGA are working with Total Green Recycling and Workpower to determine the best approach to providing these services. WALGA received interest from 22 non-metropolitan Local Governments to be part of the Program.

#### **4.6 Bin Tagging Program – 2020/21**

- From over 20 applications, the following Local Governments have been selected to be part of the Bin Tagging Program this financial year:
  - Shire of East Pilbara
  - Southern Metropolitan Regional Council
  - Western Metropolitan Regional Council
  - City of Bayswater
  - City of Cockburn
- WALGA are progressing the development of a Bin Tagging App, with tenders closing on Tuesday 2 February to select a supplier.

#### **4.7 DWER Better Practice Guidance**

- Composting – Submissions on the Draft Guideline are currently being analysed it is anticipated that the Guideline will be published post-election.
- Solid Waste Facilities – a draft Guideline is anticipated mid – late March, it will include a range of different facility types, including tyres and Household Hazardous Waste.

#### **4.8 Impact of Perth Bush Fires**

- The recent fires have had an impact on a number of Local Governments including the City of Swan and Shires of Mundaring, Northam, Chittering and Toodyay. The State Government may take charge of Recovery, in relation to waste management. WALGA is keeping a watching brief on this matter and has circulated relevant waste management information to the Local Governments involved as well as State Government agencies.

#### **Discussion at the Municipal Waste Advisory Council**

In cases of natural disaster such as bushfire, Local Government has responsibility for recovery in their area under legislation. The bushfires that took place in 2019/20 occurred over multiple Local Government areas, therefore the State Government took the lead role in recovery. Information on landfill levy exemptions were included in communications from WALGA to relevant stakeholders.

#### **4.9 Landfills and Total Fire Bans**

- There does not seem to be consistent guidance for Landfills on operation during a Total Fire Ban. This issue was raised by the City of Busselton with WALGA. EMRC have recently been through the process of gaining exemptions from DFES to operate during a Total Fire Ban. This was an involved process, where the relevant emergency management officials visited all of the sites. Following discussion at the Officers Advisory Group, EMRC are putting together a short summary of the process to assist the sector.

#### **4.10 Future FOGO Processing Tour**

- The Officers Advisory Group discussed the development of a tour of metropolitan/peri-urban FOGO processing tour be progressed in the coming months.
- This Tour would be open to MWAC members, CEO's and Elected Members. The Chair of the Waste Authority would also be invited.

#### **Discussion at the Municipal Waste Advisory Council**

EMRC indicated that they have an interim FOGO processing facility at Red Hill. There are also opportunities to visit the Bunbury Harvey Regional Council facility. Having an option for an after work hours tour was requested.

#### **4.11 Contingency Planning for Waste**

- The question has been asked 'how does Local Government ensure there is sufficient capacity in the waste management systems for processing and disposal?' This issue was raised after the Cleanaway MRF fire and still has not had a satisfactory resolution. It was identified that contingency planning is broader than for MRFs and there are other considerations for landfills as well.
- Various options were discussed as to how Local Government infrastructure could be supported, including:
  - A buy Local Government first approach to procurement of services
  - All Local Governments diverting a portion of recyclables collected to the SMRC MRF
  - A Levy per tonne of material recycled could be put in place by the State Government to fund a contingency option for Local Government owned infrastructure
  - Local Governments paying to maintain capacity in the system
  - Change contracts so that there is a significant penalty provision if the facility is unavailable to process material. The contractor would be liable for the penalty unless they had risk mitigation strategies in place to ensure the material could be processed. That could include paying a contingency fee to another MRF.
- It was agreed that a long term Local Government risk mitigation Strategy for waste management was needed. To facilitate wider discussion on this topic MWAC will develop a paper identifying the issues and a range of resolutions, including examples from other essential services such as power and water. A draft Paper will be prepared for discussion at the April OAG meeting.

#### **4.12 Waste Levy 2021/22**

- The Officers Advisory Group discussed the likelihood of any Waste Levy increase in the 2021/22 financial year. WALGA has written to the Environment Minister on this matter but did not receive a specific answer to that question. Instead the Minister outlined the currently Levy review process, which is likely to be completed after the State Election in March. It was considered by Officers that it was unlikely the Levy would increase in 21/22, given the short timeframe after the Election for any changes and State Government awareness of Local Government Budget processes and the impact of COVID-19.

#### **4.13 MWAC Governance and Strategic Plan**

- The MWAC Partnership Agreement is being revised to expand the membership to additional Local Government organisations with and interest in waste management.
- An updated MWAC Strategic Plan will be developed for consideration at the April MWAC Meeting.

#### **4.14 COVID Lockdown**

- MWAC endorsed a COVID-19 [Second Wave Planning](#) document which outlines which of the waste management activities were essential and which activities would be scaled back under varying levels of restrictions. This document was communicated to the Director General of the Department of Water and Environmental Regulation and Environment Minister.
- Feedback from Officers regarding the Perth, Peel and South West lock down was:
  - They returned to similar staffing arrangements as during the previous period of restriction. These approaches included staged start times, split shifts or different teams operating in different areas
  - Some sites closed down Reuse Shops and Container Deposit Scheme depots
  - Most sites reopened their transfer stations on the Saturday morning after the lock down ended
  - There was an upsurge in custom following the 5 day lock down
  - Some sites closed transfer stations/landfills to all but commercial customers.

## **5 REPORTS**

### **5.1 Working Groups/Committee Reports**

#### **1. Metropolitan Regional Council Working Group**

Delegates/Nominees: Mr Tim Youé, Working Group Chair  
The Group has not met since the previous MWAC meeting.

#### **2. Reducing Illegal Dumping Working Group**

Delegates/Nominees: n/a  
This Group has not met since the previous MWAC Meeting.

#### **3. Vergeside Collection Working Group**

Delegates/Nominees: n/a  
This Group has not met since the previous MWAC Meeting.

#### **4. Waste Reform Advisory Group**

Representative: MWAC Chair, MWAC Executive Officer and CEO of SMRC  
This Group has not met since the previous MWAC Meeting.

#### **5. Consistent Communications Collective**

This Group will meet on Wednesday 25 February.

#### **6. Industry Training Reference Group**

Representative: MWAC Executive Officer Members: Libby Eustance (WMRC), Emma Horsefield (LGIS), Emma Baker (Wanneroo), Brendan Twine (MRC), Justin Pereira (Remondis), Lia Barnett (WMRR).  
This Group met on Tuesday 23 February to progress the development of the Waste Management Cert III.

