

# AGENDA

D2021/21153

## Special Meeting of Council 4 November 2021

### Notice of Meeting

Dear Councillors

I wish to advise that a Special Meeting of Council will be held on Thursday, 4 November 2021 at the EMRC Administration Centre, 1st Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 5:00pm.

The purpose of the meeting is to elect the Chairman and Deputy Chairman of the EMRC and to appoint Committee Members.

The swearing in of Councillors will take place at 4:45pm prior to commencement of the Special Meeting of Council.

An Audit Committee meeting will be held immediately after the Special Meeting of Council.

Dinner will be served after the meeting.



Marcus Geisler | Chief Executive Officer

27 October 2021

### Please Note

If any Councillor/officer has a query regarding a report item or requires additional information in relation to a report item, please contact the responsible officer (SOURCE OF REPORT) prior to the meeting.

The meeting will be audio recorded and available on the EMRC's website at [www.emrc.org.au](http://www.emrc.org.au).

Public question time will continue as usual at the next Ordinary Meeting of Council on 25 November 2021 and questions may be submitted electronically prior to the meeting, no later than 4.00pm on the 25 November 2021 to [CouncilEnquiry@emrc.org.au](mailto:CouncilEnquiry@emrc.org.au).



## EMRC Council Members

Cr Kathryn Hamilton	EMRC Member	Town of Bassendean
Cr Hilary MacWilliam	EMRC Member	Town of Bassendean
Cr Steven Ostaszewskyj	EMRC Member	City of Bayswater
Cr Michelle Sutherland	EMRC Member	City of Bayswater
Cr Dylan O'Connor	EMRC Member	City of Kalamunda
Cr Geoff Stallard	EMRC Member	City of Kalamunda
Cr John Daw	EMRC Member	Shire of Mundaring
Cr Doug Jeans	EMRC Member	Shire of Mundaring
Cr Mel Congerton	EMRC Member	City of Swan
Cr Charlie Zannino	EMRC Member	City of Swan

## EMRC Council Deputies

Cr Emily Wilding	EMRC Deputy Member	Town of Bassendean
Cr Giorgia Johnson	EMRC Deputy Member	City of Bayswater
Cr Janelle Sewell	EMRC Deputy Member	City of Kalamunda
Cr Jo Cicchini	EMRC Deputy Member	Shire of Mundaring
Cr Andrew Kiely	EMRC Deputy Member	City of Swan



## **Special Meeting of Council 4 November 2021**

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**1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

**1.1 ACKNOWLEDGEMENT OF COUNTRY**

We wish to acknowledge the traditional custodians of the land on which we meet today and to pay our respects to elders past, present and future.

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

Nil

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

Nil

**4 ELECTION OF EMRC CHAIRMAN AND DEPUTY CHAIRMAN**

4.1 ELECTION AND SWEARING IN OF EMRC CHAIRMAN (D2021/21156)

4.2 ELECTION AND SWEARING IN OF EMRC DEPUTY CHAIRMAN (D2021/21157)

## **4 ELECTION OF EMRC CHAIRMAN AND DEPUTY CHAIRMAN**

### **4.1 ELECTION AND SWEARING IN OF EMRC CHAIRMAN**

**D2021/21156**

#### **PURPOSE OF REPORT**

The purpose of this report is to provide for an election to be conducted for the Office of Chairman of the EMRC.

#### **KEY POINT(S)**

- Clause 7.3(1) of the Establishment Agreement of the EMRC provides for the election of a Chairman at the first meeting of the EMRC Council following the day on which biennial ordinary elections to elect councillors to the participants are held. The Chairman elected is to hold office until the election of a new Chairman.

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

That the members of the Council elect a Chairman by secret ballot.

