

AGENDA

D2022/09412

Agenda Briefing Forum

9 June 2022

Notice of Meeting

Dear Councillors

The next Agenda Briefing Forum will be held on Thursday, 9 June 2022 at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 6:00pm.



Marcus Geisler | Chief Executive Officer

3 June 2022

Please Note

If any Councillor 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 recorded for administrative purposes only.

Per the meeting structure as adopted by the EMRC Council, there will be no public questions at Agenda Briefing Forums.

Public question time will continue as usual at Ordinary Meetings of Council and questions may be submitted electronically prior to the meeting, no later than 4.00pm on the day of the meeting to CouncilEnquiry@emrc.org.au.



EMRC Council Members

Cr Mel Congerton	EMRC Chairman	City of Swan
Cr Dylan O'Connor	EMRC Deputy Chairman	City of Kalamunda
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 Margaret Thomas	EMRC Member	City of Kalamunda
Cr John Daw	EMRC Member	Shire of Mundaring
Cr Doug Jeans	EMRC Member	Shire of Mundaring
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



Agenda Briefing Forum

9 June 2022

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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)

3 DISCLOSURE OF INTERESTS

4 ANNOUNCEMENTS BY THE CHAIRMAN OR PRESIDING MEMBER WITHOUT DISCUSSION

NOTE: Section 5.23(2) of the *Local Government Act 1995*, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters; security matters; among others.

The following confidential report is covered in Section 6 of this agenda:

- REGIONAL WASTE COLLECTION SERVICE UPDATE (D2022/09442)

5 REPORTS OF EMPLOYEES

- 5.1 PROPOSED NEW COUNCIL POLICY 1.12 – PERSONAL PROTECTIVE EQUIPMENT (PPE) COSTS INCURRED BY COUNCIL MEMBERS (D2022/06987)
- 5.2 REQUEST FOR QUOTATION RFQ 2022-103 – SUPPLY AND DELIVERY OF ONE 20 TONNE WHEEL LOADER FOR THE RED HILL WASTE MANAGEMENT FACILITY (D2022/08673)
- 5.3 REVIEW OF COUNCIL POLICIES (D2022/09486)
- 5.4 EXEMPTION FROM TENDER REGULATION FOR A CONTRACTOR (D2022/09486)
- 5.5 INFORMATION BULLETIN – COFFS HARBOUR WASTE CONFERENCE 2022 (D2022/08664)

5.1 PROPOSED NEW COUNCIL POLICY 1.12 – PERSONAL PROTECTIVE EQUIPMENT (PPE) COSTS INCURRED BY COUNCIL MEMBERS

D2022/06987

PURPOSE OF REPORT

The purpose of this report is to consider a new Council Policy 1.12 – PPE Costs Incurred by Council Members to establish a guideline to approve the reimbursement of expenditure incurred by Councillor Members and Deputy Members for such PPE as determined by the EMRC Chief Executive Officer to be necessary to conduct site visits to minimise exposure to hazards.

KEY POINT(S)

- To enable Councillors to discharge their duties as Councillors, PPE is required for reference site visits which are often required to ensure Councillors are across key matters to make informed decisions when voting at Council meetings on various motions and officer recommendations. This is particularly the case for major business undertakings as well as reviewing progress on major projects the EMRC has embarked on.
- The new proposed Council Policy 1.12 – Personal Protective Equipment (PPE) Costs Incurred by Council Members establishes a guideline to approve the reimbursement of expenditure incurred by Councillor Members and Deputy Members for such PPE as determined by the EMRC Chief Executive Officer to be necessary to conduct site visits to minimise exposure to hazards.

RECOMMENDATION(S)

That Council by absolute majority in accordance with s.5.98 of the *Local Government Act 1995* adopts a new Council Policy 1.12 - Personal Protective Equipment (PPE) Costs Incurred by Council Members forming the attachment to this report.

SOURCE OF REPORT

Chief Executive Officer

BACKGROUND

- 1 Due to the nature of the EMRC's major undertakings, site visits such as the recent visit to the HZI East Rockingham Resource Recovery Project require the need for appropriate PPE.
- 2 Currently, the EMRC has not established a policy or a decision by Council to reimburse Council Members any costs associated with PPE that may be incurred by Council Members in discharging their duties as EMRC Councillors and Deputy Councillors.
- 3 In accordance with section 5.98(2) of the *Local Government Act 1995* a Council Member who incurs an expense of a kind prescribed as being an expense is entitled to be reimbursed for the expense where the local government has set the extent to which the expense can be reimbursed and where the reimbursement of the expense is approved generally.
- 4 Therefore, a policy is required to provide some guidelines around the approval process for claims for PPE costs incurred by Council Members.

5 At the 24 February 2022 Ordinary Meeting of Council, a notice of motion was received and Council resolved:

“THAT COUNCIL IN ACCORDANCE WITH S.5.98 OF THE LOCAL GOVERNMENT ACT 1995 APPROVES THE REIMBURSEMENT OF EXPENDITURE INCURRED BY COUNCIL MEMBERS AND DEPUTY MEMBERS GENERALLY FOR SUCH PERSONAL PROTECTIVE EQUIPMENT (PPE) AS DETERMINED BY THE CHIEF EXECUTIVE OFFICER TO BE NECESSARY TO CONDUCT SITE VISITS TO MINIMISE EXPOSURE TO HAZARDS.”

REPORT

6 PPE is equipment designed to minimise exposure to hazards that may cause serious workplace injuries, harm and illnesses. These injuries and illnesses arise from contact with physical, electrical, mechanical or other workplace hazards. PPE may include items such as gloves, safety glasses and steel cap shoes, earplugs, muffs, hard hats, respirators, coveralls, vests and full body suits.

7 The requirement for PPE is to be determined on a case by case basis by the CEO as some form of the PPE may already be available by the host of the site(s) for the purposes of the Council Members’ visits.

8 The purpose of the new policy is to have a framework to approve the reimbursement of expenditure incurred by Councillor Members and Deputy Members for such PPE as determined by the EMRC Chief Executive Officer to be necessary to conduct site visits to minimise exposure to hazards.

9 Claims for PPE costs incurred by Council Members must be made in writing to the EMRC Chief Executive Officer for approval, detailing the date and purposes of the PPE, be signed by the Councillor and include a receipt or tax invoice of the PPE being reimbursed.

10 Claims by members of Council for PPE costs incurred may be made in the following circumstances:

- The Council members’ attendance is necessary to conduct site visits to EMRC and non-EMRC sites to minimise exposure to hazards.
- The Council member is attending in his/her capacity associated with performing a function under the express authority of Council or in accordance with the Establishment Agreement of the EMRC; be reimbursed for the required PPE on the basis as detailed in the Council Policy 1.12 - Personal Protective Equipment (PPE) Costs Incurred by Council Members.

11 Regulation 32 of the *Local Government (Administration) Regulations 1996* gives effect to the kinds of expenses that may be approved by any local government for reimbursement by the local government and includes an expense by a Council Member in performing a function under the express authority of the local government.

12 Under regulation 44 of the *Local Government (Financial Management) Regulations 1996* the nature of the fee, expense or allowance and the total amount or value of each class of fee, expense or allowance is to be included in the local government’s annual financial report.

STRATEGIC/POLICY IMPLICATIONS

13 Key Result Area 3 – Good Governance

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

FINANCIAL IMPLICATIONS

14 A statutory provision which requires a budget allocation.

SUSTAINABILITY IMPLICATIONS

15 Nil

Risk – The lack of making appropriate PPE available to Councillors may result in less than ideal and risk situations

Consequence	Likelihood	Rating
Moderate	Likely	High
Action/Strategy		
➤ Council to adopt the proposed Council Policy 1.12 - Personal Protective Equipment (PPE) Costs Incurred by Council Members in accordance with section 5.98 of the <i>Local Government Act 1995</i>		

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)

Proposed new Council Policy 1.12 – Personal Protective Equipment (PPE) Costs Incurred by Council Members (D2022/07249)

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION(S)

That Council by absolute majority in accordance with s.5.98 of the *Local Government Act 1995* adopts a new Council Policy 1.12 - Personal Protective Equipment (PPE) Costs Incurred by Council Members forming the attachment to this report.

COUNCIL RESOLUTION(S)

MOVED

SECONDED



Council Policy 1.12

Personal Protective Equipment (PPE) Costs Incurred by Council Members Policy

Strategic Plan Objective

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

Purpose

To establish a policy to approve the reimbursement of expenditure incurred by Councillor Members and Deputy Members for such PPE as determined by the EMRC Chief Executive Officer to be necessary to conduct site visits to minimise exposure to hazards.

Legislation

Local Government Act (1995) s5.98

Local Government (Administration) Regulations 1996, Reg. 32

Local Government (Financial Management) Regulations 1996, Reg. 44

Policy Statement

- Claims by members of Council for PPE costs incurred may be made in the following circumstances:
 - ⇒ The members attendance is necessary to conduct site visits to EMRC and non – EMRC sites to minimise exposure to hazards.
 - ⇒ The member is attending in his/her capacity associated with performing a function under the express authority of Council or in accordance with the Establishment Agreement of the EMRC; be reimbursed for the required PPE on the basis as detailed in this policy.
- Claims for PPE costs incurred by Council Members must be made in writing to the EMRC Chief Executive Officer for approval, detailing the date and purposes of the PPE, be signed by the Councillor and include a receipt or tax invoice of the PPE for reimbursement.



Financial Considerations

A statutory provision which requires a budget allocation.

Adopted/Reviewed

23 June 2022

Next Review

Following the Ordinary Elections in 2023

Responsible Unit

Business Support Team

5.2 REQUEST FOR QUOTATION RFQ 2022–103 – SUPPLY AND DELIVERY OF ONE 20 TONNE WHEEL LOADER FOR THE RED HILL WASTE MANAGEMENT FACILITY

D2022/08673

PURPOSE OF REPORT

The purpose of this report is to recommend acceptance of RFQ 2022-103 for the supply and delivery of one (1) 20 tonne wheel loader for use at the Red Hill Waste Management Facility from Hitachi Construction Machinery (Australia) Pty Ltd.

KEY POINT(S)

- The current 20 tonne wheel loader (P3173) located at the Red Hill Waste Management Facility has reached the point for replacement based on operating hours and operability in accordance with the EMRC's plant replacement programme.
- Quotations were sought for a 20 tonne wheel loader including warranty and a maintenance service agreement via the WALGA vendor panel.
- The request for quotation closed on 11 March 2022 and eight (8) quotations were received.

RECOMMENDATION(S)

That Council accept:

1. The quotation for the supply and delivery to the Red Hill Waste Management Facility of one (1) Hitachi ZW250-5 (Isuzu engine) 20 tonne wheel loader including a five (5) year/8,000 hours extended warranty and additional extras submitted by Hitachi Construction Machinery (Australia) Pty Ltd, for the sum of \$414,829.10 (ex GST).
2. The offer to undertake a fixed price preventative maintenance agreement for the Hitachi ZW250-5 (Isuzu engine) 20 tonne wheel loader to be located at the Red Hill Waste Management Facility for a one (1) year/2,000 hours period submitted by Hitachi Construction Machinery (Australia) Pty Ltd at a total cost of \$11,136.00 (ex GST), equating to \$5.57/operating hour (ex GST).

SOURCE OF REPORT

Chief Operating Officer

BACKGROUND

- 1 Under the EMRC's plant replacement programme, the current 20 wheel loader (P3173) utilised at the Red Hill Waste Management Facility is due for replacement having reached its serviceability and its limit of warranty and reliability. The Red Hill Waste Management Facility requires a replacement 20 tonne wheel loader to be utilised for works on site including:
 - ⇒ Civil repair work around site, including capping and stormwater infrastructure;
 - ⇒ Relocation of materials on site (cover material, clay etc);
 - ⇒ Loading and unloading of materials onto customer trucks;
 - ⇒ Turning and processing of FOGO; and
 - ⇒ Turning greenwaste to assist composting process.