## **6 OTHER GENERAL BUSINESS**

The meeting closed at 4.31pm.

## **7 NEXT MEETING**

The next meeting of the Municipal Waste Advisory Council will be held online on **Wednesday, 28 April 2021**.

## Submission to the Productivity Commission Right to Repair Issues Paper

February 2021



### Status of this Submission

This Submission has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA). MWAC is a standing committee of WALGA, with delegated authority to represent the Association in all matters relating to solid waste management. MWAC's membership includes the major Regional Councils (waste management) as well as a number of Local Government representatives. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate.

This Submission therefore represents the consolidated view of Western Australia Local Government. However, individual Local Governments and Regional Councils may have views that differ from the positions taken here.

*Due to the timeframe for Submissions, this Submission has not yet been considered by MWAC. It will be put before the Council at the upcoming meeting on Wednesday, 24 February. The Productivity Commission will be informed of any changes to this Submission following consideration by MWAC.*

### Introduction

The Western Australian Local Government Association (Association) welcomes the opportunity to comment on the *Right to Repair Issues Paper* which seeks to improve the consumer's ability to repair faulty goods, or access repair services, at a fair price. By examining the range of issues including the barriers and enablers impacting the Australian repair market the outcomes of the Inquiry will be an important step in accelerating a nationwide shift towards a sustainable circular economy.

Waste management is a significant activity for Local Government. In 2018-19, Western Australian (WA) Local Governments collected almost 1.5 million tonnes of domestic waste and spent an estimated \$311 million in the delivery of waste services<sup>1</sup>. This includes \$77.57 million<sup>2</sup> paid in waste levies for waste disposed of to landfill. The 'reuse and repair' approach holds enormous potential to move the state to a low-waste society by reducing waste generation, increasing the amount of resources recovered and reducing disposal to landfill for both the metropolitan and non-metropolitan areas. Local Government supports the development of effective legislation that will strengthen consumers' Right to Repair as there are clear economic, environmental and community benefits.

While all Australians have a role to play in supporting resource recovery, and reducing the generation of waste, the transition towards a circular economy does not begin with the consumer. Local Government has consistently supported product stewardship and extended producer responsibility as ways of ensuring that businesses and industries, which includes manufacturers and brand owners, are financially or physically responsible for the entire lifecycle of their products. Right to Repair and end-of-life options must be factored into the cost of products before they enter the market.

In December 2020, WALGA undertook a short online survey of Local Government seeking feedback on the potential for Right to Repair legislation that could extend the life of products and reduce waste going to landfill. Forty-four Local Governments responded to the survey with 95% indicating that they supported federal action to introduce laws to improve consumers' Right to Repair options. Local Government survey responses have provided the context for comments in this Submission.

<sup>1</sup> Waste Authority, The 2018–19 census of Western Australian Local Government Waste and Recycling Services, pg. 8 and 26.

<sup>2</sup> Waste Authority, The 2018–19 census of Western Australian Local Government Waste and Recycling Services, pg. 14.



## Information Request 1

- What would a 'right to repair' entail in an Australian context? How should it be defined?

The approaches exemplified in Right to Repair reforms from the European Union and United States provide a foundation on which the Commonwealth Government can shape Right to Repair legislation in Australia.

Key elements include:

- Designing durable goods that can be disassembled with commonly available tools
- Making spare parts and service information available to anyone, including independent service providers and community-led repair centres
- Giving consumers the freedom and confidence to have their durable goods repaired by a service provider of their choice at a fair price, or the option to perform their own repairs if suitably qualified
- Phasing in requirements to ensure upgradability of software and hardware, and the ability to replace hardware components such as batteries and screens
- Requiring durable goods to be labelled with lifetime expectancy and reparability information.

## Information Request 2

- What types of products and repair markets should the Commission focus on?
- Are there common characteristics that these products share (such as embedded technology and software or a high/low degree of product durability), and which characteristics would allow policy issues to be considered more broadly?
- If there are particular products that the Commission should focus on, what are the unique issues in those product repair markets that support such a focus?

The type of products that the Commission should focus on are those made from non-renewable resources, which are difficult or very expensive to recover. This approach would facilitate a transition to a circular economy.

Repair markets include manufacturer or independent repair services, community-led reuse and repair centres, or suitably qualified individuals that engage in activities to restore products – that are damaged, faulty, or worn – to a usable condition. Repair markets should be considered for all durable goods, including consumer electronics, sporting goods, household and office appliances and furnishings, vehicles, and machinery. When consumers purchase durable goods, often at higher costs, there is a reasonable expectation that these goods will last for an extended period of time and be repairable – regardless of individual choices to repair, replace, or live without.

Consumption of electrical products has surged in recent decades and unsurprisingly correlates to electronic waste (e-waste) becoming one of the fastest growing waste streams. Safeguarding strategies such as Technological Protection Measures (TPMs) are used to control manufacturer copyrights, however they also prevent consumers from carrying out repairs or any other form of modification to products. In the WALGA survey, 39% of Local Governments indicated that they had experienced barriers to repairs that resulted in costly or wasteful outcomes. The majority of comments were focused on the inability to carry out simple repairs on IT devices due to TPMs, difficulties in obtaining spare parts particularly for older products, and high costs of engaging local service providers owing to the absence of competition. Many non-metropolitan Local Governments also noted geographical barriers to repair. Service providers are lacking in remote areas and in most circumstances the cost of sending goods away to be repaired far outweighs the cost to purchase new products. This has led to the proliferation of discarded durable goods in circumstances where Local Governments already face significant waste management challenges due to distance.

Local Government recognises the value in salvaging usable goods from the waste stream with 75% of survey respondents indicating that they actively facilitate reuse or repair options for their communities. Almost 41% of these Local Governments operate reuse shops to redistribute usable goods. Local Governments provided a range of support to community-led repair services, 25% of Local Governments assist with advertising, 20% of Local Governments provide venues and 18% of Local Governments provide some form of financial support. Community-led repair services have been steadily growing in popularity across Australia and the well-established Bower Reuse and Repair Centres in New South

Wales successfully demonstrate a model that could be replicated nationwide. Bower works in partnership with Sydney metropolitan Local Governments to facilitate sessions where community members are provided with advice, supervision and tools to fix items. While there is significant potential for this type of model to be more broadly replicated, WA Local Governments have highlighted the need for resourcing support from State and Federal Government to ensure that repair programs can be adequately staffed to cope with high volumes of goods brought in for repair, as well as provide opportunities to train and upskill volunteers.

