

AGENDA

D2023/07587

Agenda Forum

11 May 2023

Notice of Meeting

Dear Councillors

The next Agenda Forum will be held on Thursday, 11 May 2023 at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 6:00pm.



Marcus Geisler | Chief Executive Officer

5 May 2023

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 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 | Chairman | City of Swan |
| Cr Doug Jeans | Deputy Chairman | Shire of Mundaring |
| Cr Hilary MacWilliam | EMRC Member | Town of Bassendean |
| Cr Paul Polikwa | EMRC Member | Town of Bassendean |
| Cr Steven Ostaszewskyj | EMRC Member | City of Bayswater |
| Cr Michelle Sutherland | EMRC Member | City of Bayswater |
| Cr Dylan O'Connor | EMRC Member | City of Kalamunda |
| Cr Margaret Thomas | EMRC Member | City of Kalamunda |
| Cr John Daw | 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 Rod Henderson | EMRC Deputy Member | City of Swan |

Agenda Forum 11 May 2023

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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

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

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 reports are covered in Section 7 of this agenda:

- LICENCE TO OCCUPY PART OF LOT 12, TOODYAY ROAD, GIDGEGANNUP (D2023/08001)
- WOOD WASTE TO ENERGY PROJECT UPDATE (D2023/08109)

6 REPORTS OF EMPLOYEES

- 6.1 WASTE MANAGEMENT COMMUNITY REFERENCE GROUP MEMBERSHIP (D2023/06936)
- 6.2 REQUEST FOR TENDER – RFT 2022-009 – PROVISION OF TRANSPORT SERVICES FROM HAZELMERE RESOURCE RECOVERY PARK TO EAST ROCKINGHAM AND RED HILL WASTE MANAGEMENT FACILITY (D2023/08205)
- 6.3 MAKING OF THE EMRC MEETING PROCEDURES LOCAL LAW 2023 (D2023/01847)
- 6.4 INFORMATION BULLETIN – SUSTAINABILITY TEAM UPDATE – JANUARY TO MARCH 2023 (D2023/06935)
- 6.5 INFORMATION BULLETIN – CORPORATE BUSINESS PLAN 2022/2023 – 2026/2027 – THIRD QUARTER REPORTING FROM JANUARY TO MARCH 2023 (D2023/06934)

6.1 WASTE MANAGEMENT COMMUNITY REFERENCE GROUP MEMBERSHIP

D2023/06936

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of a nominated community member to the Waste Management Community Reference Group (WMCRG).

KEY POINT(S)

- The Waste Management Community Reference Group (WMCRG) currently comprises seven members.
- The majority of the members were endorsed by the EMRC Council at its November 2022 meeting.
- A further member was endorsed by the EMRC Council at its March 2023 meeting.
- The EMRC is now in receipt of a nomination from a community member from the City of Swan.
- A further membership change will occur at the end of June 2023 with the pending departure of the City of Kalamunda WMCRG members.

RECOMMENDATION(S)

That Council endorses the nomination of Bill Karoll as a community member of the WMCRG, such nomination expiring in October 2025.

SOURCE OF REPORT

Chief Sustainability Officer

BACKGROUND

- 1 The WMCRG was formed in 2002 with membership drawn from interested person representing the then six member Council local communities.
- 2 At the 20 June 2019 meeting of Council it was resolved:

“THAT COUNCIL:

1. *WRITE TO MS RUTH KENDALL THE DEPUTY CHAIRMAN ACKNOWLEDGING HER SERVICE ON THE WMCRG SINCE ITS INCEPTION.*
2. *ENDORSE THE RENOMINATION OF THE FOLLOWING WMCRG MEMBERS FOR A TWO (2) YEAR TERM EXPIRING ON 31 AUGUST 2021 AND ACKNOWLEDGE THEIR CONTINUING SUPPORT.*
 - *MS DIANNE KATSCHERIAN (CHAIRMAN);*
 - *MR ANTHONY FOWLER;*
 - *MS BELINDA HAMILTON;*
 - *MS CARMEL LUCK;*
 - *MR EDWIN DELL;*
 - *MR MALCOLM BARKER;*
 - *MR MARK SIMPSON; AND*
 - *MR RAY LEWIS.*

3. *ACCEPT THE AMENDED TERMS OF REFERENCE AND ROLES OF MEMBERS AND OFFICERS FORMING (ATTACHMENT 2) TO THIS REPORT.*
4. *ADVERTISE FOR EXPRESSIONS OF INTEREST FOR ADDITIONAL MEMBERSHIP IN THE WMCRG.”*

REPORT

- 3 Since 2019 the endorsed community members have taken part in numerous WMCRG meetings with some member resigning from the WMCRG between 2019 and 2022.
- 4 The role of the WMCRG Members is outlined in the Terms of Reference (previously circulated to Councillors as part of the November 2022 Council report) and includes the opportunity for the members to:
 - a. Bring to the WMCRG their expertise and experience to assist the Group
 - b. Discuss relevant issues, in accordance with the Terms of Reference
 - c. Raise items for consideration by the WMCRG. These may require an officer to research and prepare a report for the reference group’s consideration at a subsequent meeting
 - d. Provide expert advice if, and where, qualified to do so
 - e. Recognise that the EMRC is required to makes its own decisions with regard to any advice placed before it, including operating within the parameters of the Local Government Act, 1995
 - f. To be open and honest in their dealings at WMCRG meeting
 - g. To declare any vested interests
 - h. To respect any confidentiality requirements requested by the EMRC
- 5 In order to reaffirm existing members intentions to continue as a WMCRG member and to also increase the representation of the WMCRG across the five member Councils, Expressions of Interest were sought from the community via the EMRC’s Earth Carers network and the Regional Waste Education Officers group. Nominations closed on 24 October 2022 and at the time of preparing this report, seven applications had been received: Carmel Luck; Anthony Fowler; Mark Simpson; Belinda Cass; Edwin Dell; Dianne Katscherian; Alan Wicks.
- 6 Council deliberated on the applications received at its November 2022 meeting and it was resolved:

“THAT COUNCIL ENDORSE THE NOMINATIONS OF THE FOLLOWING COMMUNITY MEMBERS FOR A THREE-YEAR TERM EXPIRING IN OCTOBER 2025:

 1. *MS CARMEL LUCK*
 2. *MR ANTHONY FOWLER*
 3. *MR MARK SIMPSON*
 4. *MS BELINDA CASS (HAMILTON)*
 5. *MR EDWIN DELL*
 6. *MS DIANNE KATSCHERIAN*
 7. *MR ALAN WICKS”*

7 Subsequent to this, a further nomination was received from an interested community member residing in the Town of Bassendean and this nomination was presented to the EMRC Council for consideration at its March 2023 ordinary meeting of Council and it was resolved:

“THAT COUNCIL ENDORSES THE NOMINATION OF PENNY STEEL-BROWN AS A COMMUNITY MEMBER OF THE WMCRG, SUCH NOMINATION EXPIRING IN OCTOBER 2025.”

8 The EMRC is now in receipt of a further nomination from Mr Bill Karoll, who resides in Gidgegannup in the City of Swan. Bill is well known to the EMRC and will be a valuable addition to the WMCRG. His nomination form is attached.

9 Council endorsed members have an interest in waste management and waste education and can act as EMRC advocates when promoting waste and resource recovery initiatives. The table below indicates which local government area each of the current member resides in:

| Council | Current Members |
|--------------|--|
| Bassendean | Penny Steel Brown |
| Bayswater | Carmel Luck |
| Kalamunda | Anthony Fowler Mark Simpson Belinda Cass |
| Mundaring | Edwin Dell Dianne Katscherian |
| Swan | Alan Wicks |
| Total | 8 |

10 It is worth noting that membership of the WMCRG will be further modified at the end of June 2023 to account for the departure of the three City of Kalamunda community representatives, given Kalamunda’s impending departure as a member Council of the EMRC as at 30 June 2023.

STRATEGIC/POLICY IMPLICATIONS

11 Reporting on EMRC Strategic Policy implications align with the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027:

- Goal: Demonstrate Circular Economy Leadership
 - Target: 80% resource recovery of waste generated in the region by 2030
- Goal: To Respond to a Climate Emergency
 - Target: Infrastructure adaptation and education by 2030
 - Target: Below zero emissions by 2040
- Goal: Reduce our Environmental Impact
 - Target: Contribute to a decrease in illegal waste disposal by 2040
- Goal: To Create Value in the Community
 - Target: Source separation by 2027

FINANCIAL IMPLICATIONS

12 The costs associated with the WMCRG are included in the annual budget.

SUSTAINABILITY IMPLICATIONS

13 The WMCRG group provide feedback and input into the waste and resource recovery initiatives and activities that occur at any of the EMRC’s facilities, which all contribute towards minimising the environmental impact of waste by facilitating the sustainable use and development of resources.

RISK MANAGEMENT

| Risk – The WMCRP ceases to function | | |
|--|-------------------|---------------|
| Consequence | Likelihood | Rating |
| Possible | Insignificant | Low |
| Action/Strategy | | |
| ➤ Continued liaison with the group ensures they remain engaged | | |



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)

WMCRG Nomination Form – Mr Bill Karoll (D2023/06938)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That Council endorses the nomination of Bill Karoll as a community member of the WMCRG, such nomination expiring in October 2025.

COUNCIL RESOLUTION(S)

MOVED

SECONDED



Eastern Metropolitan Regional Council (EMRC)
226 Great Eastern Highway, Belmont WA 6104
Waste Management Community Reference Group (WMCRG)
Nomination Form for a New Member (Expressions of Interest)

The Eastern Metropolitan Regional Council (EMRC) is defined by the boundaries of five Local Governments consisting of the Town of Bassendean, City of Bayswater, City of Kalamunda, Shire of Mundaring and the City of Swan

First Name _____ **Last Name** _____

Address _____ **Suburb** _____

Preferred Email _____ **Mobile No.** _____

Local Government Council you reside and for how long? _____

A Community Representative needs to possess the following criteria:

- a) Live or have business in the EMRC region as mentioned above.
- b) Possess a wide knowledge base and an interest in the community issues surrounding waste and recycling.
- c) Be available for a minimum of two meetings per year. All meetings are held at the EMRC, 226 Great Eastern Highway (Cnr Kalgoorlie Street), Belmont commencing at 6:00pm on a Monday evening.
- d) Be comfortable engaging with a wide range of stakeholders regarding the waste/recycling industry (residents, businesses, community groups, Council, other government and private organisations).
- e) Have the ability to research, analyse and translate waste and recycling issues in their eastern region back to the group, with recommendations and suggestions.
- f) Have the ability to work effectively in a team and individually.
- g) Update and report to the community in an effective and timely manner.

Experience and knowledge in waste management is not essential. If you think you have what it takes to represent your community on this important issue, we invite you to apply with a brief statement outlining your suitability for the role. Please provide any relevant documentation which may support your application.

Should you have any enquiries, please contact Isabelle Marie, Waste Education Coordinator on 9424 2222 or Isabelle.Marie@emrc.org.au

Please email Nomination Form to the above email or alternatively mail to WMCRG Application – Waste Services, EMRC, PO Box 234, Belmont 6984 or hand deliver to 226 Great Eastern Highway, Belmont.



6.2 REQUEST FOR TENDER RFT 2022-009 – PROVISION OF TRANSPORT SERVICES FROM HAZELMERE RESOURCE RECOVERY PARK TO EAST ROCKINGHAM AND RED HILL WASTE MANAGEMENT FACILITY

D2023/08205

PURPOSE OF REPORT

The purpose of this report is to advise Council of the results of Tender RFT 2022 - 009 Provision of Transport Services and recommend acceptance of the Tender from Appala Holdings Pty Ltd T/A Wastetrans WA for the transportation of municipal solid waste (MSW) and commercial and industrial (C&I) waste from the Hazelmere Resource Recovery Park (HRRP) Waste Transfer Station (WTS) to the East Rockingham Waste to Energy facility (ERWtE).

KEY POINT(S)

- HRRP WTS will facilitate the consolidation of participating member Council's kerb collected MSW and subsequent transportation to the ERWtE facility that is anticipated to be operational in November 2023.
- HRRP WTS will also facilitate the consolidation of member Council FOGO materials before a third-party processor collects and transports them to its treatment facility for recovery.
- A tender request for transport services was advertised via Tenderlink, local libraries and the West Australian on 17 December 2022.
- The tender closed on 20 January 2023, with three submissions received in total.