- 2 It is intended that the 20 tonne wheel loader being replaced (P3173) will be moved to the Hazelmere Resource Recovery Park to be used at the commercial waste transfer station. There are plans to refurbish the 20 tonne loader before its intended use at the commercial waste transfer station.

REPORT

- 3 RFQ 2022–103 for the supply and delivery of one (1) 20 tonne wheel loader for use at the Red Hill Waste Management Facility was issued on WALGA’s vendor panel on 25 February 2022 with a submissions closing date of 11 March 2022.

- 4 Eight (8) quotations were received for the replacement 20 tonne wheel loader from the following suppliers:

- ⇒ AFGRI Equipment (Australia) Pty Ltd;
- ⇒ BT Equipment Pty Ltd t/a Tutt Bryant Equipment;
- ⇒ Clark Equipment Sales Pty Ltd;
- ⇒ JCB Construction Equipment Australia (JCB CEA);
- ⇒ Hitachi Construction Machinery (Australia) Pty Ltd;
- ⇒ Komatsu Australia Pty Ltd;
- ⇒ McIntosh and Son; and
- ⇒ WesTrac Pty Ltd.

- 5 An evaluation panel of EMRC officers assessed and scored the submissions on the following qualitative criteria:

Description of Qualitative Criteria	Weighting
a) Specifications	40%
b) Critical Parts Availability	10%
c) Delivery	5%
d) Extended Warranty	5%

- 6 Price was weighted at 40% of the evaluation.
- 7 The compliance check in the evaluation process determined that three (3) submissions were non-compliant and therefore those submissions were not considered any further.
- 8 The evaluation process determined that the submission from Hitachi Construction Machinery (Australia) Pty Ltd for the Hitachi ZW250-5 (Isuzu engine) twenty (20) tonne wheel loader included all the items in the specification, including an extended warranty for five (5) years/8,000 hours, a preventative maintenance agreement for one (1) year/2,000 hours and which meets the EMRC’s requirements.
- 9 The quotation from Hitachi Construction Machinery (Australia) Pty Ltd for a total cost of \$425,965.10 (ex GST) including extended warranty, preventative maintenance agreement and additional extras is recommended for acceptance as the preferred supplier.
- 10 The anticipated delivery date is approximately 8 TO 12 weeks from placement of the order with the preferred supplier.

STRATEGIC/POLICY IMPLICATIONS

- 11 Key Result Area 1 – Environmental Sustainability
 - 1.1 To provide sustainable waste disposal operations
 - 1.2 To improve regional waste recovery management

FINANCIAL IMPLICATIONS

- 12 The adopted 2021/2022 Annual Budget provides for proposed capital expenditure for plant replacement.

SUSTAINABILITY IMPLICATIONS

- 13 Nil

RISK MANAGEMENT

Risk – Request for Quotes that are over the Chief Executive Officer’s delegated authority limit must be approved by Council prior to the award of the contract.

Consequence	Likelihood	Rating
Moderate	Possible	Moderate
Action/Strategy		
➤ Council to authorise the CEO to enter into a contract with the recommended supplier the subject of this report.		

MEMBER COUNCIL IMPLICATIONS

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

ATTACHMENT(S)

Supplier Company Details (D2022/09286)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That Council accept:

1. The quotation for the supply and delivery to the Red Hill Waste Management Facility of one (1) Hitachi ZW250-5 (Isuzu engine) 20 tonne wheel loader including a five (5) year/8,000 hours extended warranty and additional extras submitted by Hitachi Construction Machinery (Australia) Pty Ltd, for the sum of \$414,829.10 (ex GST).
2. The offer to undertake a fixed price preventative maintenance agreement for the Hitachi ZW250-5 (Isuzu engine) 20 tonne wheel loader to be located at the Red Hill Waste Management Facility for a one (1) year/2,000 hours period submitted by Hitachi Construction Machinery (Australia) Pty Ltd at a total cost of \$11,136.00 (ex GST), equating to a cost of \$5.57/operating hour (ex GST).

COUNCIL RESOLUTION(S)

MOVED

SECONDED



Eastern Metropolitan Regional Council
 226 Great Eastern Highway, Ascot WA 6104
 PO Box 234, Belmont WA 6984
 T (08) 9424 2222
 E mail@emrc.org.au
 www.emrc.org.au

COMPANY DIRECTOR DETAILS FORM

COMPANY PARTICULARS	
Company Name in Full:	Hitachi Construction Machinery Aust Pty Ltd
ABN / ACN:	62 000 080 179
Address of Registered Office:	107 Allen Road Forrestdale WA 6112
Principal Place of Business:	As Above
Information on previous company names (if applicable):	
DIRECTOR PARTICULARS	
Title:	DIRECTOR OPERATIONS
Full Forename(s):	ANTHONY
Surname:	PILBROW
Former Name(s):	
Country / State of Residence:	AUSTRALIA
Nationality:	AUSTRALIAN
Date of Birth:	23.1.66
Date of Appointment:	APRIL 2021
Telephone:	0400382807
Email:	pilbrow@hema.com.au
LIST OF CONTRACTORS	
Contractor 1:	
Contractor 2:	
Contractor 3:	
Contractor 4:	
Contractor 5:	
Contractor 6:	
Contractor 7:	
Director's Signature:	
Date:	

Please complete and return this form with your tender submission

5.3 REVIEW OF COUNCIL POLICIES

D2022/06224

PURPOSE OF REPORT

The purpose of this report is to review five (5) of the EMRC's policies in accordance with Council's decision of 6 December 2018 that all EMRC policies be reviewed in the twelve months following the Local Government ordinary election day in 2021.

KEY POINT(S)

- Council Policies 1.7, 3.6, 3.7 and 6.2 were last fully reviewed at the meeting of Council held on 6 December 2018.
- Council Policy 1.5 was last fully reviewed at the meeting of Council held on 23 March 2019.
- At the meeting of Council held on 24 March 2022 Council resolved to defer the adoption of the five (5) Council policies to allow Cr Ostaszewskyj to make some proposed amendments to Council Policy 1.5 Meeting Agenda/Minutes – Confidential Items, which are now incorporated into the report.
- It is proposed that the existing policies, as revised, be adopted.

RECOMMENDATION(S)

That:

1. With the exception of Council Policy, which is withdrawn, Council adopts the policies as reviewed and amended forming attachment 3 to this report.
2. That the adopted policies, as reviewed and amended forming attachment 3 to this report, be reviewed in the twelve months following the ordinary election day in 2023.

SOURCE OF REPORT

Chief Financial Officer

BACKGROUND

1 The following five (5) Council policies:

1. Council Policy 1.5 - Meeting Agenda/Minutes - Confidential Items;
2. Council Policy 1.7 - Legal Representation Costs Indemnification;
3. Council Policy 3.6 - Asset Management;
4. Council Policy 3.7 - Related Party Transaction and Disclosure; and
5. Council Policy 6.2 - Appointed Members and Staff - Conferences, Seminars, and Other Events.

were last reviewed at the meeting of Council held on 6 December 2018 (D2018/14285) and Council resolved inter alia that:

“All EMRC policies be reviewed in the twelve months following the ordinary election day in 2021.”

2 Council Policy 1.5 - Meeting Agenda/Minutes - Confidential Items, was again reviewed at the meeting of Council held on 21 March 2019 (D2019/03460)

- 3 On 24 March 2022 at the Ordinary Meeting of Council, the five policies were tabled as part of the regular review of Council Policies.
- 4 Council resolved to defer the item to enable Cr Ostaszewskyj the opportunity to provide further comment specifically on Council Policy 1.5 Meeting Agenda/Minutes – Confidential Items to make some proposed changes for Council's consideration.

REPORT

- 5 The policies of the EMRC, determined by Council as required by Section 2.7(2)(b) of the *Local Government Act 1995* (the Act), guide and inform management and the public about key Council principles. It is important that policies are reviewed periodically and amended where necessary.
- 6 EMRC's Executive Leadership Team, together with relevant Officers, have undertaken a comprehensive review of the five (5) policies. The following objectives were used as a basis for undertaking the review:
 - To ensure policies met the definition of a policy;
 - To incorporate in the policies appropriate amendments to account for changes due to legislative changes (if any) or details such as dates, times and values since the last review;
 - To realign all Council policies with the adopted EMRC 10 Year Strategic Plan 2017 - 2027 under the heading 'Strategic Plan Objective'; and
 - To ensure the policies are contemporary and appropriate for the Council.
- 7 Cr Ostaszewskyj's proposed changes to Council Policy 1.5 Meeting Agenda/Minutes – Confidential Items have now been included for Council's consideration and endorsement.
- 8 Five (5) policies have been reviewed and the changes are tabled here for Council's consideration.
- 9 A summary of the proposed changes to the Council policies are provided in Attachment 1 of this report.
- 10 The main types of considerations for this review are as follows:
 - Maintain the current policy without amendment;
 - Maintain the policy with amendments; and
 - Delete the policy if it is no longer required, for example if these are covered under the *Local Government Act 1995* and regulations or has been incorporated into another policy.
- 11 No policy has been recommended for deletion.
- 12 The proposed changes are tracked and provided in Attachment 2 of this report.
- 13 All the changes are minor updates only. No significant changes have been made to the policies that affect the intent.
- 14 A clean copy of the final draft of the five (5) policies are tabled for Council's consideration for adoption, forming Attachment 3 of this report.

STRATEGIC/POLICY IMPLICATIONS

- 15 Key Result Area 3 – Good Governance
 - 3.3 To provide responsible and accountable governance and management of the EMRC.

FINANCIAL IMPLICATIONS

16 Nil

SUSTAINABILITY IMPLICATIONS

17 The policies under review contributes to sustainability by informing management and the public about key Council principles.

RISK MANAGEMENT

Risk – Non-Compliance with Local Government Act and Administration Regulations.		
Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate
Action/Strategy		
➤ Council to adopt the new and revised Council Policies 1.5, 1.7, 3.6, 3.7 and 6.2		

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)

1. Summary of five (5) x EMRC policies and recommended changes (D2022/06222)
2. Five (5) x EMRC policies with tracked changes to the documents (D2022/06204)
3. Five (5) x EMRC policies incorporating changes made i.e. final policy documents (D2022/06214)

VOTING REQUIREMENT

Simple Majority



RECOMMENDATION(S)

That:

1. With the exception of Council Policy, which is withdrawn, Council adopts the policies as reviewed and amended forming attachment 3 to this report.
2. That the five (5) policies, as reviewed and amended forming attachment 3 to this report, be reviewed in the twelve months following the ordinary election day in 2023.

COUNCIL RESOLUTION(S)

MOVED

SECONDED



Summary of EMRC Policies and Recommended Changes

1.0 MANAGEMENT

No:	Policy Title	Summary of Changes
1.5	Meeting Agenda / Minutes – Confidential Items Policy	Keep with minor amendments, including Cr Ostaszewskyj changes
1.7	Legal representation costs indemnification	Keep with minor amendments

3.0 FINANCE

No:	Policy Title	Summary of Changes
3.6	Asset Management Policy	Keep with minor amendments
3.7	Related Party Transaction and Disclosure Policy	Keep with minor amendments

6.0 CONFERENCES

No:	Policy Title	Summary of Changes
6.2	Reimbursement of Expenses for Conferences, Seminars and Other Events	Keep with minor amendments



Council Policy 1.5

Meeting Agenda/Minutes - Confidential Items

Strategic Plan Objective

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

Purpose

To ensure that confidential items, appearing on the Council and/or Committee agendas are easily recognised so that they can be dealt with in accordance with their special nature.