### Information Request 7

- What are Australia's current policy settings for managing the potential environmental and health effects of e-waste (such as landfill bans, the National Television and Computer Recycling Scheme or Mobile Muster)? Are these policy settings broadly right — that is, are they proportional to the impacts of e-waste on the community?
- How can a right to repair policy further reduce the net costs of e-waste in Australia, and would such an approach be an effective and efficient means of addressing the costs of e-waste to the community?

The National Television and Computer Recycling Scheme (NCRS) has delivered significant improvements in the Australian recycling rate of TV and Computers. Local Governments' initial experience with the Scheme was positive, with the cost of recycling TVs and Computers reduced. Unfortunately, Local Government confidence in the Scheme was undermined by the actions taken by certain Arrangements in late 2014 - to limit their involvement to the minimum legislated requirements for collected tonnes and number of access points provided. Contracts to host permanent collection sites were either terminated or reduced, with no prior warning that this was about to occur or offer to negotiate. Regional/remote sites across Australia were most likely to have their services terminated or reduced. Western Australia has many sites within this classification, due to the dispersed nature of its population.

While the increase in recycling targets has alleviated some pressure on Local Government, the impacts have not been realised in WA to the same degree as other jurisdictions. This relates to both the scope of service provided and the amount of material collected. The Association is aware that 18 of the 62 WA collection sites accepting material in the 2015/16 financial year, were underpinned by Local Government. In this period, 95% of the material recovered in WA was collected at these Local Government sites (950,882kg).

Unlike manufacturers, importers, distributors and Arrangements, Local Government is not able to recover the costs of delivering these services from a wide revenue base. The NCRS was designed with a requirement that collection sites accept TVs and Computers free of charge. This has proved to be a significant impost on Local Government, with some funding the operation of collection points, in addition to contributing to the cost of recycling material collected under the NCRS. Others are funding the management of material collected outside of the NCRS, as a result of the limited scope of the Scheme and challenges negotiating equitable agreements with Arrangements. This includes material that is in scope – such as TV and computers, as well as material that is out of scope – such as TV peripherals. Local Governments should be able to recover the costs of providing/operating collection sites, and providing/facilitating the transport of materials to market - from manufacturers, importers, distributors and Arrangements.

To date, product stewardship schemes have tried to effect change using loosely defined market development activities, community/industry engagement, voluntary commitments to dispose of materials in an environmentally sound manner, or change which party contributes financially to collection, processing, recycling or disposal costs at end-of-life. These activities have been viewed by industry and regulators as a way to begin addressing the lifecycle impacts of various products, as these approaches do not require a fundamental rethink to manufacturing and consumption.

Unfortunately, the current approach has not addressed, or resolved, the complexities of the market forces and costs experienced by the waste management industry. Future Schemes must be designed in such a way that manufacturers, importers and distributors, and organisations tasked with delivering

Schemes, such as Arrangements, are financially or physically responsible for providing repair options and managing actual end-of-life impacts, as opposed to projected end-of-life impacts.

Alternatively, an approach could be taken where manufacturers, importers and distributors are prohibited from selling or distributing new products, where there is no clear pathway to manage end-of-life impacts in an environmentally sound manner. Reframing Product Stewardship in such a light, would encourage those producing or selling products to consider the lifecycle impacts of their products, and assist with a transition to a circular economy.

### Information Request 8

- What policy reforms or suite of policies (if any) are necessary to facilitate a 'right to repair' in Australia?
- Are there any other barriers to repair and/or policy responses that the Commission should consider?

WALGA's analysis of the current Australian product stewardship schemes indicates that they are primarily focused on recycling (and shifting the costs associated) rather than improving the lifespan of products. The development of Right to Repair legislation must consider the need to adopt strong regulatory measures that will guide the choices of manufacturers. All durable goods made, imported and sold in Australia must be manufactured in accordance with product standards to ensure that products are designed to be long-lasting, easily repairable, upgradable (in relation to electronic products) and ultimately recyclable at end of life.

One of the examples given by Local Government was:

*"Manufacturers adopting strategies that mean products rapidly become obsolete and require a replacement (which include designing products in a way that prevents repair). Not designing products that can be taken apart easily e.g. instead of using screws/rivets to hold pieced together, they are glued or fused. And if they do use screws they are usually specialised so a specific tool needs to be used. In other instances proprietary tooling is required to take certain parts apart."*

Other policy considerations:

- Reviewing product stewardship legislation to ensure repair and reuse are prioritised
- Establishing incentives or tax concessions for repair/repairers
- Enacting laws prohibiting planned product obsolescence
- Requiring durable goods to display lifetime expectancy and reparability information
- Requiring manufacturers to provide independent service providers and community-led repair centres with access to spare parts, specialised tools and service information
- Requiring manufacturers to produce and ensure that spare parts are readily accessible for a specific period of time
- Labelling on electronic goods to inform consumers that these products must be taken to drop-off locations for reuse, repair or disposal and cannot be placed in Local Government kerbside bin systems
- Encouraging manufacturers to shift their profit model from that of selling goods to that of providing services
- Prohibiting the sale or distribution of new products, where there is no clear pathway to repair or manage end-of-life impacts in an environmentally sound manner.

### Conclusions

Effective Right to Repair legislation has the potential to benefit Local Government and the community by:

- Avoiding waste generation and reducing the amount of waste going to landfill
- Raising awareness of the value of resources, sustainable design and manufacturing
- Generating employment opportunities and skills training
- Providing a source of affordable goods, particularly e-waste, to low income earners and other disadvantaged groups in the community.



## Submission to the Department of Agriculture, Water and Environment on Regulating the Export of Mixed Plastics Technical Discussion Paper

February 2021

### Status of this Submission

This Submission has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA). MWAC is a standing committee of WALGA, with delegated authority to represent the Association in all matters relating to solid waste management. MWAC's membership includes the major Regional Councils (waste management) as well as a number of Local Government representatives. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate.

This Submission therefore represents the consolidated view of Western Australia Local Government. However, individual Local Governments and Regional Councils may have views that differ from the positions taken here.