#### **SOURCE OF REPORT**

Chief Financial Officer

#### **BACKGROUND**

- 1 The Establishment Agreement of the EMRC provides for the election of a Chairman at the first meeting of the EMRC Council following the day on which biennial ordinary elections to elect councillors to the participants are held. The Chairman elected is to hold Office until the election of a new Chairman.
- 2 It is a requirement of Schedule 2.3 of the *Local Government Act 1995* that the election is conducted by the CEO and the nominations for the Office of Chairman are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations. Furthermore, if a member is nominated by another member the CEO is not to accept the nomination unless the nominee has advised the CEO orally or in writing that he or she is willing to be nominated for the Office. Members are to vote on the matter by secret ballot.

#### **REPORT**

- 3 The CEO will preside at the meeting until the office of Chairman is filled.
- 4 The following material accompanies the agenda for this meeting as a means of assisting members of the Council to nominate themselves or another member for the Office of Chairman:
  1. A blank nomination form for the Office of Chairman, nominate oneself;
  2. A blank nomination form for the Office of Chairman, nominate another;
  3. A blank ballot paper for Election of EMRC Chairman; and
  4. A blank form for declaration by Elected Chairman.
- 5 A list of the Members who have been appointed to the EMRC Council, (as available from member Councils at the time of preparing this report), is also included in this report.
- 6 The completed nomination forms are to be given to the CEO before or when the CEO calls for them when dealing with this item at the meeting.

7 Following election, the Chairman will make a declaration of office.

8 **EMRC MEMBERS 2021 - 2023**

The following Councillors have been appointed by member Councils to the EMRC:

Cr Kathryn Hamilton	Town of Bassendean
Cr Hilary MacWilliam	Town of Bassendean
Cr Steven Ostaszewskyj	City of Bayswater
Cr Michelle Sutherland	City of Bayswater
Cr Dylan O'Connor	City of Kalamunda
Cr Geoff Stallard	City of Kalamunda
Cr John Daw	Shire of Mundaring
Cr Doug Jeans	Shire of Mundaring
Cr Mel Congerton	City of Swan
Cr Charlie Zannino	City of Swan

9 The following Councillors have been appointed to deputise for Members appointed to the EMRC:

Cr Emily Wilding	Town of Bassendean
Cr Giorgia Johnson	City of Bayswater
Cr Janelle Sewell	City of Kalamunda
Cr Jo Cicchini	Shire of Mundaring
Cr Andrew Kiely	City of Swan

**STRATEGIC/POLICY IMPLICATIONS**

10 Key Result Area 3 - Good Governance

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

**FINANCIAL IMPLICATIONS**

11 Nil

**SUSTAINABILITY IMPLICATIONS**

12 Nil

**RISK MANAGEMENT**

<b>Risk Failure to elect and appoint a Chairman will impact on fulfilling the role per s.2.8 of the Local Government Act 1995</b>		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Moderate
<b>Action/Strategy</b>		
➤ Elect a Chairman		

**MEMBER COUNCIL IMPLICATIONS**

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

**ATTACHMENT(S)**

1. A blank Nomination Form for the Office of Chairman, nominate oneself (D2021/21158)
2. A blank Nomination Form for the Office of Chairman, nominate another (D2021/21158)
3. A blank ballot Paper for Election of EMRC Chairman Voting Requirement (D2021/21160)
4. Declaration by Elected Chairman (D2021/21162)

**VOTING REQUIREMENT**

Secret Ballot

**RECOMMENDATION(S)**

That the members of the Council elect a chairman by secret ballot.



# EASTERN METROPOLITAN REGIONAL COUNCIL

## Nomination for Chairman

To the Chief Executive Officer

I hereby nominate myself, \_\_\_\_\_  
for the position of Chairman of the Eastern Metropolitan Regional Council for the term of Office commencing on the date of the election and continuing until a new Chairman is elected in accordance with Clause 7.4 of the EMRC Establishment Agreement.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date





# EASTERN METROPOLITAN REGIONAL COUNCIL

## Nomination for Chairman

To the Chief Executive Officer

I hereby nominate \_\_\_\_\_  
for the position of Chairman of the Eastern Metropolitan Regional Council for the term of Office commencing on the date of the election and continuing until a new Chairman is elected in accordance with Clause 7.4 of the EMRC Establishment Agreement.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

\* I \_\_\_\_\_ hereby certify that I accept the above nomination to the  
the position of Chairman of the Eastern Metropolitan Regional Council.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

\* This certificate is to be completed when a Representative is nominated by another Representative.