Legislation

Local Government Act 1995 s.5.23, s.5.25(1)(j), 5.94 and 5.95

Local Government (Administration) Regulations 1996 s.5.23, r14, 29 and 29A

Local Government (Rules of Conduct) Regulations 2007

Freedom of Information Act 1992 r.6 Schedule 1 Clause 4

EMRC Standing Order Local Law 2013 clauses, 4.20 and 5.13

Policy Statement

1. That in accordance with s.5.23 of the Local Government Act, items which at the discretion of the Chief Executive Officer (CEO) are ~~felt to require confidentiality~~ are to be distributed separate from but accompanying the Council and/or Committee agendas and marked confidential. ~~on paper of a colour not used elsewhere in the agenda.~~
2. That the agenda is to indicate that an item ~~should be treated~~ is to be treated as confidential while it is being considered by Council/Committee.
3. That the Council and/or Committee decision relating to a confidential item be included in the minutes of the meeting.
4. That confidential documents and attachments are ~~to be distributed~~ emailed to all councillor and deputy members via an online platform (i.e. Diligent Board) upon delivery of all relevant agendas.
5. ~~That there is no requirement of councillors or deputy members to return confidential attachments to the CEO.~~
6. ~~That the power of the CEO, under section 5.25(1)(j)~~ That in accordance with s.5.95(1)(b) and s.5.95(3) of the Local Government Act 1995 ~~be exercised so that~~ the reports and other documents, relating to the confidential item and presentation at the meeting, not be available for inspection by the public unless the document has been declassified.

The ~~procedure~~ protocol for dealing with confidential information is:

1. Confidential information will be categorised by the EMRC CEO ~~of the EMRC~~ into information that will be disclosed only to the Council and information which may be disclosed to committees and member Council CEOs and officers.
2. Confidential information which will only be disclosed to the Council will include information which is the subject of legal professional privilege, commercially sensitive information and information relating to employees and information which, if disclosed will or may cause ~~economic~~ harm to the EMRC.

3. Where confidential information is to be disclosed only to the Council, ~~the Council may it will be considered that information~~ behind closed doors. ~~Release of confidential with the result the recipients of the~~ information will be limited to officers and employees of the EMRC and Council members including member Council Mayors and Shire President. ~~This e~~Confidential information will not be disclosed to any third party, inclusive of member Council CEOs and officers unless authorised by the EMRC CEO prior.
4. Confidential information which may be disclosed to committees and member Council CEOs and officers will be marked as being expressly subject to confidentiality and will ~~also~~ be considered behind closed doors by those committees and member Council CEO's.
5. Confidential information which is categorised by the CEO to be not disclosed to committees and member Council CEO's and officers may be referred to Council for review about whether it should be disclosed to committees and member Council CEOs and officers.
6. Application of these ~~procedures protocol~~ will be made in a manner which will facilitate decision making by the EMRC and its Council and committees, prevent confidential information being accidentally disseminated, minimise the conflict of interest member Council CEOs and officers may have consequent upon the duty they owe to a participant and the legal and equitable duty of confidence they owe to the EMRC and to avoid the need for litigation by the EMRC.

Financial Considerations

Nil

Adopted/Reviewed

18 September 1997

22 July 1999

02 May 2002

20 May 2004

23 February 2006

18 September 2008

23 September 2010

18 September 2014

06 December 2018

21 March 2019

234 JuneMarch 2022

Next Review

Following the Ordinary Elections in 20231

Responsible Unit

Business Support Team

Council Policy 1.7

Legal Representation Costs Indemnification

Strategic Plan Objective

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

Purpose

To protect the interests of Council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the EMRC may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the Region.

Legislation

Local Government Act 1995 s9.56 – 9.57

Local Government (Functions and General) Regulations 1996 r35

Policy Statement

1 General Principles

- a) The EMRC may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the EMRC or otherwise in bad faith.
- b) The EMRC may provide such assistance in the following types of legal proceedings:
 - i) Those brought by members and employees to enable them to carry out their EMRC functions (eg where a member or employee seeks a restraining order against a person using threatening behaviour);
 - ii) Those brought against members or employees [this could be in relation to a decision of Council or an employee which aggrieves another person or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (eg defending defamation actions)]; and
 - iii) Statutory or other inquiries where representation of members or employees is justified.
- c) The EMRC will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, the EMRC may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.
- d) The legal services the subject of assistance under this policy will usually be provided by the EMRC's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the EMRC.

2 Applications for Financial Assistance

- a) Subject to item (f), decisions as to financial assistance under this policy are to be made by Council.
- b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required. Such a request is to contain a declaration that the applicant has acted in good faith, and has not acted unlawfully or in any way that constitutes improper conduct in relation to the matter to which the application relates.
- c) The application is to be accompanied by a written statement by the applicant that he or she:
 - i) has read, and understands, the terms of this policy;
 - ii) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 3 and any other conditions to which the approval is subject; and
 - iii) undertakes to repay to the EMRC any legal representation costs in accordance with the provisions of clause 3.
- d) An application to the Council is to be accompanied by an assessment of the request and with a recommendation, which has been prepared by, or on behalf of, the Chief Executive Officer (CEO) or where the CEO is the applicant by the Chief Financial Officer.
- e) A member or employee requesting financial support for legal services, or any other person who ~~—~~might have a financial interest in the matter, should take care to ensure compliance with the ~~—~~financial interest provisions of the *Local Government Act 1995*.
- f) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5,000 provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the *Local Government Act 1995*. Council has delegated the authority to the CEO, up to \$5,000 per application, where the need arises for urgent legal services. (Delegation [reference C7/2001](#)).
- g) Where it is the CEO who is seeking urgent financial support for legal services the Chief Financial Officer in consultation with the Chairman shall deal with the application.

3 Repayment of Assistance

- a) Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be off set against any monies paid or payable by the EMRC.
- b) Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the EMRC or otherwise in bad faith; or where information from the person is shown to have been false or misleading.
- c) Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The EMRC may take action to recover any such moneys in a court of competent jurisdiction.

Financial Considerations

A contingent item that could materialise at any time and therefore requires a budget allocation.

Adopted/Reviewed

20 October 2000

14 December 2000

02 May 2002

20 May 2004

23 February 2006

18 September 2008

23 September 2010

18 September 2014

06 December 2018

23⁴ June~~March~~ 2022

Next Review

Following the Ordinary Elections in 202~~3~~⁴

Responsible Unit

Business Support Team

Council Policy 3.6

Asset Management Policy

Strategic Plan Objective

3.4 To continue to improve financial and asset management practices.

Purpose

To provide for the responsible management of EMRC controlled assets.

This policy covers all assets controlled by the EMRC and applies to all areas of EMRC that have responsibility to manage, maintain, operate or provide a service utilising EMRC's assets.

Definitions

An asset is a resource controlled by the entity as a result of past events and from which future economic benefits are expected to flow to the entity – Australian Accounting Standards Board.

Legislation

Local Government Act 1995 s 5.56

Local Government (Administration) Regulations 1996 r19C and 19 DA

Policy Statement

EMRC recognises the role that efficient, sustainable and cost effective asset management has in underpinning the delivery of quality services, both in the present and in the future, to its member Councils.

EMRC is committed to an integrated and strategic approach to asset management that is underpinned by the following key principles:

- Ensuring service delivery needs form the basis of asset management;
- Informed decision-making, incorporating a life-cycle approach to asset management and risk management; and
- Sustainability, providing for present needs while sustaining resources for future generations.

Policy Objectives

The objectives of this policy are to:

- Ensure that assets and service levels are maintained in an efficient, sustainable and cost effective manner through long term planning;
- Integrate asset management with other corporate planning to ensure that the impacts of changes in demands and service levels are taken into consideration;
- Assign accountability and responsibility for asset management; and
- Maintain accurate and reliable asset data to effectively inform decision-making.

It is intended that the policy objectives will be achieved through the following:

- The development of a 10 Year Strategic Asset Management Plan (SAMP) to support EMRC’s corporate strategic and business planning;
- The development of a 5 Year Operational Asset Management Plan (OAMP) which provides detailed action plans on key initiatives to be delivered in the next 5 financial years to support the SAMP;
- Identification of existing and new asset requirements based on changes in demands and service levels as part of asset management planning;
- Establishment of clear roles and responsibilities for asset management; and
- Utilisation of an integrated asset management and financial management information system to maintain asset data.

Position	Roles and Responsibilities
Council	<ul style="list-style-type: none"> ➤ Act as stewards for all assets owned by EMRC ➤ Provides strategic direction for asset management ➤ Endorses asset management policy and strategy ➤ Endorses SAMP (as part of strategic planning) and OAMP (as part of budget process)
Chief Executive Officer	<ul style="list-style-type: none"> ➤ Develops asset management policy and strategy for submission to Council ➤ Develops SAMP for submission to Council ➤ Develops OAMP ➤ Develops business cases ➤ Monitors and reports progress of SAMP and OAMP to Council as required
Directors Chiefs	<ul style="list-style-type: none"> ➤ Contribute towards preparation of SAMP and OAMP ➤ Authorise asset additions and disposals in accordance with the approved OAMP ➤ Maintain oversight over assets under their control (including usage, safeguards, risk management and insurance)
Asset Officer	<ul style="list-style-type: none"> ➤ Maintains Asset Register and asset related records ➤ Updates General Ledger for asset related transactions (including depreciation, write off, acquisition and disposal) ➤ Provides assistance to business unitEMRC teams as required
Staff	<ul style="list-style-type: none"> ➤ Initiate acquisition or disposal requests ➤ Utilise assets in a responsible manner

Financial Considerations

The EMRC prepares its financial reports in accordance with Australian Accounting Standards as they apply to local governments, Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 1995* and accompanying regulations.

The EMRC reports on the classes of assets including:

- Land;
- Buildings;
- Structures;
- Plant and Equipment;
- ~~Equipment~~;
- Furniture and Fittings; ~~and~~
- Fittings ~~Artworks~~.

Provisions will be included in financial plans and annual budgets.



Adopted/Reviewed

21 March 2013

18 September 2014

06 December 2018

~~23 June~~ ~~March~~ 2022

Next Review

Following the Ordinary Elections in ~~2024~~ 2023

Responsible Unit

Business Support Team

Council Policy 3.7

Related Party Transaction and Disclosure

Strategic Plan Objective

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

Purpose

To ensure that the Eastern Metropolitan Regional Council's (EMRC) Financial Statements contain disclosures necessary to comply with the Australian Accounting Standard AASB 124 Related Party Disclosures, which draws attention to the possibility that the EMRC's financial position and profit or loss may have been affected by the existence of transactions with a related party and outstanding balances and commitments with such parties.

Legislation

Australian Accounting Standard AASB 124 Related Party Disclosures

Policy Statement

The Related Party Disclosure Policy aims to assist Council in complying with the disclosure requirements and the level of reporting within the Financial Statements as per AASB-124 Related Party Disclosures. It aims to define the parameters for related party transactions and the level of disclosure and reporting.

Scope

The Policy is to be applied in:

- Identifying and recording related parties and related party relationships;
- Identifying and recording related party transactions and their terms and conditions;
- Assessing materiality and or significance of these transactions;
- Identifying the circumstances in which disclosure of points 1 and 2 is required;
- Determining the disclosures to be made about points 1 and 2; and
- Disclosing relevant information in the Financial Statements.

Definitions

1 Related Party

A person or an entity that is related to the EMRC, referred to as the "reporting entity".

Examples of related parties of the EMRC are:

- Council Subsidiaries;
- Key Management Personnel (KMP);
- Close family members of KMP; and
- Entities that are controlled or jointly controlled by KMP or their close family members.

2 Key Management Personnel (KMP)

A person or persons having authority and responsibility for planning, directing and controlling the activities of the entity, either directly or indirectly, including any director (executive or otherwise) of that entity. In the case of the EMRC, KMP will include, but is not limited to, Councillors, CEO and [DirectorsChiefs](#).