*Due to the timeframe for Submissions, this Submission has not yet been considered by MWAC. It will be put before the Council at the upcoming meeting on Wednesday, 24 February. The Department will be informed of any changes to this Submission following consideration by MWAC.*

### Background

The Association appreciates the opportunity to comment on the Technical Discussion Paper on regulating the Export of Mixed Plastics. WALGA, through the Australian Local Government Association, has provided feedback to the Department who worked with other jurisdictions to develop the National Waste Policy Action Plan. Through this process, WALGA repeatedly highlighted the challenge for Western Australia is the reliance on export for the majority of the recyclable materials listed and the lead time that would be required to develop alternative environmentally and economically sustainable markets.

In commenting on the Action Plan the Association identified the following key actions required for the bans to be successfully progressed:

- Immediate action to determine destination of recyclable materials
- Clear definition of when a recyclable material becomes a product
- Effective product stewardship schemes in place
- Assessment of current and future infrastructure needs
- Investigation of economics of recycling, market development and contingency planning
- Development of incentives and funding Programs.

The most recent Recycling Activity Report (summary provided in Table 1) provides a snapshot of the current situation regarding the high dependence on export for these products.

Material	Tonnage recycled	Percentage Exported
Cardboard and Paper Packaging, old newsprint and white office paper	238,500	98.4% (234,700 tonnes)
Tyres	33,500	100% (33,500 tonnes)
Plastics	20,000	69% (13,800 tonnes)
Glass	55,800	0%

Table 1: Summary of information from 2018/19 Waste Authority Recycling Activity Report

A comprehensive audit of kerbside recycling bins was undertaken as part of the Container Deposit Scheme implementation, the results indicated that mixed plastic – which will be completely banned from export – was 2.2% of the material collected through kerbside. The 18/19 Local Government Census showed that, Statewide, 225,673 tonnes of material was collected through kerbside recycling. As an approximation, using these figures equate to 4,900 tonnes of material collected through kerbside being mixed plastic.

From 1 July this year, other options will be needed for this material, either further sorting or reprocessing within Australia. Some mixed plastic from WA is currently being sent to South Australia for further processing, however it is not clear if the facility has capacity for additional mixed plastic from WA facilities. The State and Federal Government have committed considerable funding for infrastructure to assist in reducing Australia's reliance on export. The WA Government recently [announced](#) \$174M funding for this infrastructure. One of the Projects focuses on mixed plastic, however it is a very short timeline for the sorting facility to be completed by 1 July 2021. Local Governments have also questioned if the focus for the grants will be sufficiently broad to include all types of plastic as only PET, HDPE and PP are mentioned in the media statement in relation to processing.

### **Plastics Ban – Container Deposit Scheme**

In the initial definitions relating to the Export Bans, material collected through a container deposit scheme was considered to be sufficiently source separated (with low contamination) that it could still be exported. From discussion with the Department, the Association understands that this is no longer the case and the source of the material is not part of the consideration. The WA CDS commenced on 1 October 2020 and is progressing well. Through the Scheme there are specific requirements on exporters of material, which means the Scheme Coordinator has accredited certain recyclers having examined their credentials. The suggested licensing approach for export potentially adds additional burden to this process. The Association suggests that the Department examine the process undertaken by the Scheme Coordinator to determine if the approach meets the Departments requirements which could reduce unnecessary regularly burden on those undertaking recycling activities.

### **Impact of Export Bans**

In previous Submissions the Association has highlighted grave concerns for the timelines and approach taken for the export bans – for paper and cardboard, tyres and plastic which may result in either recycling not being possible and material being landfilled, or that the costs to recycle material within Australia being so significant for Western Australia that it would undermine the viability of the current kerbside collection system.

Local Governments in Western Australia, are paying for recycling to be collected and processed, as there is not enough material value in the recyclate to underwrite the system. The recently implemented container deposit scheme is anticipated to have a positive economic (and environmental) impact on kerbside recycling, as although the amount of material collected will reduce, the value of what remains will increase substantially. However, this increase in value of products will not affect approximately 66% of the material in Kerbside, which is paper and cardboard. Consequently, Local Government would also need to consider changes to contractual arrangements.

For Western Australia, markets in Asia are frequently more economically and environmentally efficient to trade with than other areas of Australia. The necessary condition for this to continue is that appropriate safeguards are in place to ensure the material is being used in an environmentally sound manner following export.

The Association would like to ensure that there is sufficient capacity in the market for processing collected material prior to the Bans being implemented. Further clarification is required on the type of 'specifications' which the exported material will need to meet. The Association requests that in developing the legislative instrument for the bans there be sufficient discretion that if it is the choice is between export (to a legitimate destination/process) and landfill, that the option of export be allowed. Following implementation of the ban, there will be a need for effective contingency planning to be put in place to ensure that should a plant be impacted by natural disaster, including fire, there will be



alternative destinations available for the product. This is potentially an activity that could be undertaken at a national level.

### **Additional Feedback**

Feedback from Local Governments has indicated that not all Material Recovery Facilities are supplying directly to recyclers, instead they transact through a broker/buyer. The Local Government procurement requirements mean that Local Government entities operating Material Recovery Facilities go to tender every three months for buyers for the product. Through this process extensive photographs are taken of the material to inform the buyer of the product quality.

Further clarification was requested regarding the need to separate mixed plastics, post 1 July 2021 and whether this step required the plastic to be washed. In the Rules for Plastic there will need to be clear guidance on what 'further processing' for all plastic entails and what the contamination metrics will include – if they are additional to what industry standards or market requirements are.

The Association understands further consultation will be undertaken on this matter and looks forward to providing input.



22 January 2021

Our Ref: 05-070-04-0001NS:RNB

Mr Tom Whitby  
ACCC  
Email: exemptions@accc.gov.au

Dear Mr Whitby

### **AA1000536 – Paintback Limited – Submission**

The Western Australian Local Government Association is writing to the ACCC in support of the Paintback Limited Application for ongoing Authorisation. The Authorisation Paintback Limited seeks is to continue to impose a \$0.15c per per litre levy to the cost of certain architectural and design paints, and wood care products to fund the Paintback Scheme and its collection and disposal activities. The current Authorisation ends 1 June 2021.

The Association considers that the Paintback Limited Scheme provides considerable community benefit and the cessation of the Scheme would have a significant negative impact.