# EASTERN METROPOLITAN REGIONAL COUNCIL

4 November 2021

## Ballot Paper for the Election of the EMRC Chairman

### How to Vote

Place a tick  in the box next to the candidate you want to elect

Do not make any other marks on the Ballot Paper

**Cr First Name, Last Name**

**Cr First Name, Last Name**

**Cr First Name, Last Name**



***Local Government Act 1995***  
***Local Government (Constitution) Regulations 1998***

**Declaration by Elected Chairman**

I \_\_\_\_\_ of \_\_\_\_\_  
have been elected to the Office of Chairman of the Eastern Metropolitan Regional Council, declare that I take the office upon myself and will duly, faithfully, honestly and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at the EMRC Administration Office  
1<sup>st</sup> Floor  
226 Great Eastern Highway  
Ascot WA 6104

**4 November 2021**

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

## **4.2 ELECTION AND SWEARING IN OF EMRC DEPUTY CHAIRMAN**

**D2021/21157**

### **PURPOSE OF REPORT**

The purpose of this report is to provide for an election to be conducted for the Office of Deputy Chairman of the EMRC.

### **KEY POINT(S)**

- Section 7.3(1) of the EMRC Establishment Agreement provides for the election of a deputy chairman at the first meeting of the EMRC Council following the day on which biennial ordinary elections to elect councillors to the participants are held. The Deputy Chairman elected is to hold office until the election of a new Deputy Chairman.

### **RECOMMENDATION(S)**

That the members of the Council elect a Deputy Chairman by secret ballot.

### **SOURCE OF REPORT**

Chief Financial Officer

### **BACKGROUND**

- 1 The Establishment Agreement of the EMRC provides for the election of a Deputy Chairman at the first meeting of the EMRC Council following the day on which biennial ordinary elections to elect councillors to the participants are held. The Deputy Chairman elected is to hold Office until the election of a new Deputy Chairman.
- 2 It is a requirement of Schedule 2.3 of the *Local Government Act 1995* that the election is conducted by the Chairman and the nominations for the Office of Deputy Chairman are to be given to the CEO in writing before the meeting or to the Chairman before the close of nominations. Furthermore, if a member is nominated by another member the nominations cannot be accepted unless the nominee has advised the CEO or Chairman orally or in writing that he or she is willing to be nominated for the Office. Members are to vote on the matter by secret ballot.

### **REPORT**

- 3 The Chairman will conduct the election of the Deputy Chairman.
- 4 The following material accompanies the agenda for this meeting as a means of assisting members of the Council to nominate themselves or another member for the Office of Deputy Chairman of the EMRC:
  1. A blank Nomination Form for the Office of Deputy Chairman, nominate oneself;
  2. A blank Nomination Form for the Office of Deputy Chairman, nominate another;
  3. A blank Ballot Paper for Election of EMRC Deputy Chairman; and
  4. Declaration by Elected Deputy Chairman.
- 5 A list of the Members who have been appointed to the EMRC Council, (as available from member Councils at the time of preparing this report), is also included in this report.

6 The completed nomination forms are to be given to the CEO before the meeting or when the Chairman calls for them when dealing with this item at the meeting.

7 Following election, the Deputy Chairman will make a declaration of office.

**8 EMRC MEMBERS 2021 - 2023**

The following Councillors have been appointed by member Councils to the EMRC:

Cr Kathryn Hamilton	Town of Bassendean
Cr Hilary MacWilliam	Town of Bassendean
Cr Steven Ostaszewskyj	City of Bayswater
Cr Michelle Sutherland	City of Bayswater
Cr Dylan O'Connor	City of Kalamunda
Cr Geoff Stallard	City of Kalamunda
Cr John Daw	Shire of Mundaring
Cr Doug Jeans	Shire of Mundaring
Cr Mel Congerton	City of Swan
Cr Charlie Zannino	City of Swan