3 Close members of the family

Those are family members who may be expected to influence or be influenced by those individuals' dealings with the EMRC and include:

- Children and spouse or domestic partner;
- Children of that person's spouse or domestic partner; and
- Dependents of that person or that persons spouse or domestic partner.
- Under AASB 124, close members of the family could also include extended members of the family such as parents, siblings, grandparents, uncles/aunts or cousins if they could be expected to have influence or be influenced by the KMP in their dealings with the EMRC.

4 Related Party Transactions

These are a transfer of resources, services or obligations between the EMRC and a related party, regardless of whether there is a cost involved.

5 Ordinary Citizen Transaction

These are transactions that an ordinary citizen would undertake with the EMRC, which would be undertaken at arm's length and in the ordinary course of carrying out the EMRC's functions and activities. They would not be seen as material in nature.

Example of ordinary citizen transactions would be:

- The paying of disposal charges at EMRC facilities; and
- The purchase of saleable products from EMRC facilities.

6 Control

The power to govern the financial and operating policies of any entity to obtain benefits from its activities.

7 Significant Influence

The power to participate in the financial and operating policy decision of an entity but not to control those policies.

Responsibilities

Key Management Personnel will include, but is not limited to, Councillors, CEO and [DirectorsChiefs](#).

Recommended Practices

From 1 July 2016, AASB 124 Related Party Disclosures applies to the EMRC. This means that the EMRC will be required to disclose information about related parties and the EMRC's transactions with those related parties in the 2016-2017 financial statements and onwards. In the context of transactions, this means cash and non-cash transactions.

As the disclosures will form part of the financial statements, they will be subject to audit by the external auditors.

KMP will be identified and the position they hold with the EMRC disclosed. They will be required to complete a disclosure notification, which at minimum will require details of the related party, (family members and/or entities) that may have existing transaction potential with the EMRC and the relationship to the KMP.

As per paragraph 17 AASB 124, the EMRC shall disclose compensation in total provided to KMP, and for each of the following categories:

- Short term employee benefits;
- Post-employment benefits;
- Other long-term benefits;
- Termination benefits; and
- Share based payments.

For disclosure requirements of AASB 124, the EMRC shall implement a process to capture related party transactions for reporting in the financial statements. The following will be collated and recorded throughout each year:

- Related parties to the KMP;
- Relationship to KMP;
- Transactions that are monetary and/or non-monetary;
- The value of the transaction if monetary;
- The benefit if non-monetary;
- The value of outstanding balances;
- Details of commitments and/or guarantees; and
- Recognition for the provision of doubtful debts related to outstanding balances of related parties.

KMP who no longer hold that role with the EMRC will still be subject to disclosure requirements up until their status as KMP is no longer applicable. The same will apply for KMP who acquire the role in that year.

Once the related party transactions have been identified, they will be assessed by the Manager Financial Services and a determination will be made regarding the materiality of the transaction. This will include assessment of Ordinary Citizen Transactions and whether the terms and conditions differ from normal practice, which would then exclude them from being Ordinary Citizen Transactions.

If a Councillor believes a transaction may constitute a related party transaction, they must notify the CEO who will discuss the matter with the Manager Financial Services to confirm whether the transaction falls within the scope of this policy.

If an Employee believes a transaction may constitute a related party transaction, they must notify their supervisor or manager who will discuss the matter with the Manager Financial Services to confirm whether the transaction falls within the scope of this policy.

The Finance Department will be responsible for the maintenance of a register that captures all related party transactions of KMP.

Privacy

The EMRC will endeavour to ensure that only those staff and the external auditors who are involved in the preparation of the related party disclosures will have access to the related party declarations and related party transactions.



Adopted/Reviewed

22 June 2017

6 December 2018

~~234 June~~ ~~March~~ 2022

Next Review

Following the Ordinary Elections in ~~2024~~2023

Responsible Unit

Business Support Team

Council Policy 6.2

Reimbursement of Expenses – Appointed Members and Staff - Conferences, Seminars, and Other Events

Strategic Plan Objective

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

Purpose

To establish a policy governing the reimbursement of reasonable out of pocket expenses actually and necessarily incurred by appointed members of Council, EMRC staff, or a participant staff member, whilst attending approved conferences, seminars and other events that are considered to be in the course of their authorised EMRC duties.

Legislation

Nil

Policy Statement

Where an appointed member, staff member, or a committee member is authorised to attend a conference, seminar or other event on behalf of the EMRC, expenses incurred will be reimbursed as follows:

Registration Costs

Actual cost of registration for the conference, seminar and/or other event being attended.

Travel and Accommodation Costs

Air Travel - Intrastate and Interstate

- Return economy class airfare to the airport nearest the venue.
- Individuals travelling have the option of upgrading to business class travel at their own expense with the difference between the applicable economy rate and business class rate being payable to the EMRC in advance. Personal frequent flyer credits may be used to upgrade travel class however no reimbursement will be made by EMRC in this case.

Where an appointed member and/or a staff member is required to spend the night away from their normal residence, the actual cost of reasonable hotel or motel accommodation including the night immediately prior to the event and the evening of the last day of the event will be reimbursed.

Air Travel - International Destinations

- Return economy class airfare to the airport nearest the venue.
- Individuals travelling have the option of upgrading to business class travel at their own expense with the difference between the applicable economy rate and business class rate being payable to the EMRC in advance. Personal frequent flyer credits may be used to upgrade travel class however no reimbursement will be made by EMRC in this case.

Where an appointed member and/or a staff member is required to spend the night away from their normal residence, the actual cost of reasonable hotel or motel accommodation including up to two (2) nights immediately prior to the event and the evening of the last day of the event will be reimbursed, subject to the availability of flights.

Other Travel

- Travel to and from airports and other terminals at both ends of the journey.
- Train, bus and taxi fares to and from the venue.
- Car rental and associated petrol costs.
- Personal mileage for use of own vehicle. Where a staff member is authorised to use their own vehicle for business related travel, an allowance shall be paid for the relevant kilometres travelled using the “cents per kilometre method” permissible under the Income Tax Assessment Act.

Accommodation Costs

Accommodation bookings should be made at a hotel, motel, and/or serviced apartment located in close proximity to the conference seminar or event. As a guide, accommodation standards will generally be of a 4/5 star rating with the most competitive rate available at the time of booking being selected.

Meals (including reasonable liquid refreshments served with meals)

The actual cost of the meal consumed with the production of a receipt, or the following rates if receipts are not retained:

- Breakfast \$30
- Lunch \$40
- Dinner \$70

Incidental Expenses - including dry cleaning, telephone calls (necessitated by attendance at the conference), parking, and internet access

Actual reasonable expenses incurred as included on the accommodation account or supported by receipts or credit card accounts.

Accompanying Person(s)

Appointed members and/or members of staff may travel with an accompanying person(s) provided:

- (i) the accompanying person(s) does not incur any costs at Council expense; and/or
- (ii) the presence of the accompanying person(s) does not interfere with the business requirements of the travel.

The only exception to point (i) is the nominated cost for conference related social functions ~~ie i.e.:~~ dinner or cocktail ~~function~~ function for the appointed member's and/or staff member's partner, which will be reimbursed.

Cash Advance

A cash advance of \$70 per day for the duration of the event will be made to an appointed member, staff member and/or participant staff member attending the event on behalf of the EMRC. An additional cash advance may be made, at the discretion of the CEO, when it is apparent that payments by cash will exceed \$70 per day.



Persons receiving cash advances are liable to reimburse EMRC for the difference where the advance exceeds the actual expenditure authorised in accordance with this policy.

Supporting Documentation

All claims for travel related expenses, including cash advance payments, must be supported by provision of the appropriate documentation including receipts, itemised accounts, and/or credit card records. A Statutory Declaration detailing the exact costs making up the claim is acceptable where a receipt is not able to be provided.

All supporting documentation should be provided and settled, including outstanding cash advances, within four (4) working weeks following return from the conference, seminar and other event.

Chief Executive Officer Approval

Any expenses incurred which are not related to official travel should be paid personally by the person attending the approved conference, seminar and other event.

The Chief Executive Officer has the discretion to approve other non-personal out-of-pocket expenses associated with attendance at approved conferences, seminars and other events that are considered to be in the course of authorised duties.

Certification

The officer for whom the expense was incurred, is where possible, to certify the account. Discretion is to be exercised to ensure that reasonable costs only are incurred.

Financial Considerations

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

Adopted/Reviewed

22 July 1999
02 May 2002
20 May 2004
08 December 2005
23 February 2006
18 September 2008
23 September 2010
18 September 2014
06 December 2018
[23 June](#)~~March~~ [2022](#)

Next Review

Following the Ordinary Elections in [2024](#)~~2023~~

Responsible Unit

Business Support Team



Council Policy 1.5

Meeting Agenda/Minutes - Confidential Items

Strategic Plan Objective

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

Purpose

To ensure that confidential items, appearing on the Council and/or Committee agendas are easily recognised so that they can be dealt with in accordance with their special nature.

Legislation

Local Government Act 1995 s.5.23, s.5.25(1)(j), 5.94 and 5.95

Local Government (Administration) Regulations 1996 s.5.23, r14, 29 and 29A

Local Government (Rules of Conduct) Regulations 2007

Freedom of Information Act 1992 r.6 Schedule 1 Clause 4

EMRC Standing Order Local Law 2013 clauses, 4.20 and 5.13

Policy Statement

1. That, in accordance with s.5.23 of the Local Government Act, items which at the discretion of the Chief Executive Officer (CEO) are confidential are to be distributed separate from but accompanying the Council and/or Committee agendas and marked confidential.
2. That the agenda is to indicate that an item should be treated as confidential while it is being considered by Council/Committee.
3. That the Council and/or Committee decision relating to a confidential item be included in the minutes of the meeting.
4. That confidential documents and attachments are distributed to all councillor and deputy members via an online platform (i.e. Diligent Board) upon delivery of all relevant agendas.
5. That in accordance with s.5.95(1)(b) and s.5.95(3) of the *Local Government Act 1995* the reports and other documents; relating to the confidential item and presentation at the meeting, not be available for inspection by the public unless the document has been declassified.

The procedure for dealing with confidential information is:

1. Confidential information will be categorised by the EMRC CEO into information that will be disclosed only to the Council and information which may be disclosed to committees and member Council CEOs and officers.
2. Confidential information which will only be disclosed to the Council will include information which is the subject of legal professional privilege, commercially sensitive information and information relating to employees and information which if disclosed will or may cause harm to the EMRC.

3. Where confidential information is to be disclosed only to the Council, the Council may consider that information behind closed doors. Release of confidential information will be limited to officers and employees of the EMRC and Council members including member Council Mayors and Shire President. Confidential information will not be disclosed to any third party, inclusive of member Council CEOs and officers unless authorised by the EMRC CEO prior.
4. Confidential information which may be disclosed to committees and member Council CEOs and officers will be marked as being expressly subject to confidentiality and will be considered behind closed doors by those committees and member Council CEO's.
5. Confidential information which is categorised by the CEO to be not disclosed to committees and member Council CEO's and officers may be referred to Council for review about whether it should be disclosed to committees and member Council CEOs and officers.
6. Application of these procedures will be made in a manner which will facilitate decision making by the EMRC and its Council and committees, prevent confidential information being accidentally disseminated, minimise the conflict of interest member Council CEOs and officers may have consequent upon the duty they owe to a participant and the legal and equitable duty of confidence they owe to the EMRC and to avoid the need for litigation by the EMRC.

Financial Considerations

Nil

Adopted/Reviewed

18 September 1997
22 July 1999
02 May 2002
20 May 2004
23 February 2006
18 September 2008
23 September 2010
18 September 2014
06 December 2018
21 March 2019
23 June 2022

Next Review

Following the Ordinary Elections in 2023

Responsible Unit

Business Support Team

Council Policy 1.7

Legal Representation Costs Indemnification

Strategic Plan Objective

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

Purpose

To protect the interests of Council members and employees (including past members and former employees) where they become involved in civil legal proceedings because of their official functions. In most situations the EMRC may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the region.