The Association administers the Household Hazardous Waste (HHW) Program, which is funded by the Western Australian State Government through the Waste Avoidance and Resource Recovery Account. This Program provides funding for the collection, transportation and recycling/disposal of a range of HHW from 14 Permanent sites across the State. The Program also undertakes Temporary Collection Days for HHW to allow more of the community to safely and conveniently dispose of their HHW. In the past, this Program funded the costs associated with paint collection, transport and recycling. However, now the Paintback Scheme funds these collections for 10 of the 14 Permanent sites.

The significant savings from the HHW facilities operating as Paintback sites has enabled the HHW Program to undertake a number of Temporary Collection Day events across the State and to add new permanent HHW sites to the Program.

Figure 1 shows the progressive reduction of HHW materials collected each year through the Program (including paint), compared with the total paint collected from Paintback, from the WA HHW facilities.

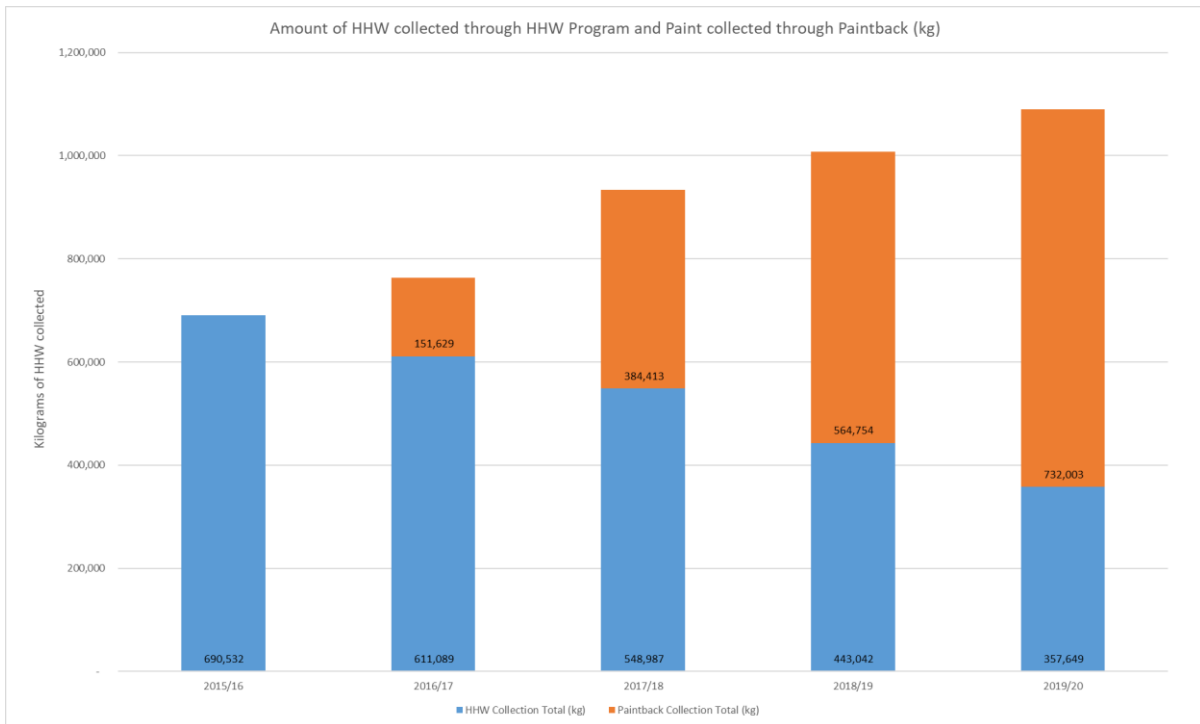


Figure 1: Total HHW collected and total paint collected through Paintback at HHW sites from 2015/16 to 2019/20.

WALGA is working collaboratively with Paintback to add the 4 remaining HHW Permanent sites to the Scheme.

Ongoing Authorisation of the Paintback Limited Scheme will enable the continuation and enhancement of the significant community benefit provided by the Scheme.

For further information, please contact Rebecca Brown, Manager Waste and Recycling on 08 9213 2063 or email [rbrown@walga.asn.au](mailto:rbrown@walga.asn.au)

Yours sincerely

**Nick Sloan**  
**Chief Executive Officer**





**Minister for Environment; Disability Services; Electoral Affairs  
Deputy Leader of the Legislative Council**

Your Ref: 01-006-02-0003DT:RNB

Our Ref: 62-24100

Cr Doug Thompson  
Chair  
Municipal Waste Advisory Council  
Western Australian Local Government Association  
info@walga.asn.au

Dear Cr Thompson <sup>Doug</sup>

Thank you for your correspondence, received in this office on 27 November 2020, regarding the container deposit scheme minimum network standards.

Under its conditions of appointment, WA Return Recycle Renew Ltd (WARRRL) is required to meet at least 75 per cent of the refund point targets for each region from commencement of the scheme. I am satisfied that WARRRL has met this requirement.

The minimum network standards define minimum hours of operation for full time and flexible refund points. As you note, the standards also include exemptions for mobile refund points.

Under the *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019*, the Chief Executive Officer of the Department of Water and Environmental Regulation (DWER) must review the minimum network standards after the six-month anniversary of the commencement of the scheme.

To support this review, DWER will consult with stakeholders, including the Western Australian Local Government Association (WALGA), to improve the collection network through the minimum network standards. I expect that this process will begin in May 2021. The review will consider both community needs and viability as required under regulation 8. The Department will work to identify opportunities to provide for greater hours of availability for the community without compromising the viability of refund points for operators.

Thank you for WALGA's commitment to improving the container deposit scheme.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized 'S' followed by a horizontal line.

Hon Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT**

cc. Rebecca Brown - rbrown@walga.asn.au

16 DEC 2020



**Minister for Environment; Disability Services; Electoral Affairs  
Deputy Leader of the Legislative Council**

Your Ref: 01-006-02-0003DT:RNB  
Our Ref: 62-24101

Cr Doug Thompson  
Chair, Municipal Waste Advisory Council  
info@walga.asn.au

Dear Cr Thompson <sup>Doug</sup>

Thank you for your correspondence, received in this office on 27 November 2020, regarding COVID-19 Second Wave Planning.