RECOMMENDATION(S)

That:

1. Council awards Tender RFT 2022-009 Provision of Transportation Services based on a fixed schedule of rates (subject to annual CPI adjustments) for two years with two optional one-year extensions at the sole discretion of the EMRC to Appala Holdings Pty Ltd T/A Wastetrans WA for an estimated total cost of \$5,973,043.00 for the transportation of unicipal solid waste (MSW) and commercial & industrial (C&I) waste from HRRP to East Rockingham Waste to Energy (ERWtE) facility.
2. The CEO be authorised on behalf of the EMRC to enter into a contract with Appala Holdings Pty Ltd T/A Wastetrans WA in accordance with their submitted Tender, subject to any minor variations that may be agreed upon between the EMRC and Appala Holdings Pty Ltd T/A Wastetrans WA.

SOURCE OF REPORT

Chief Operating Officer

BACKGROUND

- 1 HRRP WTS is anticipated to receive 44,000 tonnes of MSW from the City of Swan, the City of Kalamunda and the Shire of Mundaring annually, commencing November 2023, with the view to bulk transport of the consolidated MSW and C&I waste to ERWtE facility.
- 2 HRRP WTS is anticipated to receive 40,000 tonnes of FOGO material from member Councils annually, which will be collected by a third-party processor and transported off-site for recovery. However, in a contingent situation, the EMRC may require a transport contractor to transport the FOGO material to the Red Hill Waste Management Facility (RHWMF).

- 3 For maximum efficiency while remaining compliant with all transport regulatory requirements, it is recommended that a suitable Contractor uses double-trailer truck configurations no longer than 27.5 metres in length with the ability to cart up to forty-two tonnes of waste per load.

REPORT

- 4 A request for Tender process was undertaken on 4 November 2022 for the provision of transport services; however, the EMRC terminated the portion relating to the transportation of MSW and C&I waste from HRRP to ERWtE due to the lack of compliant responses that limited EMRC’s ability to compare and ensure the most efficient Offer is recommended for contracting.

- 5 Henceforth, the EMRC developed a Request for Tender (RFT) for the provision of transport services comprised of the following separable portions:

- Collect MSW and C&I waste from HRRP WTS and transport them to the ERWtE facility. The contract term is two (2) years with two (2) one (1) year optional extensions at the sole discretion of the Principal.
- Collect FOGO from HRRP WTS and transport them to the RHWMF (only if required). The contract term is two (2) years with two (2) one (1) year optional extensions at the sole discretion of the Principal.

- 6 The RFT was advertised via Tenderlink, local Libraries, and the West Australian on 17 December 2022, and the closing date for submissions was 20 January 2023 with offers submitted by the following companies:

- Appala Holdings Pty Ltd T/A Wastetrans WA;
- All Point Nominees T/A K Trans; and
- GMG Haulage.

- 7 After the compliance check conducted by EMRC Procurement, all submissions were found to be compliant and proceeded to evaluation.

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

| Assessment Criteria | Weighting |
|--|-----------|
| (a) Resource Planning | 30% |
| (b) Relevant Experience | 5% |
| (c) Workplace Health and Safety Management (WHS) | 10% |
| (d) Methodology | 15% |

- 9 Price was weighted at 40% of the evaluation.

- 10 The estimated expenditure for the portion relating to the transportation of MSW and C&I from HRRP WTS is \$4,403,808.00 (ex GST) based on the estimated waste volumes available for transportation and tendered price submitted by Appala Holdings Pty Ltd T/A Wastetrans for the transportation of C&I and MSW from the HRRP WTS to the ERWtE over a two (2) year period.

- 11 The estimated expenditure for the portion relating to the transportation of FOGO from the HRRP WTS to the RHWMF is \$1,569,235.20 over two (2) years based on the estimated waste volumes and tendered price submitted by Appala Holdings Pty Ltd T/A Wastetrans however, the EMRC may or may not require this service as it will only be utilised during a contingent situation.

- 12 The submission from Appala Holdings Pty Ltd T/A Wastetrans for the transportation of C&I and MSW from the HRRP WTS to ERWtE is based on a fixed schedule of rates and is recommended for acceptance as the preferred tenderer.

STRATEGIC/POLICY IMPLICATIONS

13 Reporting on EMRC Strategic Policy implications align with the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027:

Goal: Environment Impact

Objective: Reduce our environmental impacts through efficient operations, forward thinking and supporting circular and sustainability initiatives in the region

FINANCIAL IMPLICATIONS

14 Nil

SUSTAINABILITY IMPLICATIONS

15 Efficient and compliant transport of waste is part of the EMRC’s sustainability policies.

RISK MANAGEMENT

| Risk – Loss of revenue for short term contract with Cleanaway. | | |
|---|-------------------|---------------|
| Consequence | Likelihood | Rating |
| Catastrophic | Almost certain | High |
| Action/Strategy | | |
| ➤ Council to authorise the CEO to enter into a contract with the recommended tenderer(s), the subject of this report. | | |

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)

Supplier Company Details (D2023/09212)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION(S)

That:

1. Council awards Tender RFT 2022-009 Provision of Transportation Services based on a fixed schedule of rates (subject to annual CPI adjustments) for two years with two optional one-year extensions at the sole discretion of the EMRC to Appala Holdings Pty Ltd T/A Wastetrans WA for an estimated total cost of \$5,973,043.00 for the transportation of unicipal solid waste (MSW) and commercial & industrial (C&I) waste from HRRP to East Rockingham Waste to Energy (ERWtE) facility.
2. The CEO be authorised on behalf of the EMRC to enter into a contract with Appala Holdings Pty Ltd T/A Wastetrans WA in accordance with their submitted Tender, subject to any minor variations that may be agreed upon between the EMRC and Appala Holdings Pty Ltd T/A Wastetrans WA.

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: | Appala Holdings Pty Ltd |
| ABN / ACN: | 81 265 759 040 |
| Address of Registered Office: | 2 Brook Street, Perth WA 6004 |
| Principal Place of Business: | 25 Mooney Street, Bayswater |
| Information on previous company names (if applicable): | Appala Holdings Pty Ltd previously operated the Perth Bin Hire business, until it's sale in May 2021. |
| DIRECTOR PARTICULARS | |
| Title: | Mr |
| Full Forename(s): | Jack |
| Surname: | Kailis |
| Former Name(s): | |
| Country / State of Residence: | Western Australia |
| Nationality: | Australian |
| Date of Birth: | 14 August 1958 |
| Date of Appointment: | 4 August 1994 |
| Telephone: | 0418 913 820 |
| Email: | jack@wastetranswa.com.au |
| LIST OF CONTRACTORS | |
| Contractor 1: | |
| Contractor 2: | |
| Contractor 3: | |
| Contractor 4: | |
| Contractor 5: | |
| Contractor 6: | |
| Contractor 7: | |
| Director's Signature: | |
| Date: | 20 January 2023 |

Please complete and return this form with your tender submission

6.3 MAKING OF THE EMRC MEETING PROCEDURES LOCAL LAW 2023

D2023/01847

PURPOSE OF REPORT

To seek Council's instruction whether to make the *Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023* (Local Law 2023) as a result of the review of the existing *Eastern Metropolitan Regional Council Standing Orders Local Law 2013* (Local Law 2013) in accordance with the requirements of the *Local Government Act 1995* (the Act).

KEY POINT(S)

- Local laws are required to be reviewed within a period of eight years from the day they commenced.
- Following a review of the existing Local Law 2013, it was recommended that they be repealed and a new Local Law 2023 be adopted.
- To facilitate this, the statutory process in accordance with section 3.12 of the Act is to be followed.
- Alternatively, Council may wish to consider the planned new phase of reforms for the *Local Government Act 1995* in relation to the standardisation to meeting procedure local laws, thus maintaining the status quo of keeping the *Local Law 2013* until the changes as a result of new phase of reforms is certain and comes into effect.

RECOMMENDATION(S)

That:

1. Council, by absolute majority in accordance with section 3.12 of the *Local Government Act 1995*, makes the *Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023*.
2. Local public notice of the gazetted *Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023* be given.
3. *Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023* be sent to the Joint Standing Committee on Delegated Legislation within 10 working days of their gazettal in the *Government Gazette*.

SOURCE OF REPORT

Chief Executive Officer

BACKGROUND

- 1 Section 3.16 of the Act 'Periodic review of local laws' states:
“(1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*”
- 2 Under the powers conferred by the Act, the EMRC Council resolved on 21 March 2013 to adopt the *EMRC Standing Orders Local Law 2013* which was published in the *Government Gazette* on 26 June 2013.

- 3 Section 3.16 of the Act stipulates the review process which incorporates the following:
- S. 3.16 (2) (a) Giving statewide public notice that the Local Government proposes to review the local law
 - S. 3.16 (2) (b) Permitting copies of the local law to be inspected or obtained
 - S. 3.16 (2) (c) Allowing 6 weeks from printing of public notice for submissions to be made
 - S. 3.16 (2a) Notice to be published and exhibited as though it were a local public notice
 - S. 3.16 (3) Local Government to consider any public submissions and prepare a report of the review for Council consideration
 - S. 3.16 (4) Any determination to repeal or amend the local law to be made by absolute majority
- 4 At the Ordinary Meeting of Council on 25 November 2021 (Ref: D2021/23182), it was resolved:
- “THAT:*
- 1. IN ACCORDANCE WITH SECTION 3.16(1) OF THE LOCAL GOVERNMENT ACT 1995, COUNCIL COMMENCES A REVIEW OF THE EASTERN METROPOLITAN REGIONAL COUNCIL STANDING ORDERS LOCAL LAW 2013.*
 - 2. IN ACCORDANCE WITH SECTION 3.16(2) OF THE LOCAL GOVERNMENT ACT 1995, LOCAL PUBLIC NOTICE BE GIVEN OF THE EMRC PROPOSING TO REVIEW THE EASTERN METROPOLITAN REGIONAL COUNCIL STANDING ORDERS LOCAL LAW 2013.”*
- 5 On Wednesday 8 December 2021 an advertisement was placed in the West Australian newspaper informing members of the public of a review of the Local Law 2013 to determine whether it should be repealed or amended. The information was available for public comment for a period of six weeks (submissions closed on 21 January 2022).
- 6 By the closing date, the EMRC had not received any public submissions.
- 7 An e-mail was sent to all Councillors on 9 May 2022 seeking feedback in respect of the review of the EMRC Standing Orders Local Law 2013. No major feedback was received from Councillors except for a couple of queries which were responded to by EMRC staff and dealt with.
- 8 An initial review of the Local Law 2013 by EMRC’s legal representative, McLeods noted that the current structure was sound and only minor amendments are required to ensure consistency with the current provisions of the Act and Regulations and the requirements of the Joint Standing Committee on Delegated Legislation. However, McLeods recommended amending the existing Local Law 2013 by making a new local law rather than by making an amendment local law. The same process is required to make an amendment local law as is required to make a new local law but the outcome of making an amendment local law is two documents (the existing local law plus the amendment local law), whereas the outcome of making a new local law is one document (a new local law which will effectively be the existing Local Law 2013 with the required amendments).
- 9 At the Agenda Briefing Forum on 13 October 2022 Council discussed the draft Meeting Procedures Local Law 2023 and the followings requested amendments have now been incorporated in the tabled Local Law 2023 forming attachment 1:
- Names of all votes are recorded in the minutes [Clause 13.2(2)]
 - All council meetings are recorded [Clause 5.14(1)]
 - Recordings of all council meetings are publicly available (on the EMRC website) [Clause 5.14(1)]
 - Removal of time limitation on the announcements by the chairperson or presiding member [Clause 4.5(c)]; and
 - Attendance at a Committee meeting as an observer for members and deputy members [Clause 5.11(2)]

10 At the ordinary Meeting of Council on 27 October 2022 (Ref: D2022/18546), it was resolved:

“THAT:

1. COUNCIL, BY ABSOLUTE MAJORITY IN ACCORDANCE WITH SECTION 3.16 OF THE LOCAL GOVERNMENT ACT 1995, REPEAL THE EMRC STANDING ORDERS LOCAL LAW 1998.
2. COUNCIL, COMMENCE THE PROCESS REQUIRED BY SECTION 3.12 OF THE LOCAL GOVERNMENT ACT 1995, TO MAKE THE EASTERN METROPOLITAN REGIONAL COUNCIL MEETING PROCEDURES LOCAL LAW 2023.”

REPORT

11 On 7 December 2022 an advertisement was placed in the West Australian newspaper informing members of the public that the EMRC proposes to make a new local law relating to the *Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023* for public comment for a period of six weeks (submissions closed on 20 January 2023).