Legislation

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Local Government (Functions and General) Regulations 1996 r35

Policy Statement

1 General Principles

- a) The EMRC may provide financial assistance to members and employees in connection with the performance of their duties provided that the member or employee has acted reasonably and has not acted illegally, dishonestly, against the interests of the EMRC or otherwise in bad faith.
- b) The EMRC may provide such assistance in the following types of legal proceedings:
 - i) Those brought by members and employees to enable them to carry out their EMRC functions (eg where a member or employee seeks a restraining order against a person using threatening behaviour);
 - ii) Those brought against members or employees this could be in relation to a decision of Council or an employee which aggrieves another person or where the conduct of a member or employee in carrying out his or her functions is considered detrimental to the person (eg defending defamation actions); and
 - iii) Statutory or other inquiries where representation of members or employees is justified.
- c) The EMRC will not support any defamation actions seeking the payment of damages for individual members or employees in regard to comments or criticisms levelled at their conduct in their respective roles. Members or employees are not precluded, however, from taking their own private action. Further, the EMRC may seek its own advice on any aspect relating to such comments and criticisms of relevance to it.
- d) The legal services the subject of assistance under this policy will usually be provided by the EMRC's solicitors. Where this is not appropriate for practical reasons or because of a conflict of interest then the service may be provided by other solicitors approved by the EMRC.

2 Applications for Financial Assistance

- a) Subject to item (f), decisions as to financial assistance under this policy are to be made by Council.
- b) A member or employee requesting financial support for legal services under this policy is to make an application in writing, where possible in advance, to the Council providing full details of the circumstances of the matter and the legal services required. Such a request is to contain a declaration that the applicant has acted in good faith, and has not acted unlawfully or in any way that constitutes improper conduct in relation to the matter to which the application relates.
- c) The application is to be accompanied by a written statement by the applicant that he or she:
 - i) has read, and understands, the terms of this policy;
 - ii) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 3 and any other conditions to which the approval is subject; and
 - iii) undertakes to repay to the EMRC any legal representation costs in accordance with the provisions of clause 3.
- d) An application to the Council is to be accompanied by an assessment of the request and with a recommendation, which has been prepared by, or on behalf of, the Chief Executive Officer (CEO) or where the CEO is the applicant by the Chief Financial Officer.
- e) A member or employee requesting financial support for legal services, or any other person who might have a financial interest in the matter, should take care to ensure compliance with the financial interest provisions of the *Local Government Act 1995*.
- f) Where there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5,000 provided that the power to make such an authorisation has been delegated to the CEO in writing under section 5.42 of the *Local Government Act 1995*. Council has delegated the authority to the CEO, up to \$5,000 per application, where the need arises for urgent legal services. (Delegation reference C7/2001).
- g) Where it is the CEO who is seeking urgent financial support for legal services the Chief Financial Officer in consultation with the Chairman shall deal with the application.

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- a) Any amount recovered by a member or employee in proceedings, whether for costs or damages, will be off set against any monies paid or payable by the EMRC.
- b) Assistance will be withdrawn where the Council determines, upon legal advice, that a person has acted unreasonably, illegally, dishonestly, against the interests of the EMRC or otherwise in bad faith; or where information from the person is shown to have been false or misleading.
- c) Where assistance is so withdrawn, the person who obtained financial support is to repay any moneys already provided. The EMRC may take action to recover any such moneys in a court of competent jurisdiction.

Financial Considerations

A contingent item that could materialise at any time and therefore requires a budget allocation.

Adopted/Reviewed

20 October 2000
14 December 2000
02 May 2002
20 May 2004
23 February 2006
18 September 2008
23 September 2010
18 September 2014
06 December 2018
23 June 2022

Next Review

Following the Ordinary Elections in 2023

Responsible Unit

Business Support Team

Council Policy 3.6

Asset Management Policy

Strategic Plan Objective

3.4 To continue to improve financial and asset management practices.

Purpose

To provide for the responsible management of EMRC controlled assets.

This policy covers all assets controlled by the EMRC and applies to all areas of EMRC that have responsibility to manage, maintain, operate or provide a service utilising EMRC's assets.

Definitions

An asset is a resource controlled by the entity as a result of past events and from which future economic benefits are expected to flow to the entity – Australian Accounting Standards Board.

Legislation

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Local Government (Administration) Regulations 1996 r19C and 19 DA

Policy Statement

EMRC recognises the role that efficient, sustainable and cost effective asset management has in underpinning the delivery of quality services, both in the present and in the future, to its member Councils.

EMRC is committed to an integrated and strategic approach to asset management that is underpinned by the following key principles:

- Ensuring service delivery needs form the basis of asset management;
- Informed decision-making, incorporating a life-cycle approach to asset management and risk management; and
- Sustainability, providing for present needs while sustaining resources for future generations.

Policy Objectives

The objectives of this policy are to:

- Ensure that assets and service levels are maintained in an efficient, sustainable and cost effective manner through long term planning;
- Integrate asset management with other corporate planning to ensure that the impacts of changes in demands and service levels are taken into consideration;
- Assign accountability and responsibility for asset management; and
- Maintain accurate and reliable asset data to effectively inform decision-making.

It is intended that the policy objectives will be achieved through the following:

- The development of a 10 Year Strategic Asset Management Plan (SAMP) to support EMRC’s corporate strategic and business planning;
- The development of a 5 Year Operational Asset Management Plan (OAMP) which provides detailed action plans on key initiatives to be delivered in the next 5 financial years to support the SAMP;
- Identification of existing and new asset requirements based on changes in demands and service levels as part of asset management planning;
- Establishment of clear roles and responsibilities for asset management; and
- Utilisation of an integrated asset management and financial management information system to maintain asset data.

Position	Roles and Responsibilities
Council	<ul style="list-style-type: none"> ➤ Act as stewards for all assets owned by EMRC ➤ Provides strategic direction for asset management ➤ Endorses asset management policy and strategy ➤ Endorses SAMP (as part of strategic planning) and OAMP (as part of budget process)
Chief Executive Officer	<ul style="list-style-type: none"> ➤ Develops asset management policy and strategy for submission to Council ➤ Develops SAMP for submission to Council ➤ Develops OAMP ➤ Develops business cases ➤ Monitors and reports progress of SAMP and OAMP to Council as required
Chiefs	<ul style="list-style-type: none"> ➤ Contribute towards preparation of SAMP and OAMP ➤ Authorise asset additions and disposals in accordance with the approved OAMP ➤ Maintain oversight over assets under their control (including usage, safeguards, risk management and insurance)
Asset Officer	<ul style="list-style-type: none"> ➤ Maintains Asset Register and asset related records ➤ Updates General Ledger for asset related transactions (including depreciation, write off, acquisition and disposal) ➤ Provides assistance to EMRC teams as required
Staff	<ul style="list-style-type: none"> ➤ Initiate acquisition or disposal requests ➤ Utilise assets in a responsible manner

Financial Considerations

The EMRC prepares its financial reports in accordance with Australian Accounting Standards as they apply to local governments, Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 1995* and accompanying regulations.

The EMRC reports on the classes of assets including:

- Land;
- Buildings;
- Structures;
- Plant and Equipment;
- Furniture and Fittings; and
- Artworks.

Provisions will be included in financial plans and annual budgets.



Adopted/Reviewed

21 March 2013

18 September 2014

06 December 2018

23 June 2022

Next Review

Following the Ordinary Elections in 2023

Responsible Unit

Business Support Team

Council Policy 3.7

Related Party Transaction and Disclosure

Strategic Plan Objective

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

Purpose

To ensure that the Eastern Metropolitan Regional Council's (EMRC) Financial Statements contain disclosures necessary to comply with the Australian Accounting Standard AASB 124 Related Party Disclosures, which draws attention to the possibility that the EMRC's financial position and profit or loss may have been affected by the existence of transactions with a related party and outstanding balances and commitments with such parties.

Legislation

Australian Accounting Standard AASB 124 Related Party Disclosures

Policy Statement

The Related Party Disclosure Policy aims to assist Council in complying with the disclosure requirements and the level of reporting within the Financial Statements as per AASB-124 Related Party Disclosures. It aims to define the parameters for related party transactions and the level of disclosure and reporting.

Scope

The Policy is to be applied in:

- Identifying and recording related parties and related party relationships;
- Identifying and recording related party transactions and their terms and conditions;
- Assessing materiality and or significance of these transactions;
- Identifying the circumstances in which disclosure of points 1 and 2 is required;
- Determining the disclosures to be made about points 1 and 2; and
- Disclosing relevant information in the Financial Statements.

Definitions

1 Related Party

A person or an entity that is related to the EMRC, referred to as the "reporting entity".

Examples of related parties of the EMRC are:

- Council Subsidiaries;
- Key Management Personnel (KMP);
- Close family members of KMP; and
- Entities that are controlled or jointly controlled by KMP or their close family members.

2 Key Management Personnel (KMP)

A person or persons having authority and responsibility for planning, directing and controlling the activities of the entity, either directly or indirectly, including any director (executive or otherwise) of that entity. In the case of the EMRC, KMP will include, but is not limited to, Councillors, CEO and Chiefs.

3 Close members of the family

Those are family members who may be expected to influence or be influenced by those individuals' dealings with the EMRC and include:

- Children and spouse or domestic partner;
- Children of that person's spouse or domestic partner; and
- Dependents of that person or that persons spouse or domestic partner.
- Under AASB 124, close members of the family could also include extended members of the family such as parents, siblings, grandparents, uncles/aunts or cousins if they could be expected to have influence or be influenced by the KMP in their dealings with the EMRC.

4 Related Party Transactions

These are a transfer of resources, services or obligations between the EMRC and a related party, regardless of whether there is a cost involved.

5 Ordinary Citizen Transaction

These are transactions that an ordinary citizen would undertake with the EMRC, which would be undertaken at arm's length and in the ordinary course of carrying out the EMRC's functions and activities. They would not be seen as material in nature.

Example of ordinary citizen transactions would be:

- The paying of disposal charges at EMRC facilities; and
- The purchase of saleable products from EMRC facilities.

6 Control

The power to govern the financial and operating policies of any entity to obtain benefits from its activities.

7 Significant Influence

The power to participate in the financial and operating policy decision of an entity but not to control those policies.

Responsibilities

Key Management Personnel will include, but is not limited to, Councillors, CEO and Chiefs.

Recommended Practices

From 1 July 2016, AASB 124 Related Party Disclosures applies to the EMRC. This means that the EMRC will be required to disclose information about related parties and the EMRC's transactions with those related parties in the 2016-2017 financial statements and onwards. In the context of transactions, this means cash and non-cash transactions.

As the disclosures will form part of the financial statements, they will be subject to audit by the external auditors.

KMP will be identified and the position they hold with the EMRC disclosed. They will be required to complete a disclosure notification, which at minimum will require details of the related party, (family members and/or entities) that may have existing transaction potential with the EMRC and the relationship to the KMP.

As per paragraph 17 AASB 124, the EMRC shall disclose compensation in total provided to KMP, and for each of the following categories:

- Short term employee benefits;
- Post-employment benefits;
- Other long-term benefits;
- Termination benefits; and
- Share based payments.

For disclosure requirements of AASB 124, the EMRC shall implement a process to capture related party transactions for reporting in the financial statements. The following will be collated and recorded throughout each year:

- Related parties to the KMP;
- Relationship to KMP;
- Transactions that are monetary and/or non-monetary;
- The value of the transaction if monetary;
- The benefit if non-monetary;
- The value of outstanding balances;
- Details of commitments and/or guarantees; and
- Recognition for the provision of doubtful debts related to outstanding balances of related parties.