As you identify in your submission, waste management is an essential service. It is therefore important that local governments, as providers of waste management services to their residents, have considered business continuity in the event of a second wave of COVID-19 infections. While I am confident that the actions of the McGowan Government are keeping Western Australia safe from COVID-19, the State Health Incident Coordination Centre remains active in case response actions are required.

The Department of Water and Environmental Regulation will continue to work collaboratively with stakeholders in essential services in the event of increased COVID-19 infections.

I commend the Municipal Waste Advisory Council of the Western Australian Local Government Association for engaging in forward planning.

Thank you for writing to me about this matter.

Yours sincerely

Hon Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT**

**04 JAN 2021**



Government of **Western Australia**  
Department of **Water and Environmental Regulation**

Your ref: 01-006-02-0003DT:RNB  
Our ref: DWERDG1007/20  
Enquiries: Leanne Reid Ph 6364 7028

Cr Doug Thompson  
Chair  
Municipal Waste Advisory Committee  
Western Australian Local Government Association

Email: [info@walga.asn.au](mailto:info@walga.asn.au)

Dear Cr Thompson

**MUNICIPAL WASTE ADVISORY COMMITTEE COVID-19 SECOND WAVE PLAN**

Thank you for your letter dated 27 November 2020 providing a copy of the COVID-19 Second Wave Planning document that outlines actions relating to local government waste services in the event of a second wave of COVID-19 in Western Australia.

I appreciate the efforts that the Municipal Waste Advisory Committee has made to plan for a second wave of COVID-19, which builds on our work together during the initial phase.

The McGowan Government acknowledges waste and recycling services as essential to the proper functioning of the State in all aspects, including collection, transport, processing and disposal. This advice has been provided to the Australian Government and to the State Government's State Emergency Management Committee for the purposes of coordinating services in response to COVID-19.

Thank you once again for sending the document to me. I look forward to working with the local government sector as we continue to recover from the pandemic.

Yours sincerely

Mike Rowe  
**DIRECTOR GENERAL**

14 December 2020





**Hon David Templeman MLA**  
**Minister for Local Government; Heritage; Culture & the Arts**

Your ref: 05-037-04-0001DT:RNB

Our Ref: 66-14450



Cr Doug Thompson  
 MWAC Chair  
 Western Australian Local Government Association  
 PO Box 1544  
 WEST PERTH WA 6872

Dear Cr Thompson

Thank you for your correspondence dated 27 November 2020 regarding the Municipal Waste Advisory Council's response to the Office of the Auditor General's report on local government waste service delivery.

Waste is everyone's business. The McGowan Government is committed to a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste.

The Department of Local Government, Sport and Cultural Industries will be working with local government entities, the Waste Authority and the Department of Water and Environmental Regulation in 2021 to bring to fruition the recommendations that you have supported in your submission.

Thank you for bringing this matter to my attention.

Yours sincerely

**HON DAVID TEMPLEMAN MLA**  
**MINISTER FOR LOCAL GOVERNMENT;**  
**HERITAGE; CULTURE AND THE ARTS**

17 DEC 2020



## **17 MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

### **17.1 NOTICE OF MOTION RECEIVED FROM CR MEL CONGERTON**

In accordance with Clause 4.18 of the *EMRC Standing Orders Local Law 2013*, Cr Congerton gave notice of his intention to move the following motions prior to the meeting.

#### **Motion No. 1**

*That Council resolve to:*

1. *CEO to facilitate a review of the Establishment Agreement with the final report to be presented at the Ordinary Council Meeting of June 2021 for Council's consideration.*
2. *Request the CEO to include at least one workshop with the EMRC Councillors and member Council CEOs to determine the changes and inclusions that should form the draft Establishment Agreement for consideration and discussion.*
3. *Request that the review should include but not be limited to:*
  - a. *Review and amend all of the dates to reflect the current Local Government Election cycles.*
  - b. *Review and amend the current council structure to a proportionate representation model based on each member Council's share of equity as a percentage of the EMRC.*
  - c. *Provide a mechanism (if required) to differentiate a member Council's equity based upon an original member Council to an additional member Council.*
  - d. *Review and amend the provisions within the agreement for one or more member Councils that choose to exit the EMRC.*
  - e. *Include a provision for dividends to be paid to member Councils from the Waste Reserve annually based on equity and/or waste charge levies paid.*
  - f. *Review and amend or replace the definitions used to determine projects and services that are considered new and those considered continuing.*
  - g. *The review is informed and guided by the collective views of the EMRC Councillors and member Council Mayors/Presidents and CEOs.*

#### **Rationale provided by Cr Congerton**

The review of the establishment agreement is well overdue and should be completed before the new financial year.

Discussion ensued.



*Item 17.1 continued*

Cr Johnson moved a procedural motion.

### **PROCEDURAL MOTION(S)**

That Council defers consideration of Motion No. 1, 2 and 3 until the next ordinary meeting of Council.

The Chairman asked for a seconder to the procedural motion.

Cr Clarke seconded the motion.

As it is a procedural motion, there was no debate and the Chairman put the motion to the vote.

### **COUNCIL RESOLUTION(S)**

MOVED CR JOHNSON

SECONDED CR CLARKE

THAT COUNCIL DEFER CONSIDERATION OF MOTION NO. 1, 2 AND 3 UNTIL THE NEXT ORDINARY MEETING OF COUNCIL.

**MOTION LOST 2/10**

**For:** Crs Johnson, Clarke  
**Against:** Crs Wilson, Hamilton, O'Connor, Boyd, Congerton, Zannino, Marks, Powell, Daw, Jeans

Cr Hamilton proposed an amendment to Motion No. 1 to replace the word 'should' with 'may' in Item 3.

Cr Congerton agreed to this amendment.

### **Amended Motion No. 1**

*That Council resolve to:*

1. *CEO to facilitate a review of the Establishment Agreement with the final report to be presented at the Ordinary Council Meeting of June 2021 for Council's consideration.*
2. *Request the CEO to include at least one workshop with the EMRC Councillors and member Council CEOs to determine the changes and inclusions that should form the draft Establishment Agreement for consideration and discussion.*
3. *Request that the review may include but not be limited to:*
  - a. *Review and amend all of the dates to reflect the current Local Government Election cycles.*
  - b. *Review and amend the current council structure to a proportionate representation model based on each member Council's share of equity as a percentage of the EMRC.*
  - c. *Provide a mechanism (if required) to differentiate a member Council's equity based upon an original member Council to an additional member Council.*
  - d. *Review and amend the provisions within the agreement for one or more member Councils that choose to exit the EMRC.*
  - e. *Include a provision for dividends to be paid to member Councils from the Waste Reserve annually based on equity and/or waste charge levies paid.*



*Item 17.1 continued*

- f. Review and amend or replace the definitions used to determine projects and services that are considered new and those considered continuing.*
- g. The review is informed and guided by the collective views of the EMRC Councillors and member Council Mayors/Presidents and CEOs.*

Discussion ensued around the proposed timeline.