12 By the closing date, the EMRC had not received any public submissions.

13 On 2 February 2023 the EMRC sent a copy of the proposed Local Law 2023 to the Minister for Local Government.

14 By e-mail dated 28 February 2023, the Department of Local Government, Sport and Cultural Industries responded and as part of their response they suggested some minor edits to the draft Local Law 2023. These edits have been considered and are included in Attachment 1 and Attachment 2 to this report.

15 The minor edits made are summarised below and form part of the tracked changes contained in Attachment 1:

- Contents Page – Page numbers have been removed in the contents page and the bottom of each page. This is to ensure that the page numbers do not clash with the Government Gazette’s existing page numbering system. The clause numbers and the clause titles are included and this is sufficient to navigate the document;
- Clause 1.1(1) – The citation title ‘Eastern Metropolitan Regional Council’ in this clause has been changed to italics;
- Clause 2.6 – This clause has been removed in its entirety as it is unnecessary. It was originally retained from the Local Law 2013 however, it is superfluous and therefore not required.
- Clause 5.14(2) – In this clause the word ‘vocal’ has been replaced with the word ‘audio’. This was picked up from the Local Law 2013 and has been updated as the previous wording was inconsistent with the new wording; and
- Final paragraph – the final paragraph/sentence was moved several lines below clause 18.3 so that the sentence is not confused as being part of clause 18.3. Also the full stop at the end of the final paragraph has been replaced with a colon instead.

16 In accordance with section 3.12(4) of the Act, the local government is to consider any submissions made and by absolute majority may make the local law as proposed or make a local law that is not significantly different from what was proposed. The minor edits proposed by the Department of Local Government, Sport and Cultural Industries, as referred to above, are not considered significantly different from what was proposed and therefore may be applied without the requirement to re-start the local law making process.

- 17 If Council resolves to make the proposed new Local Law 2023 (or one that is not significantly different to that local law) then, in accordance with the Act, the EMRC will be required to publish it in the *Government Gazette*, give a copy of the Gazetted local law to the Minister, give local public notice of the making of the local law and provide the local law to the Joint Standing Committee on Delegated Legislation along with the Explanatory Memorandum and other material required by the Minister's *Local Laws Explanatory Memoranda Directions 2010*.
- 18 The other noteworthy matter in the response from the Department is regarding the outcome of the proposed reforms to the Act, particularly regarding the Meeting Procedures Local Law.
- 19 The Minister for the Department of Local Government, Sport and Cultural Industries is planning a new phase of reforms for the *Local Government Act 1995*.
- 20 As part of these reforms, the Minister intends to introduce some degree of standardisation to meeting procedure local laws. The EMRC has been advised that depending on the final result of the reforms, it may be possible that meeting procedure local laws will be replaced with a set of regulations.
- 21 While there is nothing preventing the EMRC from making a meeting procedure local law in the meantime, it should be noted that the content of the local law will likely be impacted over the mid to long term because of the reforms.
- 22 The first part of the proposed reforms were introduced to State Parliament in February 2023 (in the *Local Government Amendment Bill 2023*). The Bill allows for regulations about meeting procedures to be made. If the Bill makes it through the Parliament with those regulation provisions intact, nothing will change until those regulations are made. Consequently, if it is assumed everything goes according to the Minister's plan, it is likely to be sometime in 2025 before the regulations come into effect. It is not known whether or not there will be a transition phase.
- 23 Given this development, it would be open to the Council to decide whether to proceed with making the proposed Local Law 2023 the new local law. The requirements of section 3.16(4) of the Act have already been met by the process to date and the outcome of the review was that little change was required.
- 24 Thus, Council have two options to consider:
- a Option 1 – Continue with the making of the EMRC Meeting Procedures Local Law 2023
 - b Option 2 – Await the outcome of the proposed reforms to the Local Government Act 1995 regarding meeting procedures local laws.
- 25 Should Council decide to proceed with Option 1, the motion to be consider is:
- That:*
- 1. Council, by absolute majority in accordance with section 3.12 of the Local Government Act 1995, make the Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023.
 - 2. Local public notice of the gazetted Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023 be given.
 - 3. Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023 be sent to the Joint Standing Committee on Delegated Legislation within 10 working days of their gazettal in the Government Gazette.

26 Should Council decide to proceed with Option 2, the following alternative motion may be considered:

“That:

1. Council, by absolute majority suspends the local law making process to make the Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023 and cancels the repeal of the EMRC Standing Orders Local Law 2013.
2. Council, awaits the outcome of the proposed reforms allowing for regulations about meeting procedures to be made and instructs officers to report back to Council if required.

27 EMRC officers recommend Option 1 as there remains uncertainty when the outcome of the proposed reforms to the Act will be in effect. As the current review has been undertaken, there is merit proceeding and make the Local Law 2023.

STRATEGIC/POLICY IMPLICATIONS

28 Reporting on EMRC Strategic Policy implications align with the revised Strategic Plan 2017-2027 and the Sustainability Strategy:

Target: Sustainability integrated into management processes.

FINANCIAL IMPLICATIONS

29 Nil

SUSTAINABILITY IMPLICATIONS

30 Nil

RISK MANAGEMENT

Risk – Failure to comply with section 3.16 of the Local Government Act 1995 by not conducting the required periodic review of local laws

| Consequence | Likelihood | Rating |
|--|------------|----------|
| Moderate | Unlikely | Moderate |
| Action/Strategy | | |
| <p>➤ Council to resolve to repeal the <i>Eastern Metropolitan Regional Council Standing Orders Local Law 2013</i> pursuant to section 3.16 of the <i>Local Government Act 1995</i> and commence the process to replace it with the proposed new <i>Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023</i></p> | | |

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. Draft Eastern Metropolitan Regional Council *Meeting Procedures Local Law 2023* with Tracked Changes (D2023/08436)
2. Final Eastern Metropolitan Regional Council *Meeting Procedures Local Law 2023* (D2023/02179)

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION(S)

That:

1. Council, by absolute majority in accordance with section 3.12 of the *Local Government Act 1995*, makes the *Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023*.
2. Local public notice of the gazetted *Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023* be given.
3. *Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023* be sent to the Joint Standing Committee on Delegated Legislation within 10 working days of their gazettal in the *Government Gazette*.

COUNCIL RESOLUTION(S)

MOVED

SECONDED

Draft 14/9/22

EMRC

Style Definition: TOC 1: Tab stops: 15.9 cm, Right,Leader: ...

Style Definition: TOC 2

MEETING PROCEDURES LOCAL LAW 2023

Local Government Act 1995
Eastern Metropolitan Regional Council

Meeting Procedures Local Law 2023

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Local Government Act 1995
Eastern Metropolitan Regional Council

Meeting Procedures Local Law 2023

Under the powers conferred by the Local Government Act 1995 and all other enabling powers, the Council of the Eastern Metropolitan Regional Council resolved on _____ to make the following local law.

Part 1 - Preliminary

1.1 Short title

- (1) This is the *Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023*.
- (2) In the clauses that follow, this local law is referred to as 'this Local Law'.

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1.2 Commencement

This local law commences 14 days after it is published in the Government Gazette.

1.3 Application and intent

- (1) This Local Law contains the rules that apply to the conduct of meetings of the Council and its committees.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and this local law.
- (3) This Local Law is intended to result in –
 - (a) better decision making by the Council and its committees;
 - (b) the orderly conduct of meetings;
 - (c) better understanding of the process of conducting meetings; and
 - (d) more efficient and effective use of time at meetings.

1.4 Defined terms

In this Local Law unless the context otherwise requires -

absolute majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the EMRC;

Chairperson means the Chairperson of the EMRC elected under the Establishment Agreement;

Code of Conduct means the EMRC Code of Conduct for Council Members, Committee Members and Candidates;

committee means a committee of the Council established under section 5.8 of the Act;

Council means the Council of the EMRC;.

Deputy Chairperson means the Deputy Chairperson of the EMRC elected under the Establishment Agreement;

deputy member means a member of the council of a Participant appointed by the Participant under the Establishment Agreement to act temporarily in place of a member appointed by that Participant;

employee has the same meaning as is given to it in the Act;

EMRC means the Eastern Metropolitan Regional Council;

Establishment Agreement means the establishment agreement between the Participants ;

meeting means a meeting of the Council, or a meeting of a committee, as the context requires;

member means a member of the council of a Participant appointed by the Participant under the Establishment Agreement to be a member of the Council;

Participant means a party to the Establishment Agreement;

presiding member means -

- (a) in respect of the Council, the Chairperson or other person presiding under section 5.6 of the Act (see clause 3.1); and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act (see clauses 3.4 and 3.5);

Regulations means the *Local Government (Administration) Regulations 1996*;

simple majority means more than 50% of the members present and voting;

special majority has the meaning given to it in the Act; and

substantive motion means an original motion, or an original motion as amended, but does not include an amendment motion or a procedural motion.

1.5 Interpretation

Unless otherwise defined, the terms used in this Local Law have the meaning given to them in the Act and Regulations.

1.6 Deputy member

- (1) If a member is unable to attend a meeting or part of a meeting, a deputy member may attend in place of that member provided that –
 - (a) the deputy member has been appointed by the Participant which appointed the absent member.

(b) the deputy member has made a declaration in the prescribed form (under section 2.29 of the Act) before acting in the office.

(2) While attending a meeting in place of a member, a deputy member has all the powers of that member.

1.7 Repeal

The Eastern Metropolitan Regional Council Standing Orders Local Law 2013, published in the Government Gazette on 26 June 2013, is repealed.

Part 2 - Meetings of the Council and committees

2.1 Ordinary and special Council meetings

(1) Ordinary and special Council meetings are dealt with in the Act.

(2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.

(3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

2.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

2.3 Convening Council meetings

(1) The convening of a Council meeting is dealt with in the Act.

(2) Subject to subclause (3), the CEO is to give at least 48 hours' notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.

(3) Where, in the opinion of the Chairperson or at least 1/3 of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting

2.4 Calling committee meetings

A meeting of a committee is to be held –

(a) if called for in a verbal or written request to the CEO by the Chairperson or by the presiding member of the committee, setting out the date and purpose of the proposed meeting;

(b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting;

(c) if called for by the CEO; or

(d) in accordance with a decision of the Council or the committee.

2.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

2.6 Minor irregularity

The legal effect of a minor irregularity on the validity of a meeting is dealt with in the *Interpretation Act 1984*.

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Part 3 - Presiding member and quorum

3.1 Who presides

Who presides at a Council meeting is dealt with in the Act.

3.2 When the Deputy Chairperson can act

When the Deputy Chairperson can act is dealt with in the Act.

3.3 Who acts if no Chairperson or Deputy Chairperson

Who acts if there is no Chairperson is dealt with in the Act.

3.4 Election of presiding members of committees

The election of presiding members of committees is dealt with in the Act.

3.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

3.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

3.7 Who acts if no presiding member

Who acts if there is no presiding member is dealt with in the Act

3.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

3.9 Attendance by means of instantaneous communication

The circumstances in which a person who is not physically present at a meeting of the Council or a committee is taken to be present at the meeting are dealt with in the Regulations.

3.10 Reduction of quorum for Council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

3.11 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

3.12 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

3.13 Procedure where quorum not present during a meeting

If at any time during a meeting a quorum is not present –

- (a) the Chairperson or presiding member is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
- (b) if a quorum is not present at the expiry of the suspension period under subclause (a), the Chairperson or presiding member may either adjourn the meeting to some future time or date or may extend the extension period for a further period of 30 minutes; and
- (c) if a quorum is not present at the expiry of the extended period of suspension under subclause (b), the Chairperson or presiding member is to adjourn the meeting to a later time on the same day or to another day.

3.14 Names to be recorded

At any meeting –

- (a) at which there is not a quorum present to begin the meeting; or
- (b) which is adjourned under clause 3.13,

the names of the members then present are to be recorded in the minutes.

Part 4 - Business of a meeting

4.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the presiding member or a decision of the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda, or given in the notice of the meeting as the purpose of the meeting, without the approval of the presiding member or a decision of the committee.
- (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council, the business unresolved at the meeting that is adjourned is to be dealt with under item 13 of clause 4.2 at that ordinary meeting.
- (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
- (6) Where a Council or committee meeting is adjourned to a meeting not described in subclauses (4) or (5), no business is to be transacted at that later meeting other than that

- (a) specified in the notice of the meeting that is adjourned; and
- (b) which remains unresolved.