KMP who no longer hold that role with the EMRC will still be subject to disclosure requirements up until their status as KMP is no longer applicable. The same will apply for KMP who acquire the role in that year.

Once the related party transactions have been identified, they will be assessed by the Manager Financial Services and a determination will be made regarding the materiality of the transaction. This will include assessment of Ordinary Citizen Transactions and whether the terms and conditions differ from normal practice, which would then exclude them from being Ordinary Citizen Transactions.

If a Councillor believes a transaction may constitute a related party transaction, they must notify the CEO who will discuss the matter with the Manager Financial Services to confirm whether the transaction falls within the scope of this policy.

If an Employee believes a transaction may constitute a related party transaction, they must notify their supervisor or manager who will discuss the matter with the Manager Financial Services to confirm whether the transaction falls within the scope of this policy.

The Finance Department will be responsible for the maintenance of a register that captures all related party transactions of KMP.

Privacy

The EMRC will endeavour to ensure that only those staff and the external auditors who are involved in the preparation of the related party disclosures will have access to the related party declarations and related party transactions.



Adopted/Reviewed

22 June 2017

6 December 2018

23 June 2022

Next Review

Following the Ordinary Elections in 2023

Responsible Unit

Business Support Team

Council Policy 6.2

Reimbursement of Expenses – Appointed Members and Staff - Conferences, Seminars, and Other Events

Strategic Plan Objective

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

Purpose

To establish a policy governing the reimbursement of reasonable out of pocket expenses actually and necessarily incurred by appointed members of Council, EMRC staff, or a participant staff member, whilst attending approved conferences, seminars and other events that are considered to be in the course of their authorised EMRC duties.

Legislation

Nil

Policy Statement

Where an appointed member, staff member, or a committee member is authorised to attend a conference, seminar or other event on behalf of the EMRC, expenses incurred will be reimbursed as follows:

Registration Costs

Actual cost of registration for the conference, seminar and/or other event being attended.

Travel and Accommodation Costs

Air Travel - Intrastate and Interstate

- Return economy class airfare to the airport nearest the venue.
- Individuals travelling have the option of upgrading to business class travel at their own expense with the difference between the applicable economy rate and business class rate being payable to the EMRC in advance. Personal frequent flyer credits may be used to upgrade travel class however no reimbursement will be made by EMRC in this case.

Where an appointed member and/or a staff member is required to spend the night away from their normal residence, the actual cost of reasonable hotel or motel accommodation including the night immediately prior to the event and the evening of the last day of the event will be reimbursed.

Air Travel - International Destinations

- Return economy class airfare to the airport nearest the venue.
- Individuals travelling have the option of upgrading to business class travel at their own expense with the difference between the applicable economy rate and business class rate being payable to the EMRC in advance. Personal frequent flyer credits may be used to upgrade travel class however no reimbursement will be made by EMRC in this case.

Where an appointed member and/or a staff member is required to spend the night away from their normal residence, the actual cost of reasonable hotel or motel accommodation including up to two (2) nights immediately prior to the event and the evening of the last day of the event will be reimbursed, subject to the availability of flights.

Other Travel

- Travel to and from airports and other terminals at both ends of the journey.
- Train, bus and taxi fares to and from the venue.
- Car rental and associated petrol costs.
- Personal mileage for use of own vehicle. Where a staff member is authorised to use their own vehicle for business related travel, an allowance shall be paid for the relevant kilometres travelled using the “cents per kilometre method” permissible under the Income Tax Assessment Act.

Accommodation Costs

Accommodation bookings should be made at a hotel, motel, and/or serviced apartment located in close proximity to the conference seminar or event. As a guide, accommodation standards will generally be of a 4/5 star rating with the most competitive rate available at the time of booking being selected.

Meals (including reasonable liquid refreshments served with meals)

The actual cost of the meal consumed with the production of a receipt, or the following rates if receipts are not retained:

- Breakfast \$30
- Lunch \$40
- Dinner \$70

Incidental Expenses - including dry cleaning, telephone calls (necessitated by attendance at the conference), parking, and internet access

Actual reasonable expenses incurred as included on the accommodation account or supported by receipts or credit card accounts.

Accompanying Person(s)

Appointed members and/or members of staff may travel with an accompanying person(s) provided:

- (i) the accompanying person(s) does not incur any costs at Council expense; and/or
- (ii) the presence of the accompanying person(s) does not interfere with the business requirements of the travel.

The only exception to point (i) is the nominated cost for conference related social functions i.e. dinner or cocktail function for the appointed member's and/or staff member's partner, which will be reimbursed.

Cash Advance

A cash advance of \$70 per day for the duration of the event will be made to an appointed member, staff member and/or participant staff member attending the event on behalf of the EMRC. An additional cash advance may be made, at the discretion of the CEO, when it is apparent that payments by cash will exceed \$70 per day.

Persons receiving cash advances are liable to reimburse EMRC for the difference where the advance exceeds the actual expenditure authorised in accordance with this policy.

Supporting Documentation

All claims for travel related expenses, including cash advance payments, must be supported by provision of the appropriate documentation including receipts, itemised accounts, and/or credit card records. A Statutory Declaration detailing the exact costs making up the claim is acceptable where a receipt is not able to be provided.

All supporting documentation should be provided and settled, including outstanding cash advances, within four (4) working weeks following return from the conference, seminar and other event.

Chief Executive Officer Approval

Any expenses incurred which are not related to official travel should be paid personally by the person attending the approved conference, seminar and other event.

The Chief Executive Officer has the discretion to approve other non-personal out-of-pocket expenses associated with attendance at approved conferences, seminars and other events that are considered to be in the course of authorised duties.

Certification

The officer for whom the expense was incurred, is where possible, to certify the account. Discretion is to be exercised to ensure that reasonable costs only are incurred.

Financial Considerations

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

Adopted/Reviewed

22 July 1999
02 May 2002
20 May 2004
08 December 2005
23 February 2006
18 September 2008
23 September 2010
18 September 2014
06 December 2018
23 June 2022

Next Review

Following the Ordinary Elections in 2023

Responsible Unit

Business Support Team

5.4 EXEMPTION FROM TENDER REGULATIONS FOR A CONTRACTOR

D2022/09486

PURPOSE OF REPORT

The purpose of this report is to seek Council approval for exemption from the tender regulations for one of the EMRC's suppliers, Avora Energy.

KEY POINT(S)

- The EMRC seeks to use the services of Avora Energy (Avora) as engineering contractor primarily for the completion of electrical works on the Wood Waste to Energy (WWtE) project. They were previously contracted by Anergy Australia to undertake the installation of various electrical works. Anergy Australia Pty Ltd, went into voluntary administration in March 2022.
- The value of work to complete will exceed the tender limit of \$250,000 (ex GST).
- Regulation 11(1) of the *Local Government (Functions and General) Regulations 1996* requires tenders to be publicly invited for contracts worth more than \$250,000, unless there are circumstances described in r.11(2) which state otherwise.
- Regulation 11(2)(f) of the *Local Government (Functions and General) Regulations 1996* provides that where a local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier, then tenders do not need to be invited.
- Due to Avora's previous involvement, knowledge and experience on the WWtE project and for commercial reasons associated with the costs to introduce a new contractor at this stage, particularly in terms of time to bring a new contractor up to speed, it is proposed that in accordance with r.11(2)(f) of the *Local Government (Functions and General) Regulations 1996* that tenders not be invited on this occasion.
- The EMRC has, additionally through an electrical consultant, verified the estimated cost to complete the works.

RECOMMENDATION(S)

That:

1. Council acknowledges that because of Avora Energy's previous involvement, knowledge and experience, it has good reason to believe there is unlikely to be any other supplier who can provide similar value for money to complete the electrical installation and associated works for the Hazelmere Wood Waste to Energy Project.
2. In accordance with r.11(2)(f) of the *Local Government (Functions and General) Regulations 1996* tenders not be publicly invited on this occasion.

SOURCE OF REPORT

Chief Project Officer

BACKGROUND

- 1 In a confidential report to the 26 May 2022 Ordinary Meeting of Council, (Ref: D2022/08116), it was resolved that:
- 3 *COUNCIL BY ABSOLUTE MAJORITY IN ACCORDANCE WITH S6.8 OF THE LOCAL GOVERNMENT ACT 1995 APPROVES THE COMPLETION OF THE ELECTRICAL WORKS AND ROOF STRUCTURE UP TO THE VALUE OUTLINED BY PARAGRAPH 25 WITHIN THE CONFIDENTIAL REPORT.*

REPORT

- 2 Avora Energy (Avora) has previously been involved in the Wood Waste to Energy (WWtE) project as they were appointed by Anergy Australia to complete the electrical installation. While Anergy Australia was not bound by the requirements of the *Local Government Act 1995 and Local Government (Functions and General) Regulations 1996* in terms of having to go out to public tender prior to awarding Avora this work, it is understood that Anergy did go through a competitive selection process prior to awarding the electrical works to Avora.
- 3 Anergy Australia went into voluntary administration on 14 March 2022. Avora was working on site, when works were stopped on 21 December 2021.
- 4 The services the EMRC propose to procure from Avora will exceed the tender limit of \$250,000 (ex GST). Regulation 11(1) of the *Local Government (Functions and General) Regulations 1996* requires tenders to be publicly invited for contracts worth more than \$250,000, unless subsection r.11(2) states otherwise.
- 5 Regulation 11(2)(f) of the *Local Government (Functions and General) Regulations 1996* states that where a local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; then tenders do not have to be publicly invited.
- 6 Due to Avora's previous knowledge and experience from their previous involvement with the WWtE Project and for commercial reasons associated with the cost to take on board a new contractor at this stage, particularly in terms of time to bring a new contractor up to speed, it is recommended that the EMRC continue to use the services of Avora to oversee the completion of electrical and other works originally planned by Anergy.
- 7 It is acknowledged that there are other electrical contractors who could complete the works however there are contractual issues associated in doing that, which contractors would have to consider if tendering for this work. As electrical works have already commenced, it is unlikely that any new contractor would be prepared to submit (electrical) notices for work completed by another electrical contractor, nor would they be likely to warrant the works which have already been installed. This leads to potential liability issues where, if there were any electrical problems during commissioning or operation of the plant, they will only warrant the work they did, this would not be the case with Avora. Should an alternative electrical contractor be prepared to assume liability for electrical installation not undertaken by them, they will likely seek to review the electrical works previously carried out, to satisfy themselves it has been done correctly. This will take time and will be at an additional cost.
- 8 Going to public tender at this stage will also introduce a delay of at least three months whilst a tender is drafted, issued, returned, assessed and then awarded.
- 9 Avora has indicated they are interested in completing the works and has the resources available to do this. The construction market, particularly electrical installation work, is over-stretched at the moment, there being too much work for the resources available.

- 10 The EMRC has, additionally through an electrical consultant (PME), verified the estimated cost to complete the works.
- 11 For these reasons it is therefore recommended for Councils' deliberation that in accordance with r.11(2)(f) of the *Local Government (Functions and General) Regulations 1996*, tenders not be publicly invited on this occasion.

STRATEGIC/POLICY IMPLICATIONS

- 12 Key Result Area 1 – Environmental Sustainability
 - 1.1 To provide sustainable waste disposal operations
 - 1.2 To investigate leading edge waste management practices
- Key Result Area 3 – Good Governance
 - 3.4 To continue to improve financial and asset management practices

FINANCIAL IMPLICATIONS

- 13 At its meeting of 26 May 2022, Council approved unbudgeted expenditure for electrical works (D2022/08116).

SUSTAINABILITY IMPLICATIONS

- 14 The use of experienced and qualified contractor will ensure that the WWTE Plant is finished to the standard required by the EMRC and regulators.