Following questions, the Chairman requested a seconder for Cr Congerton's motion.

Cr O'Connor seconded the motion.

The Chairman invited the mover and seconder to speak to the motion.

Cr Congerton and Cr O'Connor spoke to the motion.

Debate ensued, alternating between those speaking against and those speaking for the motion.

Following debate, Cr Congerton exercised his right of reply.

**COUNCIL RESOLUTION(S)**

MOVED CR CONGERTON

SECONDED CR O'CONNOR

THAT COUNCIL RESOLVE TO:

1. CEO TO FACILITATE A REVIEW OF THE ESTABLISHMENT AGREEMENT WITH THE FINAL REPORT TO BE PRESENTED AT THE ORDINARY COUNCIL MEETING OF JUNE 2021 FOR COUNCIL'S CONSIDERATION.
2. REQUEST THE CEO TO INCLUDE AT LEAST ONE WORKSHOP WITH THE EMRC COUNCILLORS AND MEMBER COUNCIL CEOS TO DETERMINE THE CHANGES AND INCLUSIONS THAT SHOULD FORM THE DRAFT ESTABLISHMENT AGREEMENT FOR CONSIDERATION AND DISCUSSION.
3. REQUEST THAT THE REVIEW MAY INCLUDE BUT NOT BE LIMITED TO:
  - a. REVIEW AND AMEND ALL OF THE DATES TO REFLECT THE CURRENT LOCAL GOVERNMENT ELECTION CYCLES.
  - b. REVIEW AND AMEND THE CURRENT COUNCIL STRUCTURE TO A PROPORTIONATE REPRESENTATION MODEL BASED ON EACH MEMBER COUNCIL'S SHARE OF EQUITY AS A PERCENTAGE OF THE EMRC.
  - c. PROVIDE A MECHANISM (IF REQUIRED) TO DIFFERENTIATE A MEMBER COUNCIL'S EQUITY BASED UPON AN ORIGINAL MEMBER COUNCIL TO AN ADDITIONAL MEMBER COUNCIL.
  - d. REVIEW AND AMEND THE PROVISIONS WITHIN THE AGREEMENT FOR ONE OR MORE MEMBER COUNCILS THAT CHOOSE TO EXIT THE EMRC.
  - e. INCLUDE A PROVISION FOR DIVIDENDS TO BE PAID TO MEMBER COUNCILS FROM THE WASTE RESERVE ANNUALLY BASED ON EQUITY AND/OR WASTE CHARGE LEVIES PAID.





*Item 17.1 continued*

- f. REVIEW AND AMEND OR REPLACE THE DEFINITIONS USED TO DETERMINE PROJECTS AND SERVICES THAT ARE CONSIDERED NEW AND THOSE CONSIDERED CONTINUING.
- g. THE REVIEW IS INFORMED AND GUIDED BY THE COLLECTIVE VIEWS OF THE EMRC COUNCILLORS AND MEMBER COUNCIL MAYORS/PRESIDENTS AND CEOS.

**MOTION CARRIED 10/2**

**For: Crs Wilson, O'Connor, Boyd, Hamilton, Congerton, Zannino, Daw, Jeans, Marks, Powell**  
**Against: Crs Johnson, Clarke**

**Motion No. 2**

*That Council resolve to:*

1. *Return to member Councils as a dividend the amount paid by each member Councils into the Secondary Waste Reserve for the financial year July – June 2021.*
2. *Distribute the funds in July 2021.*

**Rationale provided by Cr Congerton**

This is in keeping with the previous dividends paid to member Councils.

Cr Powell departed the meeting at 7:54pm and returned at 7:57pm.

The CEO departed the meeting at 7:58pm and returned at 8:00pm.

Ms Hardy departed the meeting at 7:59pm.

Cr Rossi departed the meeting at 8:00pm and returned at 8:03pm.

The CFO departed the meeting at 8:01pm and returned at 8:02pm.

It was raised whether the use of the word 'dividend' is appropriate.

An amendment is proposed such that:

**Amended Motion No. 2**

*That Council resolve to:*

1. *Return to member Councils as a distribution the amount paid by each member Council into the Secondary Waste Reserve for the financial year July – June 2021.*
2. *Distribute the funds in July 2021.*



*Item 17.1 continued*

Following questions, the Chairman requested a seconder for Cr Congerton's motion.

Cr O'Connor seconded the motion.

The Chairman invited the mover and seconder to speak to the motion.

Debate ensued alternating between those speaking against and those speaking for the motion.

Following debate, Cr Congerton exercised his right of reply.

Cr Daw departed the meeting at 8:32pm and returned at 8:34pm.

Cr Marks departed the meeting at 8.32pm and returned at 8.36pm.

**COUNCIL RESOLUTION(S)**

MOVED CR CONGERTON                      SECONDED CR O'CONNOR

THAT COUNCIL RESOLVE TO:

1. RETURN TO MEMBER COUNCILS AS A DISTRIBUTION THE AMOUNT PAID BY EACH MEMBER COUNCILS INTO THE SECONDARY WASTE RESERVE FOR THE FINANCIAL YEAR JULY – JUNE 2021.
2. DISTRIBUTE THE FUNDS IN JULY 2021.

**MOTION CARRIED 9/3**

**For:**            Crs O'Connor, Boyd, Hamilton, Congerton, Zannino,  
Daw, Jeans, Marks, Powell  
**Against:**      Crs Wilson, Johnson, Clarke

**Motion No. 3**

*That Council resolve to:*

1. *Provide a \$5 million distribution from the Secondary Waste Reserve as a dividend based on the equity held by each member Council as at the 30th June 2021.*
2. *Distribute the funds in July 2021.*

**Rationale provided by Cr Congerton**

This is in keeping with the previous dividends paid to member Councils.

The motion to be amended to remove the reference to 'as a dividend'.