9 The following Councillors have been appointed to deputise for Members appointed to the EMRC:

Cr Emily Wilding	Town of Bassendean
Cr Giorgia Johnson	City of Bayswater
Cr Janelle Sewell	City of Kalamunda
Cr Jo Cicchini	Shire of Mundaring
Cr Andrew Kiely	City of Swan

**STRATEGIC/POLICY IMPLICATIONS**

10 Key Result Area 3 - Good Governance

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

**FINANCIAL IMPLICATIONS**

11 Nil

**SUSTAINABILITY IMPLICATIONS**

12 Nil

**RISK MANAGEMENT**

<b>Risk Failure to elect a Deputy Chairman will impact the fulfilment of the Chairman's role in the event the Chairman is unavailable</b>		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Moderate
<b>Action/Strategy</b>		
➤ Elect and appoint a Deputy Chairman		

**MEMBER COUNCIL IMPLICATIONS**

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

**ATTACHMENT(S)**

1. A blank Nomination Form for the Office of Deputy Chairman, nominate oneself (D2021/21163)
2. A blank Nomination Form for the Office of Deputy Chairman, nominate another (D2021/21163)
3. A blank Ballot Paper for Election of EMRC Deputy Chairman (D2021/21164)
4. A blank Form for Declaration by Elected Deputy Chairman (D2021/21164)

**VOTING REQUIREMENT**

Secret Ballot

**RECOMMENDATION(S)**

That the members of the Council elect a Deputy Chairman by secret ballot.



# EASTERN METROPOLITAN REGIONAL COUNCIL

## Nomination for Deputy Chairman

To the Chief Executive Officer

I hereby nominate myself, \_\_\_\_\_  
for the position of Deputy Chairman of the Eastern Metropolitan Regional Council for the term of Office commencing on the date of the election and continuing until a new Deputy Chairman is elected in accordance with Clause 7.4 of the EMRC Establishment Agreement.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date



# EASTERN METROPOLITAN REGIONAL COUNCIL

## Nomination for Deputy Chairman

To the Chief Executive Officer

I hereby nominate \_\_\_\_\_

for the position of Deputy Chairman of the Eastern Metropolitan Regional Council for the term of Office commencing on the date of the election and continuing until a new Deputy Chairman is elected in accordance with Clause 7.4 of the EMRC Establishment Agreement.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

\* I \_\_\_\_\_ hereby certify that I accept the above nomination to the position of Deputy Chairman of the Eastern Metropolitan Regional Council.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

\* This certificate is to be completed when a Representative is nominated by another Representative.





# EASTERN METROPOLITAN REGIONAL COUNCIL

4 November 2021

## Ballot Paper for the Election of the EMRC Deputy Chairman

### How to Vote

Place a tick  in the box next to the candidate you want to elect

Do not make any other marks on the Ballot Paper

**Cr First Name, Last Name**

**Cr First Name, Last Name**

**Cr First Name, Last Name**

**Local Government Act 1995**  
**Local Government (Constitution) Regulations 1998**

**Declaration by Elected Deputy Chairman**

I \_\_\_\_\_ of \_\_\_\_\_  
have been elected to the Office of Deputy Chairman of the Eastern Metropolitan Regional Council, declare that I take the office upon myself and will duly, faithfully, honestly and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at the EMRC Administration Office  
1<sup>st</sup> Floor  
226 Great Eastern Highway  
Ascot WA 6104

**4 November 2021**

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

**5 REPORTS OF EMPLOYEES - APPOINTMENT OF COMMITTEES**

- 5.1 APPOINTMENT OF MEMBERS TO THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE (D2021/21168)
- 5.2 APPOINTMENT OF MEMBERS TO THE AUDIT COMMITTEE (D2021/21166)
- 5.3 APPOINTMENT OF MEMBERS TO THE LEGAL COMMITTEE (D2021/21167)
- 5.4 APPOINTMENT OF MEMBER DELEGATE AND MEMBER DEPUTY DELEGATE TO THE MUNICIPAL WASTE ADVISORY COUNCIL (MWAC) (D2021/21204)

**5 REPORTS OF EMPLOYEES - APPOINTMENT OF COMMITTEES**

**5.1 APPOINTMENT OF MEMBERS TO THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE (CEOPRC)**

**D2021/21166**

**PURPOSE OF REPORT**

The purpose of this report is to appoint members to the Chief Executive Officer Performance Review Committee (CEOPRC).