4.2 Order of business

- (1) Unless otherwise decided by the Council, the order of business at any ordinary meeting of the Council is to be as follows -
 - 1. Declaration of opening and announcement of visitors
 - 2. Record of attendance, apologies and leave of absence (previously approved)
 - 3. Disclosure of interests
 - 4. Announcements by the Chairperson or presiding member without discussion
 - 5. Response to previous public questions taken on notice
 - 6. Public question time
 - 7. Applications for leave of absence
 - 8. Petitions, deputations and presentations
 - 9. Confirmation of minutes of previous meetings
 - 10. Questions by members of which due notice has been given
 - 11. Questions by members without notice
 - 12. Announcement of confidential matters for which meetings may be closed to the public
 - 13. Business not dealt with from a previous meeting
 - 14. Reports of employees
 - 15. Reports of committees
 - 16. Reports of delegates
 - 17. Members' motions of which previous notice has been given
 - 18. New business of an urgent nature approved by the Chairperson or presiding member or by decision of the meeting
 - 19. Confidential matters for which the meeting may be closed to the public
 - 20. Future meetings of Council
 - 21. Declaration of closure of meeting
- (2) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the notice of, or agenda for, the meeting.
- (3) Notwithstanding subclauses (1) and (2), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.

4.3 Change to the order of business

- (1) The Chairperson or presiding member may propose a change to the order of business.
- (2) Any member may move that a change in order of business proposed by the Chairperson or presiding member not be accepted and, if carried by a majority of members present, the proposed change in order is not to take place.

4.4 Disclosure of Interest

Written notices of disclosure of interests are to be announced –

- (a) at item 3 of clause 4.2(1); and
- (b) immediately before the matter to which the disclosure relates is discussed.

4.5 Announcements by the Chairperson or presiding member

Announcements by the Chairperson or presiding member under item 4 of clause 4.2(1) are –

- (a) to inform the Council or the committee of any matter of interest or relevance to the business of the Council or a committee; and
- (b) to be brief and concise;

4.6 Response to previous questions taken on notice

Where a question is taken on notice, the CEO is to ensure that -

- (a) a written answer is forwarded to the questioner as soon as practicable; and
- (b) a summary of the answer is recorded in the minutes of the following meeting of the Council or committee under item 5 of clause 4.2(1).

4.7 Public question time

Provisions relating to public question time are set out in Part 5 of this Local Law.

4.8 Application for leave of absence

(1) A request for leave of absence may be made by a member –

- (a) verbally at the meeting; or
- (b) in writing to the CEO before the meeting.

(2) The grant of leave of absence is dealt with in the Act.

4.9 Petitions, deputations and presentations

Provisions relating to petitions, deputations and presentations are set out in Part 5 of this Local Law.

4.10 Confirmation of minutes of previous meetings

Provisions relating to minutes are set out in Part 13 of this Local Law.

4.11 Questions by members of which due notice has been given

(1) A question on notice is to be given by a member in writing to the CEO at least 48 hours before the meeting at which it is to be asked.

(2) If the CEO considers that the question breaches or may breach this Local Law or any other law –

- (a) the CEO is to refer the question to the Chairperson;
- (b) the Chairperson is to exclude the question if he or she concurs with the view of the CEO; and

- (c) if the question is excluded, the CEO is to give all members, as soon as practicable but not later than the next ordinary meeting, the reasons for the exclusion.
- (3) Notice of a question that is not withdrawn or excluded under subclause (2), together with the answer to that question, are -
- (a) where practicable, to be included in the agenda of the meeting; or
 - (b) otherwise, to be tabled at the meeting.
- (4) Each question and answer is to be submitted as briefly and concisely as possible and, unless with the consent of the Chairperson or presiding member, there is to be no discussion on the question or answer.

4.12 Questions without notice

- (1) In this clause, question includes a request for information.
- (2) At any time during the debate on a motion, before the motion is put, a member may ask a question and, with the consent of the Chairperson or the presiding member, may ask one or more further questions.
- (3) A question asked by a member, and a response given by a member or an employee –
- (a) is to be brief and concise; and
 - (b) is not to be accompanied by –
 - (i) expressions of opinion, statement of fact or other comment, except where necessary to explain the question or answer; or
 - (ii) any discussion or further question, except with the consent of the Chairperson or presiding member.
- (4) Where a question requests information from an employee who is present at the meeting, the employee may ask that -
- (a) the question be placed on notice for the next meeting of the Council; or
 - (b) the answer to the question be given to the member who asked it prior to the next ordinary meeting of the Council.
- (5) If the answer to the question without notice cannot be given at the meeting at which it is asked, the member asking the question may request that the answer be given to the appropriate committee or Council meeting and the Chairperson or presiding member may, if he or she thinks fit, so direct.

4.13 Announcement of confidential matters for which meetings may be closed to the public

Any confidential matters for which the meeting may be closed to the public are to be announced under item 12 of clause 4.2(1).

4.14 Business not dealt with from a previous meeting

The Council is to deal, under item 13 of clause 4.2(1), with any business that was listed on the agenda of a previous meeting and has not been dealt with.

4.15 Employee reports

The Council is to deal, under item 14 of clause 4.2(1), with any employee reports included in the agenda under this item by the CEO.

4.16 Reports of committees

The Council is to deal, under item 15 of clause 4.2(1), with reports of committees.

4.17 Reports of delegates

- (1) Under item 16 of clause 4.2(1) a member may give a written or oral report on an activity undertaken by the member on behalf of the EMRC.
- (2) Unless the Council decides otherwise on the grounds of urgency, a report which requires a decision of the Council must be the subject of a written report by or on behalf of the CEO.
- (3) The Chairperson or presiding member may declare any report by a member to be out of order and, if he or she does so, the member must immediately cease speaking.

4.18 Members' motions of which previous notice has been given

- (1) Unless the Act, Regulations or this Local Law otherwise provide, a member may raise at a meeting such business of the EMRC as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be given at least 4 clear working days before the meeting at which the motion is proposed to be moved.
- (3) A notice of motion must relate to the regional purposes for which the EMRC is established under the Establishment Agreement.
- (4) The CEO -
 - (a) with the concurrence of the Chairperson or presiding member, may exclude from the notice paper any notice of motion that he or she considers to be out of order; or
 - (b) may make such amendments to the form, but not the substance, as will bring the notice of motion into due form.
- (5) A notice of motion is not out of order because its subject is considered to be objectionable.
- (6) If a notice of motion is excluded under subclause (4), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (7) The CEO may provide relevant and material facts and circumstances relating to the notice of motion on such matters as policy, budget and law.

- (8) A motion of which notice has been given is to lapse unless -
- (a) the member who gave notice of it, or some other member authorised by him or her in writing, moves the motion when called on; or
 - (b) the Council or committee on a motion decides to defer consideration of the motion to a later stage or date.
- (9) If a notice of motion is given and lapses in the circumstances referred to in subclause (8), a notice of motion in substantially the same terms, or to substantially the same effect, is not to be given again for at least 3 months from the date of the lapse.

4.19 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstance, matters may, on the initiative of the Chairperson or presiding member or by way of a motion that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), "cases of extreme urgency or other special circumstances" means matters –
- (a) that have arisen after the preparation of the agenda that are considered by the meeting to be of such importance and urgency that they are unable to be dealt with administratively by the EMRC and must be considered and dealt with by the Council before the next meeting; and
 - (b) that, if not dealt with at the meeting, are likely to –
 - (i) have a significant adverse effect (financially or otherwise) on the EMRC; or
 - (ii) result in a contravention of a written law.
- (3) Before debate begins on a matter under this clause that is not the subject of a written employee report to the meeting –
- (a) the Chairperson or presiding member is to ask the CEO to give; and
 - (b) the CEO, or the CEO's nominee, is to give, a verbal report to the meeting.
- (4) The minutes of the meeting are to include –
- (a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO's nominee.

4.20 Confidential matters for which the meeting may be closed to the public

Provisions relating to the closure of all or part of the meeting to the public are set out in Part 5 of this Local Law.

4.21 Future meetings of Council

Under item 20 of clause 4.2(1), future meeting dates as previously resolved or amended (in accordance with the Act and Regulations) are to be listed.

4.22 Adoption by exception resolution

- (1) In this clause 'adoption by exception resolution' means –
 - (a) a resolution of the Council that has the effect of adopting, for each of a number of specifically identified reports, the committee or employee recommendation as the Council resolution; and
 - (b) a resolution of a committee that has the effect of adopting, for each of a number of specifically identified reports, the employee recommendation as the committee resolution.
- (2) Subject to subclause (3), the Council or a committee may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter –
 - (a) that requires an absolute majority or a special majority;
 - (b) in which an interest has been disclosed;
 - (c) that has been the subject of a petition or deputation;
 - (d) that is a matter on which a member wishes to make a statement; or
 - (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.

4.23 Closure – time limits for meetings

- (1) If a meeting of the Council is in progress 3 hours after its commencement –
 - (a) the Chairperson or presiding member is to give the Council the opportunity to decide whether the meeting should continue;
 - (b) the meeting may continue –
 - (i) for up to 1 more hour;
 - (ii) only if a motion that the meeting continue is carried; and
 - (iii) only for the time (up to 1 more hour) specified in that motion; and
 - (c) the Chairperson or presiding member is to adjourn the meeting –
 - (i) if the motion under paragraph (b) is not carried; or
 - (ii) at the conclusion of any extension specified in a motion that is carried under paragraph (b).
- (2) Subject to subclause (1), each Council and committee meeting is to be closed not later than 11.00pm.

Part 5 - Public participation

5.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

5.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public (other than any person specified in a resolution).
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried –
 - (a) the presiding member is to direct everyone to leave the meeting except –
 - (i) the members;
 - (ii) the CEO;
 - (iii) any other employee of the EMRC specified in a resolution; and
 - (iv) any other person specified in a resolution; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3) may, by order of the presiding member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice of the relevant motion.
- (6) The CEO may require any person, other than a member or employee, to sign a confidentiality agreement relating to the disclosure of information acquired at a meeting closed to members of the public.
- (7) Unless the Council or the committee resolves otherwise, once the meeting is reopened to members of the public the presiding member is to ensure that –
 - (a) any resolution of the Council or committee made while the meeting was closed is to be read out; and
 - (b) the vote of a member or members is recorded in the minutes.

5.3 Question time for the public

Question time for the public is dealt with in the Act.

5.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

5.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

5.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

5.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must –
 - (a) first state his or her name and address;
 - (b) direct the question to the presiding member;
 - (c) ask the question briefly and concisely;
 - (d) limit any preamble to matters directly relevant to the question; and
 - (e) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question.
- (2) Each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions.
- (3) A member of the public may give prior written notice to the CEO of the text or substance of a question that he or she wishes to ask at a meeting.
- (4) Unless the presiding member determines otherwise, a question of which prior written notice has been given to the CEO is to be given priority in question time.
- (5) Where a member of the public gives written notice of a question, the presiding member may determine that the question is to be responded to as normal business correspondence.
- (6) A question may be taken on notice by the Council or committee for later response.
- (7) When a question is taken on notice, the CEO is to ensure that –
 - (a) a written response is given to the person who asked the question; and
 - (b) a summary of the response is included in the agenda for the next meeting of the Council or committee.
- (8) Where a question relating to a matter in which a person has an interest is directed to that person, that person is to –
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (9) A response to a question –
 - (a) is to be brief and concise; and

- (b) is not to be the subject of any discussion, except that if in the opinion of a member, false information or any adverse reflection is contained in any question asked or comments made by a member of the public, then (through the presiding member) the member may correct or clarify the matter.
- (10) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes.
- (11) The presiding member may decide that a question is not to be responded to where –
- (a) the same or similar question was asked at a previous meeting, a response was provided and the person who asked the question is directed to the minutes of the meeting at which the response was provided;
 - (b) it is in the form of a statement, provided that the presiding member has taken reasonable steps to assist the person to phrase the statement as a question; or
 - (c) the question is offensive or defamatory in nature, or is one which, if asked by a member, would be in breach of this Local Law or any other law.
- (12) The Council or committee, by resolution, may agree to extend public question time.

5.8 Distinguished visitor

If a distinguished visitor is present at a meeting of the Council or a committee, the Chairperson or presiding member –

- (a) may invite the distinguished visitor to sit beside the Chairperson or presiding member or at the Council table;
- (b) may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting; and
- (c) may direct that the presence of the distinguished visitor be recorded in the minutes.