RISK MANAGEMENT

Risk – Not achieving practical completion in a reasonable timeframe will result in loss of revenue opportunities.		
Consequence	Likelihood	Rating
Catastrophic	Possible / Likely	High (15) / Extreme (20)
Action/Strategy		
➤ This report recommends a course of action that expedites the procurement of electrical works.		

MEMBER COUNCIL IMPLICATIONS

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

ATTACHMENT(S)

NIL

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That:

1. Council acknowledges that because of Avora Energy’s previous involvement, knowledge and experience of this project, it has good reason to believe there is unlikely to be any other supplier who can provide a similar value for money outcome to complete the electrical installation and other works for the Hazelmere Wood Waste to Energy Project.
2. In accordance with r.11(2)(f) of the *Local Government (Functions and General) Regulations 1996* tenders not be publicly invited on this occasion.

COUNCIL RESOLUTION(S)

MOVED

SECONDED

5.5 INFORMATION BULLETIN - COFFS HARBOUR WASTE CONFERENCE 2022

D2022/08664

PURPOSE OF REPORT

The purpose of this report is to update Council on the recent attendance by the CEO at the Coffs Harbour Waste Conference held 3 – 5 May 2022.

KEY POINT(S)

- A requirement of the 6.3 Attendance at Events Policy is that following an attendance at a conference a written report is to be prepared for Council's information.

SOURCE OF REPORT

Chief Executive Officer

BACKGROUND

- 1 The CEO, Marcus Geisler, attended the Coffs Harbour Waste Conference held on 3 – 5 May 2022. The key focus of the conference was on local government waste and resource recovery activities.

REPORT

A Look Back at the Highlights of the Event

- 2 The 26th Edition of the Coffs Harbour Waste Conference 2022 held on 3rd, 4th and 5th of May brought together hundreds of players from all over Australia to present their environmental actions, reflections, studies and innovations.
- 3 Here are some of the highlights from three inspiring days that showed many sustainable solutions for an evolving industry.
- 4 Greg Freeman opened the conference by warmly welcoming to all sponsors, exhibitors and speakers who have committed their time and resource to the event and of course to the delegates who have supported the Coffs Waste Conference since 1996. He also emphasised the value of collaboration in the waste industry which bring all players together for a single goal.
- 5 Keynote speakers: The changemakers Cate McQuillen and Costa Georgiadis inspired reflections through the idea of resilience building and the circulation.
- 6 Cate spoke about the circulation meaning and how connection, observation, curiosity, experience, sharing happy stories and actions driven by values heart can influence behaviours; she also highlighted the power we have as members of our community.
- 7 Nature is circular, the shape of the world is a circle; Costa presented an inspiring talk that touched on circular thinking and nature's wisdom. He also addressed the linear mindset of conducting life in a very linear prescriptively manner, where nature fits outcomes in a short period of time. The interdependent natural ecosystem, on the other hand, is circular, like a leaf that falls and breaks down, then returns to the soil to nourish future plant life; the 'outputs'– of one process have become inputs for other processes; as a result, there is no end but maintenance solution and collaboration.

- 8 Cate and Costa's presentation had another big impact moment when they invited all delegates to imagine and project the future in 2030 by thinking positively and starting to take action right now; they also welcomed people to be a part of it by watching the film "Regenerating Australia", which was released in March 2022.

Tuesday 3rd May

- 9 Three streams ran concurrently throughout the conference covering topics of: Education (Part 1, 2, 3), Landfill, Expo-Operational Equipment, Fleet & Safety, Indigenous Waste Management, Expo-Recycling & Landfill Equipment, Litter & Illegal Dumping, Expo-Technology & Innovation. The main points from each topic are listed below.

Education

- 10 Over the course of the three sessions the educational presentations provided valuable feedback. The waste education sector is vital in ensuring the community has the skills, knowledge and information needed to adopt the circular economy actions in the real world. Engaging residents in waste education initiatives, building online programmes to educate educators, community projects, create sustainable activities to foster reuse and recycling behaviour change, and engaging local businesses for impact and waste diversion were among the subjects and projects discussed.
- 11 In Australia 7.6 million tonnes of food is wasted every year, costing the economy \$36.6 billion. The most wasted food is still perfectly edible and comes from homes, costing \$2,000 - \$2,500 per household.
- 12 OzHarvest initiated the "use it up" campaign to align with Australia's national goal of halving food waste by 2030.
- 13 Clear communication in delivering behaviour change programs, collaboration and connection between stakeholders such as local governments, organisations, industry, schools, businesses, and communities, as well as the adoption of technology and innovation, play a vital role in supporting the circular transition.

Landfill

- 14 The issues faced at landfills sites were presented from different subjects such as unlicensed sites, regulation, operation and sustainable landfill construction cost, gas risk, unlined landfills, hazards, and levies.
- 15 In New South Wales, there are currently 173 unlicensed landfills. Political will, clarity, commitment, government investment, technology restrictions, lack of communication, engagement, education, and limited FOGO collection across the state are all ongoing issues and obstacles.
- 16 Understanding the site and using reliable data can save cost; landfills that utilise sustainable methods can result in significant construction savings.

Indigenous Waste Management

- 17 Developing a sustainable waste strategy for First Nations, sustainable projects and circular economy management in remote regions were presented in this stream.
- 18 Australia National Waste Policy 2018 provided funding for remotising communities but it's not enough; no change can be achieved without investments. Providing infrastructure for the communities to compost and engage them in work operations is fundamental.
- 19 A lack of technology, long travel distances, difficulty engaging stakeholders to promote behaviour change, a lack of infrastructure for communities to eliminate unnecessary waste, and restricted access during wet seasons are all obstacles to dealing with illegal dumping and waste burning in indigenous areas. Changes and commitments are influenced by education and synergy.

Litter and Illegal Dumping

- 20 The cost of litter, illegal dumping, litter prevention strategy, residential asbestos disposal scheme, and tackling toxic vape waste were presented in this stream.
- 21 The cost of marine species caused by litter and illegal dumping has been calculated by the NSW EPA Litter Prevention Unit. The entire cost of the environmental crisis, on the other hand, is unquantifiable since the loss of marine species has no monetary worth. Plastic is the costliest type of litter and household waste is the most evident type of dumping.
- 22 To prevent illegal waste dumping, the Victoria litter enforcement officer network has developed surveys, meetings, training, advocacy, and research.
- 23 A free residential asbestos disposal scheme run by city authorities was presented. The programme tracked residents' awareness of the problem, reduced the risk of illegal dumping, and offered additional information and education.
- 24 Vaping is becoming more popular in Australia and around the world, but current battery stewardship and E-waste programmes do not include vaping devices. A formal programme or mandate is required, as well as a financial incentive, otherwise people will continue to litter or throw them in household kerbside bins.
- 25 All the speakers agreed that educational programmes, media communication, and training courses can improve community perception.

Wednesday 4th May

- 26 Three streams ran concurrently throughout the conference covering topics of: Strategy & Planning (Part 1, 2), Circular Economy, Plastics and Technology. The main points from each topic are listed below.
- 27 Keynotes: The circular economy through product stewardship and Australia's circular transition were discussed in the keynote presentations.
- 28 Rethinking how to design, use, consume and disposed of products plays an important role to change the way businesses work, and people behave. A new paradigm can be developed through rethinking material stewardship.
- 29 Australia's first National Product Stewardship Scheme for clothing textiles led to the Australian Fashion Council was presented as an important project to improve sustainability and shift towards the circular economy. The scheme is co-designed in collaboration with the clothing sector, reuse sector and recycling businesses.
- 30 The Ellen MacArthur circular economy system diagram was highlighted as a useful tool for understanding how materials are reused and never become waste.
- 31 According to data from Circularity in Australian Business 2021 only 27% of company decision makers could correctly identify the meaning of circular economy, even though 81% of business decision felt knowledgeable about the concept.
- 32 With massive infrastructure investments, expanded FOGO collection, and a national CDS programme, Australia has made great progress in product stewardship, however in order to make further progress, the discourse must be elevated, and the system must shift by design. People from all fields must be willing to collaborate and work together for the Australia Circular Transition to succeed.

Advanced Recycling Panel

- 33 Over \$350 million has been announced for end-market recycling infrastructure in Australia by 2025, according to the National Plastic Recycling Scheme.
- 34 Every year, Australia uses more than 70 billion pieces of soft plastic, such as bags, wrappers, and packs. In Australia, just 6% of soft plastics are recycled, with the remaining 85% ending up in landfills. Plastic equivalent to one garbage truck is dumped into the oceans every minute.
- 35 Scalable methodology for collecting, processing, recovering, and closing the loop on soft plastic is being developed in collaboration with numerous stakeholders and industry to reach national packaging targets by 2025.
- 36 Nestlé has committed to recycling or reusing 100% of its packaging by 2025 and reducing virgin plastic by a third. For the future of food packaging, new recycling technologies and design for advanced recycling are essential, sustainability. Collaboration among stakeholders is fundamental.
- 37 According to a new analysis from CSIRO, Australia's National Science Organisation, advanced recycling technologies might turn problematic plastic waste destined for landfills into valuable resources. The report evaluates the ways to convert plastic waste that can't be recycled with existing methods, into new resources in order to help Australia achieve national circular economy goals.
- 38 The Qenos Circular Plastic Project would enable 100.000 tonnes of currently unrecyclable plastic to be recycled into circular polyethylene, which has identical properties to virgin resin.
- 39 IQ Renew underlined the importance of collaborating and learning together to harvest waste that would otherwise end up in landfills. The first step in scaling up mechanic sorting is to engage community collaboration. Rethinking waste resources from collecting to building a circularity concept for soft plastic is essential.
- 40 Curby soft plastics program has been presented as a simple solution to keep soft plastic out of the landfills. By the program, households recycle soft plastic by putting into the yellow lid recycling bin. The REDcycle Program was mentioned as an example of a successful soft plastics collection program in Australia.

Container Deposit Schemes Panel

- 41 Strategic collaboration, the triple bottom line (economic, social, and environmental), behaviour change, job creation, charity, community groups, and education were all discussed throughout this panel.
- 42 The majority of kerbside recycling systems use the same mixed recycling bin, resulting in contamination, such as broken glass and mixed plastics. CDS, on the other hand, separate materials at the point of deposit, helping to achieve the larger recycling and circular economy goals.
- 43 All speakers agreed that in order to reduce waste and enhance recycling rates, customers' needs should be emphasized in decision-making. Encouraging people to recycle properly and eliminate confusion, should be prioritized, wine bottles were given as an example of a misunderstanding by consumers.
- 44 Consumers want their goods to have a lower environmental impact, thus the beverage industry has a role to play. Since people are becoming more aware of the differences between a mixed recycling bin and a CDS. Encouraging behaviour change and increasing education strategies to reduce litter and boost recycling rates in deposit schemes must be continually invested. To achieve positive social outcomes, interactions between the CDS and environmental policies should be considered.

Strategy and Planning (Part 1 and 2)

- 45 This stream covered presentations on innovation, strategies to accelerate the transition to a circular economy, and sustainability.