**KEY POINT(S) AND RECOMMENDATION(S)**

- Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day.

**RECOMMENDATION(S)**

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995* the following Councillors be appointed to the Chief Executive Officer Performance Review Committee:

<b>Participant Local Government</b>	<b>Council Member</b>
Town of Bassendean	Cr .....
City of Bayswater	Cr .....
City of Kalamunda	Cr .....
Shire of Mundaring	Cr .....
City of Swan	Cr .....

**SOURCE OF REPORT**

Chief Financial Officer

**BACKGROUND**

Chief Executive Officer Performance Review Committee

Established	20 July 2006
Membership	Membership consists of five (5) Councillors, and will have no deputy members.
Meetings	The Committee meets as required, generally between February and June of each year.
Terms of Reference	<ul style="list-style-type: none"> <li>a. Review the CEO’s performance in accordance with the appropriate provisions contained within the CEO’s Contract of Employment and agreed performance objectives.</li> <li>b. Prepare and table the concluded Performance Review Report to the Council for consideration and actioning.</li> <li>c. Review the CEO’s performance on an on-going basis if the Council or the CEO perceives that there is a need to do so.</li> </ul>

- d. Determine the Performance Objectives to be met by the CEO for the following year and refer them to Council for consideration and actioning.
- e. Review the CEO's remuneration package, in accordance with the appropriate provisions of the CEO's Contract of Employment and refer the recommendations to Council for consideration and actioning.
- f. Review the CEO's Contract of Employment and make recommendations to Council in relation to varying the contract as and when necessary.
- g. Discuss with the CEO the possibility of extending his Term of Contract and entering into a new agreement for a further term, including any contract variations and make recommendations to Council for consideration and actioning.

**REPORT**

- 1 Section 5.11(1)(d) of the *Local Government Act 1995* (the Act) provides that the membership of a committee continues until the next ordinary elections day. The terms of appointment of members of this committee therefore expired on 16 October 2021.
- 2 It is a requirement of the Act that all officers employed for a term of more than one year are to undergo an annual performance review. It is a condition of the CEO's Contract of Employment that there will be at least an annual review of performance and an annual review of remuneration in accordance with contractual provisions.
- 3 The CEOPRC currently has 5 members, and as with other committees made up of Councillors, it is limited to five (5) i.e. one member from each member Council. In accordance with section 5.8 of the Act, committees are to have a minimum of three (3) members.
- 4 Deputies are not appointed to the CEOPRC as it is considered that the continuity of members during the annual performance review of the CEO is important to ensure a fair and objective process is followed.

**STRATEGIC/POLICY IMPLICATIONS**

- 5 Council Policy 2.1 provides for the establishment of a Chief Executive Officer Performance Review Committee.
- 6 Key Result Area 3 - Good Governance
  - 3.3 To provide responsible and accountable governance and management of the EMRC

**FINANCIAL IMPLICATIONS**

- 7 Nil

**SUSTAINABILITY IMPLICATIONS**

- 8 Nil

**RISK MANAGEMENT**

<b>Risk Failure to appoint Councillors to the CEOPRC will impact on Council to efficiently undertake the annual review of performance and annual review of remuneration for the CEO</b>		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Moderate
<b>Action/Strategy</b>		
➤ Appoint members to the CEOPRC		

**EMBER COUNCIL IMPLICATIONS**

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

**ATTACHMENT(S)**

Nil

**VOTING REQUIREMENT**

Absolute Majority

**RECOMMENDATION(S)**

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995* the following Councillors be appointed to the Chief Executive Officer Performance Committee:

<b>Participant Local Government</b>	<b>Council Member</b>
Town of Bassendean	Cr .....
City of Bayswater	Cr .....
City of Kalamunda	Cr .....
Shire of Mundaring	Cr .....
City of Swan	Cr .....