5.9 Petitions

- (1) A petition must -
- (a) be addressed to the Chairperson;
 - (b) be made by electors of the Participants;
 - (c) state the request on each page;
 - (d) contain the legible names, addresses and signatures of the electors making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request;
 - (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
 - (g) be respectful and temperate in its language; and
 - (h) comply with any form prescribed by the Act or any other written law.

- (2) On the presentation of a petition –
 - (a) the member presenting it is confined to reading the petition; and
 - (b) the only motion that is in order is that the petition be received and, if necessary, that it be referred for the CEO's report.
- (3) At any meeting, the Council or committee is not to vote on any matter that is the subject of a petition presented to that meeting, unless –
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council or committee has considered the issues raised in the petition.

5.10 Deputations

- (1) A deputation may be made to the Council or a committee in accordance with this clause.
- (2) A person or group who wishes to be received as a deputation by the Council or a committee must –
 - (a) apply in writing to the CEO for approval; and
 - (b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the delegation.
- (3) The CEO is to refer a copy of a summary of the application –
 - (a) to the Chairperson – if the request is to attend a Council meeting; or
 - (b) the presiding member – if the request is to attend a committee meeting.
- (4) The Chairperson or presiding member (as the case may be) –
 - (a) may approve the request, in which case the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be; or
 - (b) may ask the CEO to refer the request to the Council or committee to decide whether or not to receive the deputation.
- (5) Unless the meeting resolves otherwise -
 - (a) a deputation is not to exceed 5 people, only 2 of whom may address the meeting, although others may respond to specific questions from the members; and
 - (b) the deputation may address the meeting for up to 15 minutes.
- (6) For the purposes of this clause, a deputation comprises all those people either in favour of, or opposed to, the matter which is the subject of the deputation.
- (7) A matter which is the subject of a deputation to the committee is not to be decided by the committee until the deputation has completed its presentation.

- (8) Where a deputation is to be received by the committee, the person or group comprising of the deputation is to address the meeting at the relevant part in the order of business as detailed in clause 4.2(2).
- (9) Any item of business to be discussed at a committee meeting that is subject of a received deputation, is to be brought forward in the order of business for the meeting as the next item of business after the deputation has been received.

5.11 Participation at committee meetings

- (1) In this clause a reference to a “person” is to a person who –
 - (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.
- (2) A member or deputy may attend, as an observer, any meeting of a committee.
- (3) Without the consent of the presiding member, a person must not address a committee meeting.
- (4) The presiding member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (5) A person addressing the committee with the consent of the presiding member must cease that address immediately after being directed to do so by the presiding member.
- (6) A person who fails to comply with a direction of the presiding member under subclause (5) may, by order of the presiding member, be removed from the committee room.
- (7) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

5.12 Public inspection of agenda material

The right of a member of the public to inspect the documents relating to a Council or committee meeting are dealt with in the Regulations.

5.13 Confidentiality of information withheld

- (1) Information withheld by the CEO from members of the public under regulation 14(2) of the Regulations is to be -
 - (a) identified in the agenda of a Council or committee meeting under item 19 of clause 4.2(1) (ie “Confidential matters for which the meeting may be closed to the public”);
 - (b) marked “confidential” in the agenda; and
 - (c) kept confidential by members and employees until the Council or committee resolves otherwise.
- (2) A member or an employee who has –
 - (a) confidential information under subclause (1); or

- (b) information that is provided or disclosed for the purposes of, or during, a meeting or part of a meeting that is closed to the public,

must not disclose any part of that information to any person other than another member or an employee of the Council to the extent necessary for the purpose of carrying out his or her functions.

- (3) Subclause (2) does not prevent a member or employee from disclosing information –
 - (a) at a closed meeting;
 - (b) to the extent specified by the Council and subject to such other conditions as the Council decides;
 - (c) that is already in the public domain;
 - (d) to an officer of the Department;
 - (e) to the Minister;
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

5.14 Recording of proceedings

- (1) An audio recording is to be taken of the proceedings of each meeting and is to be published on the official Website of the EMRC.
- (2) With the exception of the audio recording referred to in subclause (1), a person must not use any electronic, visual or ~~audiovisual~~ recording device or instrument to record the proceedings of the Council or a committee without the permission of the Council.
- (3) Subclause (2) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee.

5.15 Prevention of disturbance

- (1) A reference in this clause to a "person" is to a person other than a member.
- (2) A person must ensure that his or her electronic communication or information device is not switched on or used during any meeting of the Council or a committee.
- (3) A person addressing the Council or a committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the presiding member.
- (4) A person present at or observing a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (5) The presiding member may warn a person who fails to comply with this clause.
- (6) If –
 - (a) after being warned, the person again acts contrary to this clause, or to this Local Law; or

(b) a person refuses or fails to comply with a direction by the presiding member,

the presiding member may expel the person from the meeting by ordering him or her to leave the meeting room.

(7) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding member, be removed from the meeting room and, if the presiding member orders, from the premises.

Part 6 - Disclosure of interests

6.1 Disclosure of interests

The requirements for members and employees to disclose financial and other interests, the nature of the interests that must be disclosed, and related matters, are dealt with in the Act, the Regulations and the Code of Conduct.

6.2 Separation of committee recommendations

Where, at a committee meeting, a member discloses a financial or proximity interest in a matter, and the matter is included in the recommendations (or part of the recommendations) of the committee to a Council or to another committee meeting that will or may be attended by the member, the agenda of that Council or committee meeting is to separate the relevant recommendation (or relevant part of the recommendations) from other recommendations of the committee.

Part 7 - Conduct of members

7.1 Official titles to be used

A speaker, when speaking or referring to the Chairperson or Deputy Chairperson, or to a member or employee, must use the title of that person's office.

7.2 Members to occupy own seats

(1) At Council meetings, members must be seated in the positions determined by the Council.

(2) At committee meetings, committee members must be seated in those positions, if any, that are determined by the relevant committee.

7.3 Entering or leaving a meeting

During the course of a meeting, a member must not enter or leave the meeting without giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

7.4 Members who wish to speak

A member who wishes to speak at a Council meeting –

(a) must indicate his or her intention to speak by raising his or her hand, or by any other method determined by the Council; and

(b) when invited by the Chairperson or presiding member to speak, must address the meeting through the Chairperson or presiding member and, unless

otherwise determined by the Council, may either rise or remain seated while speaking.

7.5 Priority of speaking

- (1) At a Council meeting where 2 or more members indicate, at the same time, their intention to speak, the Chairperson or presiding member is to decide which member is entitled to be heard first.
- (2) At a committee meeting, the presiding member is first to invite committee members to speak followed by, at the discretion of the presiding member, other members and attendees.
- (3) A decision of the Chairperson or presiding member under this clause is not open to discussion or dissent.

7.6 The Chairperson or presiding member may take part in debates

- (1) Subject to compliance with the procedures for the debate of motions contained in this Local Law, the Chairperson or presiding member, without vacating the chair, may take part in a discussion of any matter before the meeting.
- (2) Before the Chairperson or presiding member moves a motion or amendment, he or she must first vacate the chair and the Deputy Chairperson or other person elected for the purpose is to preside over the meeting while the motion or amendment is being debated and voted upon.

7.7 Relevance

- (1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Chairperson or presiding member, at any time, may –
 - (a) draw the attention of the meeting to any irrelevant or repetitious remarks by a member; or
 - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member must comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

7.8 Speaking twice

- (1) A member must not address the Council more than once on any motion or amendment except –
 - (a) as the mover of a substantive motion, to exercise a right of reply;
 - (b) to raise a point of order; or
 - (c) to make a personal explanation.
- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.

7.9 Duration of speeches

A member must not speak on any matter for more than 5 minutes without the consent of the meeting which, if given, is to be given without discussion.

7.10 No speaking after conclusion of debate

A member must not speak on any motion or amendment –

- (a) after the mover has replied; or
- (b) after the question has been put.

7.11 No interruption

A member must not interrupt another member who is speaking unless -

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 7.16; or
- (d) to move a procedural motion that the member be no longer heard (see clause 10.1(e)).

7.12 Respect for the Chairperson or presiding member and speaker

A member must not –

- (a) while a motion is being voted on, walk out of or across the meeting room ; and
- (b) while any other member is speaking, pass between the speaker and the Chairperson or presiding member.

7.13 No re-opening of discussion

A member must not re-open a discussion on any decision of the Council or committee, except to move that the decision be revoked or changed (see Part 14).

7.14 Offensive language

- (1) A member must not reflect adversely on a decision of the Council or a committee except on a motion that the decision be revoked or changed (see Part 14).
- (2) A member must not –
 - (a) reflect adversely on the character or actions of another member or employee;
 - (b) impute any motive to a member or employee; or
 - (c) use an expression that is offensive or objectionable.
- (3) A member must not use offensive or objectionable expressions in reference to any other member, employee or other person.

7.15 Withdrawal of offensive language

A member who, in the opinion of the Chairperson or presiding member –

- (a) reflects adversely on the character or actions of another member or employee;
- (b) imputes any motive to a member or employee; or
- (c) uses an expression that is offensive or objectionable,

must, when directed by the Chairperson or presiding member, withdraw the reflection, imputation or expression and make a satisfactory apology.

7.16 Personal explanation

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must indicate to the Chairperson or presiding member his or her intention to make a personal explanation.
- (2) The Chairperson or presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation must confine his or her observations to a succinct statement relating to the specific part of the speech at which he or she may have been misunderstood.

Part 8 - Preserving Order

8.1 The Chairperson or presiding member to preserve order

The Chairperson or presiding member is to preserve order and, whenever he or she considers it necessary, may –

- (a) call a member to order; or
- (b) may direct a member to cease breaching, or to comply with, any provision of this Local Law.

8.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of –
 - (a) any provision of this Local Law; or
 - (b) any other written law.
- (2) Examples of valid points of order are –
 - (a) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 7.7); and
 - (b) a speaker's use of offensive or objectionable expressions (see clause 7.14).
- (3) Despite anything in this Local Law to the contrary, a point of order –
 - (a) takes precedence over any discussion; and

- (b) until determined, suspends the consideration or discussion of any other matter.

8.3 Procedures on a point of order

- (1) A member who is addressing the Chairperson or presiding member must not be interrupted except on a point of order.
- (2) A member interrupted on a point of order must resume his or her seat until –
 - (a) the member raising the point of order has been heard; and
 - (b) the presiding member has ruled on the point of order,and, if permitted, the member who has been interrupted may then proceed.

8.4 Ruling by the Chairperson or presiding member

- (1) The Chairperson or presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that –
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

8.5 Continued breach of order

If a member –

- (a) persists in any conduct that the Chairperson or presiding member has ruled is out of order; or
- (b) fails or refuses to comply with a direction from the presiding member (such as a direction under clause 7.7(2)(b), 7.15 or 8.4),

the presiding member may direct the member to refrain from taking any further part in the debate of that item, other than by voting, and the member must comply with that direction.

8.6 Presiding member may adjourn meeting

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

Part 9 - Debate of substantive motions

9.1 Motions to be stated and in writing

- (1) A member who wishes to move a substantive motion, or an amendment to a substantive motion –
 - (a) is to state the substance of the motion before speaking to it; and
 - (b) if required by the Chairperson or presiding member, is to put the motion or amendment in writing.
- (2) The written terms of the motion or amendment are to be given to the CEO who is to ensure that they are recorded in the minutes.

9.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations (see clause 14.1).

9.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the Chairperson or presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the Chairperson or presiding member may put the motion directly to the vote.
- (3) If a member opposes the motion, the motion is to be dealt under this Part.
- (4) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a meeting (see Part 14).

9.4 Only one substantive motion at a time

The Council or committee –

- (a) is not to accept a substantive motion while another substantive motion is being debated; and
- (b) is not to consider more than one substantive motion at any time.

9.5 Complex motions

The Chairperson or presiding member may require that a complex substantive motion, or a complex amendment to a substantive motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

9.6 Call of order in debate

The Chairperson or presiding member is to call speakers to a substantive motion in the following order -

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers, alternating between those against and for the motion; and
- (h) the mover invited to take the right of reply which closes debate.

9.7 Limit of debate

The Chairperson or presiding member may offer the right of reply and put a substantive motion to the vote if he or she considers that sufficient discussion has taken place even though all members may not have spoken.

9.8 Members may require motion to be read

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

9.9 Consent of seconder required to amend motion

The mover of a substantive motion may not amend the motion without the consent of the seconder.

9.10 Order of amendments

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, lost or carried.