- 46 Investment in innovation, behaviour change, education, community action, and UN Development Goals are all priorities for Victoria 2030. Victoria is investing in the waste industry and focusing on technical skills, data insights, and financial incentives, as well as social research, pilot projects, policy design, and programmes, in order to achieve these aims.
- 47 The Circular Economy Business Innovation Centre was established to help businesses in Victoria shift to a circular economy by developing new solutions for waste. Returnr Marketplace, a zero-waste packing for returning, was one of the sponsored initiatives listed.
- 48 Recycling Victoria has committed to establishing a framework for monitoring circular economy metrics.
- 49 The pipeline of resource recovery initiatives in Australia is extensive and is growing thanks to grant financing. Throughout the last twelve months, recycling and resource recovery projects all over Australia have been announced or reached significant milestones. Many regulatory and policy barriers exist that slow or impede circular economy progress.
- 50 Our earth is over-consumed. Gayle Sloan of WMRR began her talk by emphasising the linear mindset of taking, making, using, and throwing. Going circular is a significant challenge; education, behaviour change, legislation, infrastructure, levies, EPR, public awareness raising, and design standards should all be prioritised by the government to achieve this shift.
- 51 The Sydney Metro areas has been dealing with a waste infrastructure challenge, a waste infrastructure plan is required. The latest flooding in NSW has revealed the vulnerability of waste management systems. Most metro governments do not have access to adequate land for the construction of new waste facilities, there are few facilities that handle FOGO, and the market is dominated by a few major vertically integrated waste corporations.
- 52 National targets set 80% resource recovery by 2030, however, recycling isn't happening quickly enough to reduce the demand for waste in landfills. In 2019, 61.5 Mt of waste were generated, with 60% went to recycling, and the remaining ~27.2Mt ending up in landfills. To meet recycling ambitions by 2030 it will need to grow at a rate of 2 million tonnes per year.
- 53 The main drivers now are not enough, landfill levies are lifting but are not fast enough, organics mandates are not widely implemented, export bans – only affects 1.2MT from 61MT generated, new EPR (e.g., container deposit scheme) – only affects 1 MT.
- 54 The single most important public policy action, according to data, is to mandate FOGO bins across the country; the second is to increase landfill levies.

Circular Economy

- 55 Under the NSW Waste and Sustainable Materials Strategy 2041, the NSW Circular Economy Transition will invest \$356 million over five years beginning July 1, 2022. The key initiatives towards a circular economy: future infrastructure and service needs, reducing carbon emissions through better waste and materials management, protect the environment and human health from waste pollution.
- 56 In the circular economy, repair takes precedence over recycling. According to research, most Australians prefer to replace rather than repair a product. Every year, 88% of the 4 million computers and 3 million TVs purchased in Australia end up in landfills. Enhancing repair in Australia requires improving consumer rights, promoting competition, and enabling access to repair suppliers, as well as increasing product information and e-waste management.

- 57 Local governments that implement circular procurement play a significant role in building a local circular economy, which goes beyond recycling procurements. The project management process provides a broad framework that should be adapted to the local context and reality. Local governments can use circular procurement to take a circular approach to public procurement that benefits the environment, economy, and society.
- 58 The National Packaging targets for 2025 are for all packaging to have 50% average recycled content. To meet this goal, efforts are being made to track progress and ensure that plastic does not end up in landfills. The recycled content traceability standard establishes a method for brand owners and governments to verify recycled content in packaging, as well as consumer engagement in meeting the National Waste Policy's goals. The Recycled Content Pledge initiative is being developed by APCO to assist the Australian packaging industry in achieving the National Waste Policy and moving towards a circular economy.
- 59 Yume Foods presentation included the linear model of the food supply chain. In Australia, 400 hundred semi-trailers full of food from just the commercial sector alone go to waste every day and just 1% of manufacturing food waste is donated; the rest is disposed in landfills. Yume's circular model uses technology for good to transform supplier process and benefits people in needed.

Technology (Part 1 and 2)

- 60 Recycle mate App, Australia's first artificial intelligence community-driven recycling has the purpose of reducing recycling contamination. The item is photographed, identified, and disposal information is provided according to location.
- 61 ReCollect app allows users the opportunity to have door-to-door service for container collection, making it more convenient and increasing participation in CDS programmes.
- 62 Technology statistics are useful for keeping track of cars at unmanned landfills. When compared to traditional methods, using drones to measure landfill gas emissions can improve efficiency and data quality.
- 63 The Internet of Things (IoT) enhances waste service efficiency and provides smart, relevant data to waste management. Smart waste sensors can detect the bin's GPS location, how full it is, movement, temperature, solar power, compactor, alert lights, and block off features when the bin is full. Smart bins are useful for analysing statistical data and making decisions.
- 64 Database technology was created to offer waste infrastructure information for all bins in the Bayside area. The app ArcGIS was provided to assist waste audit in order to inform sustainable circular economy strategy goals.
- 65 CEMAC Technologies presented an overview of recycling technical technology and the current average recycled content rate for all plastic in Australia compared to APCO National Packaging targets for 2025.
- 66 The Recycle Smart app is the "Uber" for waste. By booking collections online, collectors will collect waste from resident's front doors and transport this to a nearby recycling centre.

Plastics

- 67 This stream discussed activities on phasing out single-use plastics and the circular economy recycling for plastic.
- 68 Across 2019, there were 575 million plastic items littered in NSW. The Plastic Act Plan commits to phase out single-use and other problematic plastics by 2025, reduce plastic litter by 30%, make NSW a leader in plastic research, and produce legislation to implement essential initiatives.
- 69 Soft plastic shopping bags, single-use plastic stirrers and cutlery, single-use plastic plates, bowls, and expand polystyrene foodware will all be banned in NSW by 2022.

- 70 The Plastic Free July initiative has shown how Australian councils are working to reduce plastic waste. According to Monash University research, the key to changing behaviour is to empower individuals, share good stories of solutions, and engage the community.
- 71 The WWF-Australia has presented Australia's challenge of take-make-dispose plastic, which has a significant impact on biodiversity. The move away from single-use plastics is beginning, but the key difficulty is ensuring that harmful and problematic plastics are not replaced with the other problematic materials. Where single-use alternatives are required, regenerative and renewable solutions should be the target.
- 72 Linking community and industry through innovation were discussed by Liz Kasell, REDcycle program's founder. Every day Australians return around 4 million pieces of soft plastic to REDcycle bins.
- 73 REDcycle Program joined forces with iQ Renew to reshape the value chain for soft plastic in Australia, showing that good things can be accomplished through collaboration.

Thursday 5th May

- 74 Three streams ran concurrently throughout the conference covering topics of: FOGO (Part 1 and 2), Recycling, Energy from Waste, Product Stewardship, Problem Waste. The main points from each topic are listed below.
- 75 Keynotes: Meeting the challenge of halving Australian food waste by 2030 and ministerial update were addressed in the keynote presentations.
- 76 Unprecedented action by governments, industry and the community is needed to make feasible Australia halve food waste by 2030, it will require a whole value chain approach and a lot of collaboration. Key areas of action such as production, handling and storage, processing, packaging, distribution, market and consumption were discussed.

Extend Producer Responsibility Panel

- 77 Extending producer responsibility is a step toward a circular economy, but there are certain obstacles to overcome, such as better data measurement, traceability, and the establishment of progress reports and policy agendas. To engage people, a behaviour-changing communication effort is required, since EPR requires the collaboration of all industry actors.

Disaster Waste Management Panel

- 78 In 2022, New South Wales was hit by severe storms and flooding, in term of waste management, 75% of the waste in the flood clean-up has gone to large commercial facilities. The Environmental Protection Agency (EPA) is implementing shoreline clean-up projects. The number of tonnes of waste sent out to landfill after flood catastrophes has been updated.
- 79 In emergencies and disasters, managing waste collection for reuse and recycling can be much easier if people sort waste right at the bin.

FOGO

- 80 In Sydney, a food waste recycling project is underway to engage apartment buildings.
- 81 The founder of Goterra, Olympia Yarger, spoke about the challenges and prospects of food waste management. MIBS (modular infrastructure for biological services) can improve logistics and create regional opportunities.

82 Compostable bags and bin liners are important for keeping food organics out of landfills; according to studies, the cost-benefit of caddy liners which reduces contamination with inappropriate plastic bags in FOGO bins covers the cost of liners for councils. WRAP's 2021 Household Food Waste Guide recommends that the supply of liners should be free, continuous and in a sufficient quantity for households. Australian standard AS 4736 is high important.

83 To increase organic processing capabilities, more technology and infrastructure are needed. In this stream, major themes discussed were strategic thinking linked to the creation of viable markets for products, research on materials and packaging design, legislation to combat greenwashing, and a collaborative strategy including all stakeholders to succeed and create benefits.

84 Projects, market campaigns, education and ongoing communications are all essential to raise public awareness and encourage people to participate in the circular economy for food.

Recycling

85 Significant waste information was found in a case study that used various forms of data to provide useful information about what goes in the recycled yellow lid bin and the general waste bin. The survey found five major recycling contaminants, with bagged materials coming in first. The adoption of FOGO bins and education communication are two components that could be prioritised in order to reduce waste in landfills.

86 According to the APCO 2025 national packaging targets, more packaging data, and data from MRFs and recyclers are needed to advance the goals.

87 Researchers, industry partners, and manufacturers are working together to develop innovative products that incorporate waste materials as part of Victoria's circular economy transformation. According to case studies, the Victorian Government is driving end-market demand for priority materials through its own procurement under the Recycled First Policy.

88 Shoalhaven City Council has demonstrated how they are integrating recycling operations for a sustainable circular economy through a variety of processing infrastructure, recycling plants and recovery facilities. Multiple stakeholders and a technological research centre are working on advanced recycling technology initiatives.

Product Stewardship

89 One of the national packaging targets is to phase out problematic and unnecessary single-use plastic packaging. APCO has been leading efforts with industry and government to develop an industry-led and solution to EPS for businesses and consumers. The publication of an EPS Roadmap is planned for mid-2022.

90 Dr. Tony Wilkins spoke about how to create an accredited product stewardship scheme, as well as the management structure, operation, barriers, and benefits of a PSS management hub for more effective marketing and awareness.

91 Revolve ReCYCLING has been diverting bikes from landfills in order to promote the circular economy of bicycles. The linear economy of bikes is wasting significant resources in Australia, where 800,000 bikes or 10,000 tonnes are discarded every year.

92 To scale up product stewardship, it is necessary to measure its efficacy, as well as provide consistent data reporting and transparency.

Energy from Waste

93 The presentations addressed an introduction of EfW, policy and project updates to connect existing waste policies, projects in NSW, and technologies developed in Finland.

- 94 The NSW Energy from Waste Policy Statement (2021) has been updated to reflect the latest advice on air emissions standards from the Office of the NSW.
 - 95 There was a clear message that energy from waste should be seen as an alternative for contributing diversion of non-recyclables waste from landfill and reduction of greenhouse gases, not an alternative for FOGO and recycling. Presenters did emphasise the importance of community conversations at the local council level. The circular economy principles of designing out waste and pollution, keeping products and materials in use as long as possible and regenerating natural systems all playing a part in work done before waste is considered as an input for an EfW facility.
- Problem Waste**
- 96 COVID-19 caused an excess of plastic trash in healthcare, and the level of health care waste exposed waste management system cracks. Over 8 billion doses of vaccine have been given worldwide producing 144,000 tonnes of new waste in the form of syringes, needles, and safety boxes.
 - 97 Australia's health care sector is the second greatest carbon emitter per capita, according to data published.
 - 98 The NSW public health service produces 52,000 T of waste, which costs over \$16 million to manage, according to the NSW Circular Plastics in Healthcare Report.
 - 99 In the healthcare system, single-use plastics are prevalent. There are some misconceptions about what can be recycled and what is considered clinical waste. Projects in hospitals to develop recycling, cost savings, environmental benefits and staff engagement have been covered in the CLEANWAY presentation.
 - 100 Electronic and Electrical Waste (E-WASTE) is one of the fastest growing streams globally. The key difficulties that comprise this issue, such as illegal dumping, lack of regulatory frameworks, and lack of recycling infrastructure capacity, have been identified by an E-WASTE material flow analysis across Western Australia.
 - 101 Thank you for the opportunity to attend this event.

STRATEGIC/POLICY IMPLICATIONS

Key Result Area 3 – Good Governance

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

FINANCIAL IMPLICATIONS

As reported.

SUSTAINABILITY IMPLICATIONS

As reported.

RISK MANAGEMENT

Risk: Non-Compliance with Council Policy 6.3 Attendance at Events		
Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate
Action/Strategy		
➤ A written report following attendance at a conference is to be prepared.		



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