**Amended Motion No. 3**

*That Council resolve to:*

1. *Provide a \$5 million distribution from the Secondary Waste Reserve based on the equity held by each member Council as at the 30th June 2021.*
2. *Distribute the funds in July 2021.*

Following questions, the Chairman requested a seconder for Cr Congerton's motion.

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*Item 17.1 continued*

Cr Zannino seconded the motion.

The Chairman invited the mover and seconder to speak to the motion.

Debate ensued alternating between those speaking against and those speaking for the motion.

Following debate, Cr Congerton exercised his right of reply.

The CEO departed the meeting at 8:54pm and returned at 8:58pm.

**COUNCIL RESOLUTION(S)**

MOVED CR CONGERTON

SECONDED CR ZANNINO

THAT COUNCIL RESOLVE TO:

1. PROVIDE A \$5 MILLION DISTRIBUTION FROM THE SECONDARY WASTE RESERVE BASED ON THE EQUITY HELD BY EACH MEMBER COUNCIL AS AT THE 30<sup>TH</sup> JUNE 2021.
2. DISTRIBUTE THE FUNDS IN JULY 2021.

**MOTION LOST 6/6 for a lack of an absolute majority**

**For: Crs O'Connor, Boyd, Congerton, Zannino, Marks, Powell**

**Against: Crs Wilson, Hamilton, Johnson, Clarke, Daw, Jeans**

**18 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING**

The following item is recommended to be confidential because it contains matters of a legal advice nature.

**RECOMMENDATION (Closing meeting to the public)**

That the meeting be closed to members of the public in accordance with Section 5.23 (2) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

**COUNCIL RESOLUTION**

MOVED CR HAMILTON

SECONDED CR JEANS

THAT WITH THE EXCEPTION OF THE CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER, CHIEF PROJECT OFFICER, CHIEF SUSTAINABILITY OFFICER, CHIEF OPERATING OFFICER, MANAGER PROCUREMENT AND GOVERNANCE, MANAGER FINANCIAL SERVICES, MANAGER HUMAN RESOURCES, MANAGER INFORMATION SERVICES, DIRECTOR MAJOR PROJECTS (CITY OF BAYSWATER), EXECUTIVE ASSISTANT TO THE CHIEF EXECUTIVE OFFICER AND PERSONAL ASSISTANT TO THE CHIEF FINANCIAL OFFICER THE MEETING BE CLOSED TO MEMBERS OF THE PUBLIC IN ACCORDANCE WITH SECTION 5.23 (2) OF THE *LOCAL GOVERNMENT ACT 1995* FOR THE PURPOSE OF DEALING WITH MATTERS OF A CONFIDENTIAL NATURE.

**MOTION CARRIED 9/1**

**For: Crs Wilson, O'Connor, Clarke, Boyd, Hamilton  
Congerton, Zannino, Daw, Jeans**

**Against: Cr Johnson**

**Crs Marks and Powell were absent for the vote**



*Item 18 continued*

Crs Johnson, Hamilton and O'Connor departed the meeting at 8:59pm and returned at 9:00pm.

Cr Marks and Cr Powell declared an interest and left the meeting at 9:03pm.

Cr Rossi, Mr Christie and Ms Reid from the City of Belmont staff left the meeting at 9:03pm.

Mr Campbell left the meeting at 9:03pm.

The doors of the meeting were closed at 9:04pm.

The Chief Executive Officer, Chief Financial Officer, Chief Project Officer, Chief Sustainability Officer, Chief Operating Officer, Manager Procurement And Governance, Manager Financial Services, Manager Human Resources, Manager Information Services, Director Major Projects (City of Bayswater), Executive Assistant to the Chief Executive Officer and Personal Assistant to the Chief Financial Officer remained in Council Chambers.

**18.1 SEEKING INSTRUCTIONS REGARDING LEGAL MATTER [CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 s.5.23(2)(d)]**

This item is recommended to be confidential because it contains matters of a legal nature.

**RECOMMENDATION [Meeting re-opened to the public]**

That the meeting be re-opened, the members of the public be invited to return to the meeting and the recommendations passed behind closed doors be recorded.

**COUNCIL RESOLUTION**

MOVED CR HAMILTON                      SECONDED CR JOHNSON

THAT THE MEETING BE RE-OPENED, THE MEMBERS OF THE PUBLIC BE INVITED TO RETURN TO THE MEETING AND THE RECOMMENDATIONS PASSED BEHIND CLOSED DOORS BE RECORDED.

**CARRIED UNANIMOUSLY**

The doors of the meeting were opened at 9:07pm.

Recording of the resolutions passed behind closed doors; namely:

**COUNCIL RESOLUTION**

MOVED CR O'CONNOR                      SECONDED CR CONGERTON

THAT

1. COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S.5.16 OF THE LOCAL GOVERNMENT ACT 1995 DELEGATES TO THE LEGAL COMMITTEE THE POWER TO UNDERTAKE ALL NECESSARY ACTIONS IN RESPONSE TO THE LEGAL MATTER PREVIOUSLY REPORTED AND ANY RELATED MATTERS WITH REGARDS TO THE ESTABLISHMENT AGREEMENT.
2. NOTES THE RATIONALE FOR THE MOTION IS TO ENABLE THE EMRC COUNCIL TO UNDERTAKE ACTIONS IN RESPONSE TO THE LEGAL MATTER AS OUTLINED WITHIN THE CONFIDENTIAL REPORT THROUGH THE ESTABLISHED LEGAL COMMITTEE.

**CARRIED UNANIMOUSLY**



**19 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

Nil

**20 FUTURE MEETINGS OF COUNCIL**

The next Ordinary meeting of Council is scheduled to be on **Thursday, 22 April 2021** electronically or at the EMRC Administration Office, 1<sup>st</sup> Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 6:00pm.

**Future Meetings 2021**

Thursday	22	April	(if required)	at	EMRC Administration Office
Thursday	27	May	(If required)	at	EMRC Administration Office
Thursday	24	June		at	EMRC Administration Office
Thursday	22	July	(if required)	at	EMRC Administration Office
Thursday	26	August	(if required)	at	EMRC Administration Office
Thursday	23	September	(if required)	at	EMRC Administration Office
Thursday	25	November	(if required)	at	EMRC Administration Office

**21 DECLARATION OF CLOSURE OF MEETING**

The Chairman declared the meeting closed at 9:07pm.