9.11 Amendments must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

9.12 Relevance of amendments

An amendment must be relevant to the substantive motion in respect of which it is moved.

9.13 Mover of motion may speak on amendment

Any member may speak during debate on an amendment.

9.14 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

9.15 Withdrawal of motion and amendments

- (1) The Council or a committee may, without debate, grant leave to withdraw a substantive motion or amendment on the request of the mover of the motion or amendment if –
 - (a) it has the approval of the seconder; and
 - (b) there is no voice expressed to the contrary by any member.
- (2) If either paragraph (a) or (b) of subclause (1) does not apply, the discussion on the motion or amendment is to continue.
- (3) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

9.16 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The right of the reply may be exercised only –
 - (a) where no amendment is moved to the substantive motion – at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion – at the conclusion of the discussion on the substantive motion and any amendments.
- (3) After the mover of the substantive motion has commenced the reply –
 - (a) no other member is to speak on the motion; and
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (4) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (5) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

Part 10 - Procedural motions

10.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 9), a member may move any of the following procedural motions -

- (a) that the meeting proceed to the next item of business;
- (b) that the item be referred or adjourned to a Council or committee meeting;
- (c) that the meeting now adjourn;
- (d) that the motion be now put;
- (e) that the member be no longer heard;

(f) that the ruling of the Chairperson or presiding member be disagreed with; and

(g) that the meeting be closed to members of the public (see clause 5.2).

10.2 No debate on procedural motion

(1) The mover of a motion stated in paragraphs (a), (b), (c), (f) or (g) of clause 10.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion stated in paragraphs (d) and (e) of clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Who may move

A person who has moved, seconded, or spoken for or against a substantive motion, or any amendment to a substantive motion, cannot move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

10.4 Right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

10.5 Meeting to proceed to next item of business

A motion “that the meeting proceed to the next item of business”, if carried, has the effect that –

(a) the debate on the substantive motion or amendment ceases immediately; and

(b) no decision is made on the substantive motion;

(c) the meeting moves to the next item of business; and

(d) there is no requirement for the matter to be raised again for consideration.

10.6 Item to be referred or adjourned

A motion “that the item be adjourned” -

(a) is to state the time to which the debate is to be adjourned (and the reasons for the motion); and

(b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the meeting, and at the time, stated in the motion.

10.7 Meeting now adjourn

(1) A member is not to move or second more than one motion of adjournment during the same meeting.

- (2) Before putting a motion for the adjournment, the Chairperson or presiding member may seek leave of the meeting to deal first with matters that may be the subject of an adoption by exception resolution (see clause 4.22);
- (3) a motion “that the meeting now adjourn” -
 - (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Chairperson or presiding member, or the meeting, determines otherwise.

10.8 Motion to be put

- (1) If a motion “that the motion be now put”, is carried during discussion on a substantive motion without amendment, the Chairperson or presiding member is to offer the right of reply and then immediately put the motion to the vote without further debate.
- (2) If the motion, “that the motion be now put” is carried during debate of an amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) If the motion, “that the motion be now put” is lost, debate is to continue.

10.9 Member to be no longer heard

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

10.10 Ruling of the Chairperson or presiding member be disagreed with

If the motion “that the ruling of the Chairperson or presiding member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

Part 11 - Voting

11.1 Motion – when put

- (1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the Chairperson or presiding member –
 - (a) is to put the motion to the meeting; and ,
 - (b) if requested by any member, is again to state the terms of the motion.
- (2) A member must not leave a meeting when the Chairperson or the presiding member is putting any motion.

11.2 Voting

Voting is dealt with in the Act and the Regulations.

11.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

11.4 Method of taking vote

In taking the vote on any motion, the presiding member –

- (a) is to put the motion, first in the affirmative, and then in the negative;
- (b) may put the motion in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
- (c) is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member's vote; and
- (d) subject to this clause, is to declare the result.

Part 12 - Adjournment of meeting

12.1 Meeting may be adjourned

The Council or a committee may decide to adjourn any meeting to a later time on the same day, or to any other day.

12.2 Limit to moving adjournment

No member is to move or second more than one motion of adjournment during the same meeting of the Council or committee.

12.3 Unopposed business – motion for adjournment

On a motion for the adjournment of the Council or committee, the Chairperson or presiding member, before putting the motion, may seek leave of the Council or committee to proceed to the transaction of unopposed business.

12.4 Withdrawal of motion for adjournment

A motion or an amendment relating to the adjournment of the Council or committee may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal, debate of the motion is to continue.

12.5 Time to which adjourned

The time to which a meeting is adjourned for want of a quorum, by the Chairperson or presiding member to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

Part 13 - Minutes

13.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

13.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) The votes of all members voting on a motion are to be recorded in the minutes.

13.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

13.4 Confirmation of minutes

- (1) If a member is dissatisfied with the accuracy of the unconfirmed minutes, he or she is to provide to the CEO a written copy of the alternative wording to amend the unconfirmed minutes no later than 3 clear working days before the meeting where the minutes are to be confirmed.
- (2) At that meeting, the member who provided the alternative wording shall, at the time for confirmation of minutes –
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.

Part 14 - Revoking or changing a decision

14.1 Requirements to revoke or change a decision

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

14.2 Limitations on powers to revoke or change a decision

- (1) In this clause –

authorisation means a licence, permit, approval, or other means of authorising a person to do anything; and

implement, in relation to a decision, includes –

 - (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
 - (b) take any other action to give effect to the decision.
- (2) Subject to subclause (3), the Council or a committee is not to consider a motion to revoke or change a decision –
 - (a) where, at the time the motion is moved or notice is given, any action has been taken to implement the decision;
 - (b) where the decision concerns the grant of an authorisation, and where that authorisation has been communicated in writing by the EMRC to the applicant; or
 - (c) where the decision is procedural in its form or effect.

- (3) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (2)(a) or (b) if the motion is accompanied by a written statement, by or on behalf of the CEO, of the legal and financial consequences of the motion being carried.

Part 15 - Committees

15.1 Establishment and appointment of committees

- (1) The establishment of committees is dealt with in the Act.
- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include -
- (a) the terms of reference or functions of the committee;
 - (b) either –
 - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
 - (ii) the number of members, employees and other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
 - (c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

15.2 Types of committees

The types of committees are dealt with in the Act.

15.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

15.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

15.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

15.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

15.7 Appointment of deputies

The appointment of a person to be a deputy of a member of a committee is dealt with in the Act.

15.8 Resignation of committee members

The resignation of committee members is dealt with in the Regulations.

15.9 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

15.10 Appointment of Participant members to committees

- (1) Where the Council establishes a committee with a member from a Participant, the appointment of that member must be made according to the wishes of the Participant.
- (2) Where the members of a committee established by the Council is to include an employee of a Participant, that employee is to be the CEO of the Participant, or an employee appointed by the CEO of the Participant.

15.11 Reports of committees – questions

Where a recommendation of a committee is submitted for adoption by the Council, any member of the Council may direct a question directly relating to the recommendation, through the Chairperson or presiding member, to the presiding member of the committee or to any member of the committee in attendance.

15.12 Permissible motions on committee recommendations

A recommendation made by a committee may -

- (a) be adopted by the Council without amendment;
- (b) be rejected by the Council and replaced by an alternative decision;
- (c) be amended, and adopted as amended, by the Council; or
- (d) be referred back to the committee for further consideration.

15.13 This Local Law to apply

This Local Law applies generally to the proceedings of committees except for clause 7.8, in relation to the limit on the number of speeches.

Part 16 - Administrative matters

16.1 Suspension of any provision of this Local Law

- (1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more of the provisions of this Local Law.
- (2) The mover of a motion to suspend temporarily any one or more of the provisions of this Local Law is to state the clause or clauses to be suspended, and the purpose of the suspension.
- (3) A provision of this Local Law so suspended is to remain suspended until decided otherwise by the Council or the committee.

16.2 Cases not provided for in this Local Law

- (1) The Chairperson or presiding member is to decide questions of procedure in cases where this Local Law and the Act and Regulations are silent.

- (2) The decision of the Chairperson or presiding member in these cases is final, except where a motion is moved and carried under clause 10.1(f).

16.3 Representation on public bodies

Wherever it becomes necessary to nominate a member of the Council to represent the Council on a public body or State agency, that nomination must be made by the Council.

Part 17 - Enforcement

17.1 Penalty for breach

A person who breaches a provision of this Local Law commits an offence.

Penalty: \$1,000 and a daily penalty of \$500.

17.2 Who can prosecute

Who can prosecute is dealt with in the Act.

Part 18 - Common seal

18.1 Custody of the common seal

The CEO is to have charge of the common seal of the EMRC, and is responsible for the safe custody and proper use of it.

18.2 Use of the common seal

The use of the common seal is dealt with in the Act.

18.3 Recording of common seal uses

The CEO is to record in a register each instance where the common seal of the EMRC was affixed to a document including -

- (a) the date on which it was affixed;
- (b) the nature of the document; and
- (c) where the document is an agreement, the parties to that agreement.

This local law was made by the EMRC at an Ordinary Meeting held on:.

Draft 14/9/22

EMRC

MEETING PROCEDURES LOCAL LAW 2023

Meeting Procedures Local Law 2023

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Local Government Act 1995

Eastern Metropolitan Regional Council

Meeting Procedures Local Law 2023

Under the powers conferred by the Local Government Act 1995 and all other enabling powers, the Council of the Eastern Metropolitan Regional Council resolved on _____ to make the following local law.

Part 1 - Preliminary

1.1 Short title

- (1) This is the *Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023*.
- (2) In the clauses that follow, this local law is referred to as 'this Local Law'.

1.2 Commencement

This local law commences 14 days after it is published in the Government Gazette.

1.3 Application and intent

- (1) This Local Law contains the rules that apply to the conduct of meetings of the Council and its committees.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and this local law.
- (3) This Local Law is intended to result in –
 - (a) better decision making by the Council and its committees;
 - (b) the orderly conduct of meetings;
 - (c) better understanding of the process of conducting meetings; and
 - (d) more efficient and effective use of time at meetings.

1.4 Defined terms

In this Local Law unless the context otherwise requires -

absolute majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the EMRC;

Chairperson means the Chairperson of the EMRC elected under the Establishment Agreement;

Code of Conduct means the EMRC Code of Conduct for Council Members, Committee Members and Candidates;

committee means a committee of the Council established under section 5.8 of the Act;

Council means the Council of the EMRC;.

Deputy Chairperson means the Deputy Chairperson of the EMRC elected under the Establishment Agreement;

deputy member means a member of the council of a Participant appointed by the Participant under the Establishment Agreement to act temporarily in place of a member appointed by that Participant;

employee has the same meaning as is given to it in the Act;

EMRC means the Eastern Metropolitan Regional Council;

Establishment Agreement means the establishment agreement between the Participants ;

meeting means a meeting of the Council, or a meeting of a committee, as the context requires;

member means a member of the council of a Participant appointed by the Participant under the Establishment Agreement to be a member of the Council;

Participant means a party to the Establishment Agreement;

presiding member means -

- (a) in respect of the Council, the Chairperson or other person presiding under section 5.6 of the Act (see clause 3.1); and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act (see clauses 3.4 and 3.5);

Regulations means the *Local Government (Administration) Regulations 1996*;

simple majority means more than 50% of the members present and voting;

special majority has the meaning given to it in the Act; and

substantive motion means an original motion, or an original motion as amended, but does not include an amendment motion or a procedural motion.

1.5 Interpretation

Unless otherwise defined, the terms used in this Local Law have the meaning given to them in the Act and Regulations.

1.6 Deputy member

- (1) If a member is unable to attend a meeting or part of a meeting, a deputy member may attend in place of that member provided that –
 - (a) the deputy member has been appointed by the Participant which appointed the absent member.

- (b) the deputy member has made a declaration in the prescribed form (under section 2.29 of the Act) before acting in the office.
- (2) While attending a meeting in place of a member, a deputy member has all the powers of that member.

1.7 Repeal

The Eastern Metropolitan Regional Council Standing Orders Local Law 2013, published in the Government Gazette on 26 June 2013, is repealed.

Part 2 - Meetings of the Council and committees

2.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

2.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

2.3 Convening Council meetings

- (1) The convening of a Council meeting is dealt with in the Act.
- (2) Subject to subclause (3), the CEO is to give at least 48 hours' notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.
- (3) Where, in the opinion of the Chairperson or at least 1/3 of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting

2.4 Calling committee meetings

A meeting of a committee is to be held –

- (a) if called for in a verbal or written request to the CEO by the Chairperson or by the presiding member of the committee, setting out the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting;
- (c) if called for by the CEO; or
- (d) in accordance with a decision of the Council or the committee.