**COUNCIL RESOLUTION(S)**

MOVED CR

SECONDED CR

## 5.2 APPOINTMENT OF MEMBERS TO THE AUDIT COMMITTEE

D2021/21167

### PURPOSE OF REPORT

The purpose of this report is to appoint members to the Audit Committee.

### KEY POINT(S) AND RECOMMENDATION(S)

- Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day.

### RECOMMENDATION(S)

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995*. The following Councillors be appointed as members and deputy members to the Audit Committee:

Participant Local Government	Committee Member	Deputy Member	Second Deputy Member
Bassendean	Cr	Cr	Cr
Bayswater	Cr	Cr	Cr
Kalamunda	Cr	Cr	Cr
Mundaring	Cr	Cr	Cr
Swan	Cr	Cr	Cr

### 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 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.

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.

### REPORT

- 1 Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day. The terms of appointment of members of this committee therefore expired on 16 October 2021.

- 2 Nominations for Councillor members of the Audit Committee (AC) are being sought as part of this report item.
- 3 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 committee flow of business.
- 4 Nominations for Deputy Councillor members of the AC will automatically be the other Councillor member of each participant member Council.
- 5 Nominations for the Second Deputy Councillor member of the AC will be automatically the Deputy Councillor member of each participant member Council.
- 6 In the event that the Committee member is unable to attend a meeting, he or she is to organise with the deputy Committee member or the second Deputy Committee member from the same participant member Council to attend in his or her place as well as notify the EMRC.

**STRATEGIC/POLICY IMPLICATIONS**

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

8 Key Result Area 3 - Good Governance

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

**FINANCIAL IMPLICATIONS**

9 Nil

**SUSTAINABILITY IMPLICATIONS**

10 Nil

**RISK MANAGEMENT**

<b>Risk – Failure to appoint members to the Audit Committee will result in a breach of the requirement of s.7.1A of the Local Government Act 1995.</b>		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Moderate
<b>Action/Strategy</b>		
➤ Appoint members to the AC		



**MEMBER COUNCIL IMPLICATIONS**

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

**ATTACHMENT(S)**

Nil

**VOTING REQUIREMENT**

Absolute Majority

**RECOMMENDATION(S)**

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995*. The following Councillors be appointed as members and deputy members to the Audit Committee:

Participant Local Government	Committee Member	Deputy Member	Second Deputy Member
Bassendean	Cr	Cr	Cr
Bayswater	Cr	Cr	Cr
Kalamunda	Cr	Cr	Cr
Mundaring	Cr	Cr	Cr
Swan	Cr	Cr	Cr

**COUNCIL RESOLUTION(S)**

MOVED CR

SECONDED CR

### 5.3 APPOINTMENT OF MEMBERS TO THE LEGAL COMMITTEE

D2021/21168

#### PURPOSE OF REPORT

The purpose of this report is to appoint members to the Legal Committee.

#### KEY POINT(S) AND RECOMMENDATION(S)

- Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day.

#### RECOMMENDATION(S)

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995*. The following Councillors be appointed as members to the Legal Committee:

Participant Local Government	Committee Member	Deputy Member	Second Deputy Member
Bassendean	Cr	Cr	Cr
Bayswater	Cr	Cr	Cr
Kalamunda	Cr	Cr	Cr
Mundaring	Cr	Cr	Cr
Swan	Cr	Cr	Cr

#### SOURCE OF REPORT

Chief Financial Officer

#### BACKGROUND

Legal Committee

Established 8 February 2021

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

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

Terms of Reference

- 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.

**REPORT**

- 1 Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day. The terms of appointment of members of this committee therefore expired on 16 October 2021.
- 2 Nominations for Committee members of the LC are being sought as part of this report item.
- 3 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.
- 4 Nominations for Deputy Councillor members of the LC will automatically be the other Councillor member of each participant member Council.
- 5 Nomination for the Second Deputy Councillor members of the LC will be automatically the Deputy Councillor member of each participant member Council.,
- 6 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.