2.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

Part 3 - Presiding member and quorum

3.1 Who presides

Who presides at a Council meeting is dealt with in the Act.

3.2 When the Deputy Chairperson can act

When the Deputy Chairperson can act is dealt with in the Act.

3.3 Who acts if no Chairperson or Deputy Chairperson

Who acts if there is no Chairperson is dealt with in the Act.

3.4 Election of presiding members of committees

The election of presiding members of committees is dealt with in the Act.

3.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

3.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

3.7 Who acts if no presiding member

Who acts if there is no presiding member is dealt with in the Act

3.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

3.9 Attendance by means of instantaneous communication

The circumstances in which a person who is not physically present at a meeting of the Council or a committee is taken to be present at the meeting are dealt with in the Regulations.

3.10 Reduction of quorum for Council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

3.11 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

3.12 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

3.13 Procedure where quorum not present during a meeting

If at any time during a meeting a quorum is not present –

- (a) the Chairperson or presiding member is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
- (b) if a quorum is not present at the expiry of the suspension period under subclause (a), the Chairperson or presiding member may either adjourn the meeting to some future time or date or may extend the extension period for a further period of 30 minutes; and
- (c) if a quorum is not present at the expiry of the extended period of suspension under subclause (b), the Chairperson or presiding member is to adjourn the meeting to a later time on the same day or to another day.

3.14 Names to be recorded

At any meeting –

- (a) at which there is not a quorum present to begin the meeting; or
- (b) which is adjourned under clause 3.13,

the names of the members then present are to be recorded in the minutes.

Part 4 - Business of a meeting

4.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the presiding member or a decision of the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda, or given in the notice of the meeting as the purpose of the meeting, without the approval of the presiding member or a decision of the committee.
- (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council, the business unresolved at the meeting that is adjourned is to be dealt with under item 13 of clause 4.2 at that ordinary meeting.
- (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
- (6) Where a Council or committee meeting is adjourned to a meeting not described in subclauses (4) or (5), no business is to be transacted at that later meeting other than that
 - (a) specified in the notice of the meeting that is adjourned; and
 - (b) which remains unresolved.

4.2 Order of business

- (1) Unless otherwise decided by the Council, the order of business at any ordinary meeting of the Council is to be as follows -

1. Declaration of opening and announcement of visitors
2. Record of attendance, apologies and leave of absence (previously approved)
3. Disclosure of interests
4. Announcements by the Chairperson or presiding member without discussion
5. Response to previous public questions taken on notice
6. Public question time
7. Applications for leave of absence
8. Petitions, deputations and presentations
9. Confirmation of minutes of previous meetings
10. Questions by members of which due notice has been given
11. Questions by members without notice
12. Announcement of confidential matters for which meetings may be closed to the public
13. Business not dealt with from a previous meeting
14. Reports of employees
15. Reports of committees
16. Reports of delegates
17. Members' motions of which previous notice has been given
18. New business of an urgent nature approved by the Chairperson or presiding member or by decision of the meeting
19. Confidential matters for which the meeting may be closed to the public
20. Future meetings of Council
21. Declaration of closure of meeting

(2) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the notice of, or agenda for, the meeting.

(3) Notwithstanding subclauses (1) and (2), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.

4.3 Change to the order of business

(1) The Chairperson or presiding member may propose a change to the order of business.

(2) Any member may move that a change in order of business proposed by the Chairperson or presiding member not be accepted and, if carried by a majority of members present, the proposed change in order is not to take place.

4.4 Disclosure of Interest

Written notices of disclosure of interests are to be announced –

- (a) at item 3 of clause 4.2(1); and
- (b) immediately before the matter to which the disclosure relates is discussed.

4.5 Announcements by the Chairperson or presiding member

Announcements by the Chairperson or presiding member under item 4 of clause 4.2(1) are –

- (a) to inform the Council or the committee of any matter of interest or relevance to the business of the Council or a committee; and

- (b) to be brief and concise;

4.6 Response to previous questions taken on notice

Where a question is taken on notice, the CEO is to ensure that -

- (a) a written answer is forwarded to the questioner as soon as practicable; and
- (b) a summary of the answer is recorded in the minutes of the following meeting of the Council or committee under item 5 of clause 4.2(1).

4.7 Public question time

Provisions relating to public question time are set out in Part 5 of this Local Law.

4.8 Application for leave of absence

- (1) A request for leave of absence may be made by a member –

- (a) verbally at the meeting; or
- (b) in writing to the CEO before the meeting.

- (2) The grant of leave of absence is dealt with in the Act.

4.9 Petitions, deputations and presentations

Provisions relating to petitions, deputations and presentations are set out in Part 5 of this Local Law.

4.10 Confirmation of minutes of previous meetings

Provisions relating to minutes are set out in Part 13 of this Local Law.

4.11 Questions by members of which due notice has been given

- (1) A question on notice is to be given by a member in writing to the CEO at least 48 hours before the meeting at which it is to be asked.

- (2) If the CEO considers that the question breaches or may breach this Local Law or any other law –

- (a) the CEO is to refer the question to the Chairperson;
- (b) the Chairperson is to exclude the question if he or she concurs with the view of the CEO; and
- (c) if the question is excluded, the CEO is to give all members, as soon as practicable but not later than the next ordinary meeting, the reasons for the exclusion.

- (3) Notice of a question that is not withdrawn or excluded under subclause (2), together with the answer to that question, are -

- (a) where practicable, to be included in the agenda of the meeting; or
- (b) otherwise, to be tabled at the meeting.

- (4) Each question and answer is to be submitted as briefly and concisely as possible and, unless with the consent of the Chairperson or presiding member, there is to be no discussion on the question or answer.

4.12 Questions without notice

- (1) In this clause, question includes a request for information.
- (2) At any time during the debate on a motion, before the motion is put, a member may ask a question and, with the consent of the Chairperson or the presiding member, may ask one or more further questions.
- (3) A question asked by a member, and a response given by a member or an employee –
- (a) is to be brief and concise; and
 - (b) is not to be accompanied by –
 - (i) expressions of opinion, statement of fact or other comment, except where necessary to explain the question or answer; or
 - (ii) any discussion or further question, except with the consent of the Chairperson or presiding member.
- (4) Where a question requests information from an employee who is present at the meeting, the employee may ask that –
- (a) the question be placed on notice for the next meeting of the Council; or
 - (b) the answer to the question be given to the member who asked it prior to the next ordinary meeting of the Council.
- (5) If the answer to the question without notice cannot be given at the meeting at which it is asked, the member asking the question may request that the answer be given to the appropriate committee or Council meeting and the Chairperson or presiding member may, if he or she thinks fit, so direct.

4.13 Announcement of confidential matters for which meetings may be closed to the public

Any confidential matters for which the meeting may be closed to the public are to be announced under item 12 of clause 4.2(1).

4.14 Business not dealt with from a previous meeting

The Council is to deal, under item 13 of clause 4.2(1), with any business that was listed on the agenda of a previous meeting and has not been dealt with.

4.15 Employee reports

The Council is to deal, under item 14 of clause 4.2(1), with any employee reports included in the agenda under this item by the CEO.

4.16 Reports of committees

The Council is to deal, under item 15 of clause 4.2(1), with reports of committees.

4.17 Reports of delegates

- (1) Under item 16 of clause 4.2(1) a member may give a written or oral report on an activity undertaken by the member on behalf of the EMRC.
- (2) Unless the Council decides otherwise on the grounds of urgency, a report which requires a decision of the Council must be the subject of a written report by or on behalf of the CEO.
- (3) The Chairperson or presiding member may declare any report by a member to be out of order and, if he or she does so, the member must immediately cease speaking.

4.18 Members' motions of which previous notice has been given

- (1) Unless the Act, Regulations or this Local Law otherwise provide, a member may raise at a meeting such business of the EMRC as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be given at least 4 clear working days before the meeting at which the motion is proposed to be moved.
- (3) A notice of motion must relate to the regional purposes for which the EMRC is established under the Establishment Agreement.
- (4) The CEO -
 - (a) with the concurrence of the Chairperson or presiding member, may exclude from the notice paper any notice of motion that he or she considers to be out of order; or
 - (b) may make such amendments to the form, but not the substance, as will bring the notice of motion into due form.
- (5) A notice of motion is not out of order because its subject is considered to be objectionable.
- (6) If a notice of motion is excluded under subclause (4), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (7) The CEO may provide relevant and material facts and circumstances relating to the notice of motion on such matters as policy, budget and law.
- (8) A motion of which notice has been given is to lapse unless -
 - (a) the member who gave notice of it, or some other member authorised by him or her in writing, moves the motion when called on; or
 - (b) the Council or committee on a motion decides to defer consideration of the motion to a later stage or date.
- (9) If a notice of motion is given and lapses in the circumstances referred to in subclause (8), a notice of motion in substantially the same terms, or to substantially the same effect, is not to be given again for at least 3 months from the date of the lapse.

4.19 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstance, matters may, on the initiative of the Chairperson or presiding member or by way of a motion that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), “cases of extreme urgency or other special circumstances” means matters –
 - (a) that have arisen after the preparation of the agenda that are considered by the meeting to be of such importance and urgency that they are unable to be dealt with administratively by the EMRC and must be considered and dealt with by the Council before the next meeting; and
 - (b) that, if not dealt with at the meeting, are likely to –
 - (i) have a significant adverse effect (financially or otherwise) on the EMRC; or
 - (ii) result in a contravention of a written law.
- (3) Before debate begins on a matter under this clause that is not the subject of a written employee report to the meeting –
 - (a) the Chairperson or presiding member is to ask the CEO to give; and
 - (b) the CEO, or the CEO’s nominee, is to give, a verbal report to the meeting.
- (4) The minutes of the meeting are to include –
 - (a) a summary of the verbal report and any recommendations of the CEO or the CEO’s nominee; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any recommendations of the CEO or the CEO’s nominee.

4.20 Confidential matters for which the meeting may be closed to the public

Provisions relating to the closure of all or part of the meeting to the public are set out in Part 5 of this Local Law.

4.21 Future meetings of Council

Under item 20 of clause 4.2(1), future meeting dates as previously resolved or amended (in accordance with the Act and Regulations) are to be listed.

4.22 Adoption by exception resolution

- (1) In this clause 'adoption by exception resolution' means –
 - (a) a resolution of the Council that has the effect of adopting, for each of a number of specifically identified reports, the committee or employee recommendation as the Council resolution; and
 - (b) a resolution of a committee that has the effect of adopting, for each of a number of specifically identified reports, the employee recommendation as the committee resolution.

- (2) Subject to subclause (3), the Council or a committee may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter –
 - (a) that requires an absolute majority or a special majority;
 - (b) in which an interest has been disclosed;
 - (c) that has been the subject of a petition or deputation;
 - (d) that is a matter on which a member wishes to make a statement; or
 - (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.

4.23 Closure – time limits for meetings

- (1) If a meeting of the Council is in progress 3 hours after its commencement –
 - (a) the Chairperson or presiding member is to give the Council the opportunity to decide whether the meeting should continue;
 - (b) the meeting may continue –
 - (i) for up to 1 more hour;
 - (ii) only if a motion that the meeting continue is carried; and
 - (iii) only for the time (up to 1 more hour) specified in that motion; and
 - (c) the Chairperson or presiding member is to adjourn the meeting –
 - (i) if the motion under paragraph (b) is not carried; or
 - (ii) at the conclusion of any extension specified in a motion that is carried under paragraph (b).
- (2) Subject to subclause (1), each Council and committee meeting is to be closed not later than 11.00pm.

Part 5 - Public participation

5.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

5.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public (other than any person specified in a resolution).
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried –

- (a) the presiding member is to direct everyone to leave the meeting except –
 - (i) the members;
 - (ii) the CEO;
 - (iii) any other employee of the EMRC specified in a resolution; and
 - (iv) any other person specified in a resolution; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3) may, by order of the presiding member, be removed from the meeting.
- (5) A resolution under this clause may be made without notice of the relevant motion.
- (6) The CEO may require any person, other than a member or employee, to sign a confidentiality agreement relating to the disclosure of information acquired at a meeting closed to members of the public.
- (7) Unless the Council or the committee resolves otherwise, once the meeting is reopened to members of the public the presiding member is to ensure that –
- (a) any resolution of the Council or committee made while the meeting was closed is to be read out; and
 - (b) the vote of a member or members is recorded in the minutes.