**STRATEGIC/POLICY IMPLICATIONS**

- 7 Council Policy 2.1 provides for the establishment of the Legal Committee.
- 8 Key Result Area 3 - Good Governance
  - 3.3 To provide responsible and accountable governance and management of the EMRC

**FINANCIAL IMPLICATIONS**

- 9 Nil

**SUSTAINABILITY IMPLICATIONS**

- 10 Nil

**RISK MANAGEMENT**

<b>Risk – Failure to appoint members to the Legal Committee will impact on the ability of the EMRC to respond to legal matters in a timely manner.</b>		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Moderate
<b>Action/Strategy</b>		
➤ Appoint members to the LC.		

**MEMBER COUNCIL IMPLICATIONS**

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

**ATTACHMENT(S)**

Nil

**VOTING REQUIREMENT**

Absolute Majority

**RECOMMENDATION(S)**

That by absolute majority, in accordance with section 5.10 of the *Local Government Act 1995*. The following Councillors be appointed as members to the Legal Committee:

Participant Local Government	Committee Member	Deputy Member	Second Deputy Member
Bassendean	Cr	Cr	Cr
Bayswater	Cr	Cr	Cr
Kalamunda	Cr	Cr	Cr
Mundaring	Cr	Cr	Cr
Swan	Cr	Cr	Cr

**COUNCIL RESOLUTION(S)**

MOVED CR

SECONDED CR

## 5.4 APPOINTMENT OF MEMBER DELEGATE AND MEMBER DEPUTY DELEGATE TO THE MUNICIPAL WASTE ADVISORY COUNCIL (MWAC)

D2021/21204

### PURPOSE OF REPORT

The purpose of this report is to review the Council's appointment of delegates and deputy delegates to the Municipal Waste Advisory Council (MWAC).

### KEY POINT(S) AND RECOMMENDATION(S)

- There is no term of office for these appointments as the EMRC is the member, not the individual nominated delegate. The member can continue as a delegate for as long as he/she is a member of the EMRC and until such time as the EMRC nominates a different delegate. Council however reviews the appointment of member and deputy member delegates to MWAC following each ordinary elections day.

### RECOMMENDATION(S)

That:

1. Cr ..... be the Member Delegate to the Municipal Waste Advisory Council and Cr ..... be the Deputy Member Delegate to the Municipal Waste Advisory Council.
2. The Chief Executive Officer (CEO) be the Officer Delegate to the Municipal Waste Advisory Council and that the Chief Operating Officer be the Deputy Officer Delegate to the Municipal Waste Advisory Council.

### SOURCE OF REPORT

Chief Financial Officer

### BACKGROUND

- 1 EMRC Policy 1.1 Election of MWAC Representatives states that:
  1. The Council will elect a Member Delegate and Member Deputy Delegate and an Officer Delegate and Deputy Delegate to represent the EMRC on the MWAC.
  2. If either the Member Delegate or Officer Delegate is not present at a MWAC meeting the Member Deputy Delegate or Officer Deputy Delegate will be eligible to vote on behalf of the EMRC.
- 2 The Municipal Waste Advisory Council (MWAC) is a standing committee of the Western Australian Local Government Association with delegated authority on municipal waste issues.
- 3 MWAC's membership includes the major Regional Councils. This makes MWAC a forum through which all the major Local Government waste management organisations cooperate.
- 4 MWAC focuses its work in three main waste management areas:
  - The proactive development of policy on priority issues;
  - Comprehensive representation of Local Government views on legislation, regulations, administrative policy and related matters; and
  - The delivery of grant funded programs consistent with Local Government priorities.

5 There is no sitting fee for MWAC members. The MWAC meeting calendar for 2021/2022 and 2023 is as follows:

2021	2022	2023
Wed 8 December 2021	Wed 23 February 2022	Wed 22 February 2023
	Wed 27 April 2022	Wed 19 April 2023
	Wed 29 June 2022	Wed 28 June 2023
	Wed 24 August 2022	Wed 30 August 2023
	Wed 26 October 2022	Wed 18 October 2023
	Wed 7 December 2022	Wed 6 December 2023

6 The meetings will be held at WALGA, One70 - 170 Railway Parade, West Leederville, or online.

7 The meetings run from 4:00pm to 6:00pm and are followed by a light supper. Agendas are posted out the Wednesday prior to the meeting, and posted on the WasteNet website.

8 Members of MWAC are expected to:

- Attend all meetings (extenuating circumstances excepted);
- Have some background knowledge/and or interest in waste management issues generally;
- Read their agendas prior to meetings;
- Act as a representative of their Regional Council and community; and
- Contribute knowledge/opinions/ideas in MWAC meetings.

9 Basically the expectation of MWAC members is that they attend meetings, are interested and contribute ideas, etc. There are occasional workshops/seminars/conferences for Elected Members, but the Chairman will usually act as the MWAC representative in this instance, and other Elected Members can optionally attend.

### REPORT

10 MWAC member organisations include the Eastern Metropolitan Regional Council, Resource Recovery Group (formerly known as Southern Metropolitan Regional Council), Western Metropolitan Regional Council, Mindarie Regional Council, Bunbury-Harvey Regional Council, Mid West Regional Council and City of Greater Geraldton. MWAC technical advice comes through the Officers' Advisory Group (OAG) which includes CEOs and senior officers of Regional Councils as well as representatives from the metropolitan and non-metropolitan zones.

11 There is no term of office for these appointments as the EMRC is the member, not the individual nominated delegate. The member can continue as a delegate for as long as he/she is a member of the EMRC and until such time as the EMRC nominates a different delegate. Council reviews the appointment of member and deputy member delegates to MWAC following each ordinary elections day.

### STRATEGIC/POLICY IMPLICATIONS

12 EMRC Policy 1.1 Election of MWAC Representatives

### FINANCIAL IMPLICATIONS

13 Nil

**SUSTAINABILITY IMPLICATIONS**

14 Nil

**RISK MANAGEMENT**

<b>Risk Failure to appoint delegate to MWAC will impact EMRC's representation of the sector and impact on MWAC to accurately and effectively represent the sector on such key issues relating to Government policy legislation and regulation</b>		
<b>Consequence</b>	<b>Likelihood</b>	<b>Rating</b>
Moderate	Unlikely	Moderate
<b>Action/Strategy</b>		
➤ Appoint delegates to MWAC		

**MEMBER COUNCIL IMPLICATIONS**

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

**ATTACHMENT(S)**

Nil

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION(S)**

That:

1. Cr ..... be the Member Delegate to the Municipal Waste Advisory Council and Cr ..... be the Deputy Member Delegate to the Municipal Waste Advisory Council.
2. The Chief Executive Officer (CEO) be the Officer Delegate to the Municipal Waste Advisory Council and that the Chief Operating Officer be the Deputy Officer Delegate to the Municipal Waste Advisory Council.

**COUNCIL RESOLUTION(S)**

MOVED CR

SECONDED CR

**6 FUTURE MEETINGS OF COUNCIL**

The next Ordinary meeting of Council is scheduled to be on Thursday, 25 November 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 25 November at EMRC Administration Office

**Future Meetings 2022**

Thursday	24	February		at	EMRC Administration Office
Thursday	24	March		at	EMRC Administration Office
Thursday	28	April	(If Required)	at	EMRC Administration Office
Thursday	26	May	(If Required)	at	EMRC Administration Office
Thursday	23	June		at	EMRC Administration Office
Thursday	28	July	(If Required)	at	EMRC Administration Office
Thursday	25	August	(If Required)	at	EMRC Administration Office
Thursday	22	September	(If Required)	at	EMRC Administration Office
Thursday	27	October	(If Required)	at	EMRC Administration Office
Thursday	24	November	(If Required)	at	EMRC Administration Office

**7 DECLARATION OF CLOSURE OF MEETING**