5.3 Question time for the public

Question time for the public is dealt with in the Act.

5.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

5.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

5.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

5.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must –
- (a) first state his or her name and address;
 - (b) direct the question to the presiding member;
 - (c) ask the question briefly and concisely;

- (d) limit any preamble to matters directly relevant to the question; and
 - (e) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except where necessary to explain the question.
- (2) Each member of the public with a question is entitled to ask up to 3 questions before other members of the public will be invited to ask their questions.
- (3) A member of the public may give prior written notice to the CEO of the text or substance of a question that he or she wishes to ask at a meeting.
- (4) Unless the presiding member determines otherwise, a question of which prior written notice has been given to the CEO is to be given priority in question time.
- (5) Where a member of the public gives written notice of a question, the presiding member may determine that the question is to be responded to as normal business correspondence.
- (6) A question may be taken on notice by the Council or committee for later response.
- (7) When a question is taken on notice, the CEO is to ensure that –
- (a) a written response is given to the person who asked the question; and
 - (b) a summary of the response is included in the agenda for the next meeting of the Council or committee.
- (8) Where a question relating to a matter in which a person has an interest is directed to that person, that person is to –
- (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (9) A response to a question –
- (a) is to be brief and concise; and
 - (b) is not to be the subject of any discussion, except that if in the opinion of a member, false information or any adverse reflection is contained in any question asked or comments made by a member of the public, then (through the presiding member) the member may correct or clarify the matter.
- (10) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes.
- (11) The presiding member may decide that a question is not to be responded to where –
- (a) the same or similar question was asked at a previous meeting, a response was provided and the person who asked the question is directed to the minutes of the meeting at which the response was provided;
 - (b) it is in the form of a statement, provided that the presiding member has taken reasonable steps to assist the person to phrase the statement as a question; or

- (c) the question is offensive or defamatory in nature, or is one which, if asked by a member, would be in breach of this Local Law or any other law.
- (12) The Council or committee, by resolution, may agree to extend public question time.

5.8 Distinguished visitor

If a distinguished visitor is present at a meeting of the Council or a committee, the Chairperson or presiding member –

- (a) may invite the distinguished visitor to sit beside the Chairperson or presiding member or at the Council table;
- (b) may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting; and
- (c) may direct that the presence of the distinguished visitor be recorded in the minutes.

5.9 Petitions

(1) A petition must -

- (a) be addressed to the Chairperson;
- (b) be made by electors of the Participants;
- (c) state the request on each page;
- (d) contain the legible names, addresses and signatures of the electors making the request, and the date each elector signed;
- (e) contain a summary of the reasons for the request;
- (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given;
- (g) be respectful and temperate in its language; and
- (h) comply with any form prescribed by the Act or any other written law.

(2) On the presentation of a petition –

- (a) the member presenting it is confined to reading the petition; and
- (b) the only motion that is in order is that the petition be received and, if necessary, that it be referred for the CEO's report.

(3) At any meeting, the Council or committee is not to vote on any matter that is the subject of a petition presented to that meeting, unless –

- (a) the matter is the subject of a report included in the agenda; and
- (b) the Council or committee has considered the issues raised in the petition.

5.10 Deputations

- (1) A deputation may be made to the Council or a committee in accordance with this clause.
- (2) A person or group who wishes to be received as a deputation by the Council or a committee must –
 - (a) apply in writing to the CEO for approval; and
 - (b) include with the application information relating to the subject matter to be raised by the deputation in concise terms, but in sufficient detail to provide a general understanding of the purpose of the delegation.
- (3) The CEO is to refer a copy of a summary of the application –
 - (a) to the Chairperson – if the request is to attend a Council meeting; or
 - (b) the presiding member – if the request is to attend a committee meeting.
- (4) The Chairperson or presiding member (as the case may be) –
 - (a) may approve the request, in which case the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be; or
 - (b) may ask the CEO to refer the request to the Council or committee to decide whether or not to receive the deputation.
- (5) Unless the meeting resolves otherwise -
 - (a) a deputation is not to exceed 5 people, only 2 of whom may address the meeting, although others may respond to specific questions from the members; and
 - (b) the deputation may address the meeting for up to 15 minutes.
- (6) For the purposes of this clause, a deputation comprises all those people either in favour of, or opposed to, the matter which is the subject of the deputation.
- (7) A matter which is the subject of a deputation to the committee is not to be decided by the committee until the deputation has completed its presentation.
- (8) Where a deputation is to be received by the committee, the person or group comprising of the deputation is to address the meeting at the relevant part in the order of business as detailed in clause 4.2(2).
- (9) Any item of business to be discussed at a committee meeting that is subject of a received deputation, is to be brought forward in the order of business for the meeting as the next item of business after the deputation has been received.

5.11 Participation at committee meetings

- (1) In this clause a reference to a “person” is to a person who –
 - (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and

- (c) is not a member of that committee.
- (2) A member or deputy may attend, as an observer, any meeting of a committee.
- (3) Without the consent of the presiding member, a person must not address a committee meeting.
- (4) The presiding member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (5) A person addressing the committee with the consent of the presiding member must cease that address immediately after being directed to do so by the presiding member.
- (6) A person who fails to comply with a direction of the presiding member under subclause (5) may, by order of the presiding member, be removed from the committee room.
- (7) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

5.12 Public inspection of agenda material

The right of a member of the public to inspect the documents relating to a Council or committee meeting are dealt with in the Regulations.

5.13 Confidentiality of information withheld

- (1) Information withheld by the CEO from members of the public under regulation 14(2) of the Regulations is to be -
 - (a) identified in the agenda of a Council or committee meeting under item 19 of clause 4.2(1) (ie “Confidential matters for which the meeting may be closed to the public”);
 - (b) marked “confidential” in the agenda; and
 - (c) kept confidential by members and employees until the Council or committee resolves otherwise.
- (2) A member or an employee who has –
 - (a) confidential information under subclause (1); or
 - (b) information that is provided or disclosed for the purposes of, or during, a meeting or part of a meeting that is closed to the public,

must not disclose any part of that information to any person other than another member or an employee of the Council to the extent necessary for the purpose of carrying out his or her functions.

- (3) Subclause (2) does not prevent a member or employee from disclosing information –
 - (a) at a closed meeting;
 - (b) to the extent specified by the Council and subject to such other conditions as the Council decides;
 - (c) that is already in the public domain;

- (d) to an officer of the Department;
- (e) to the Minister;
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

5.14 Recording of proceedings

- (1) An audio recording is to be taken of the proceedings of each meeting and is to be published on the official Website of the EMRC.
- (2) With the exception of the audio recording referred to in subclause (1), a person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the Council or a committee without the permission of the Council.
- (3) Subclause (2) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee.

5.15 Prevention of disturbance

- (1) A reference in this clause to a “person” is to a person other than a member.
- (2) A person must ensure that his or her electronic communication or information device is not switched on or used during any meeting of the Council or a committee.
- (3) A person addressing the Council or a committee must extend due courtesy and respect to the Council or committee and the processes under which it operates and must comply with any direction by the presiding member.
- (4) A person present at or observing a meeting must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (5) The presiding member may warn a person who fails to comply with this clause.
- (6) If –
 - (a) after being warned, the person again acts contrary to this clause, or to this Local Law; or
 - (b) a person refuses or fails to comply with a direction by the presiding member,the presiding member may expel the person from the meeting by ordering him or her to leave the meeting room.
- (7) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding member, be removed from the meeting room and, if the presiding member orders, from the premises.

Part 6 - Disclosure of interests

6.1 Disclosure of interests

The requirements for members and employees to disclose financial and other interests, the nature of the interests that must be disclosed, and related matters, are dealt with in the Act, the Regulations and the Code of Conduct.

6.2 Separation of committee recommendations

Where, at a committee meeting, a member discloses a financial or proximity interest in a matter, and the matter is included in the recommendations (or part of the recommendations) of the committee to a Council or to another committee meeting that will or may be attended by the member, the agenda of that Council or committee meeting is to separate the relevant recommendation (or relevant part of the recommendations) from other recommendations of the committee.

Part 7 - Conduct of members

7.1 Official titles to be used

A speaker, when speaking or referring to the Chairperson or Deputy Chairperson, or to a member or employee, must use the title of that person's office.

7.2 Members to occupy own seats

- (1) At Council meetings, members must be seated in the positions determined by the Council.
- (2) At committee meetings, committee members must be seated in those positions, if any, that are determined by the relevant committee.

7.3 Entering or leaving a meeting

During the course of a meeting, a member must not enter or leave the meeting without giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

7.4 Members who wish to speak

A member who wishes to speak at a Council meeting –

- (a) must indicate his or her intention to speak by raising his or her hand, or by any other method determined by the Council; and
- (b) when invited by the Chairperson or presiding member to speak, must address the meeting through the Chairperson or presiding member and, unless otherwise determined by the Council, may either rise or remain seated while speaking.

7.5 Priority of speaking

- (1) At a Council meeting where 2 or more members indicate, at the same time, their intention to speak, the Chairperson or presiding member is to decide which member is entitled to be heard first.

- (2) At a committee meeting, the presiding member is first to invite committee members to speak followed by, at the discretion of the presiding member, other members and attendees.
- (3) A decision of the Chairperson or presiding member under this clause is not open to discussion or dissent.

7.6 The Chairperson or presiding member may take part in debates

- (1) Subject to compliance with the procedures for the debate of motions contained in this Local Law, the Chairperson or presiding member, without vacating the chair, may take part in a discussion of any matter before the meeting.
- (2) Before the Chairperson or presiding member moves a motion or amendment, he or she must first vacate the chair and the Deputy Chairperson or other person elected for the purpose is to preside over the meeting while the motion or amendment is being debated and voted upon.

7.7 Relevance

- (1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Chairperson or presiding member, at any time, may –
 - (a) draw the attention of the meeting to any irrelevant or repetitious remarks by a member; or
 - (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member must comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

7.8 Speaking twice

- (1) A member must not address the Council more than once on any motion or amendment except –
 - (a) as the mover of a substantive motion, to exercise a right of reply;
 - (b) to raise a point of order; or
 - (c) to make a personal explanation.
- (2) A member who asks a question before speaking has not addressed the meeting for the purposes of this clause.

7.9 Duration of speeches

A member must not speak on any matter for more than 5 minutes without the consent of the meeting which, if given, is to be given without discussion.

7.10 No speaking after conclusion of debate

A member must not speak on any motion or amendment –

- (a) after the mover has replied; or

- (b) after the question has been put.

7.11 No interruption

A member must not interrupt another member who is speaking unless -

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 7.16; or
- (d) to move a procedural motion that the member be no longer heard (see clause 10.1(e)).

7.12 Respect for the Chairperson or presiding member and speaker

A member must not –

- (a) while a motion is being voted on, walk out of or across the meeting room ; and
- (b) while any other member is speaking, pass between the speaker and the Chairperson or presiding member.

7.13 No re-opening of discussion

A member must not re-open a discussion on any decision of the Council or committee, except to move that the decision be revoked or changed (see Part 14).

7.14 Offensive language

- (1) A member must not reflect adversely on a decision of the Council or a committee except on a motion that the decision be revoked or changed (see Part 14).
- (2) A member must not –
 - (a) reflect adversely on the character or actions of another member or employee;
 - (b) impute any motive to a member or employee; or
 - (c) use an expression that is offensive or objectionable.
- (3) A member must not use offensive or objectionable expressions in reference to any other member, employee or other person.

7.15 Withdrawal of offensive language

A member who, in the opinion of the Chairperson or presiding member –

- (a) reflects adversely on the character or actions of another member or employee;
- (b) imputes any motive to a member or employee; or
- (c) uses an expression that is offensive or objectionable,

must, when directed by the Chairperson or presiding member, withdraw the reflection, imputation or expression and make a satisfactory apology.

7.16 Personal explanation

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must indicate to the Chairperson or presiding member his or her intention to make a personal explanation.
- (2) The Chairperson or presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation must confine his or her observations to a succinct statement relating to the specific part of the speech at which he or she may have been misunderstood.

Part 8 - Preserving Order

8.1 The Chairperson or presiding member to preserve order

The Chairperson or presiding member is to preserve order and, whenever he or she considers it necessary, may –

- (a) call a member to order; or
- (b) may direct a member to cease breaching, or to comply with, any provision of this Local Law.

8.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of –
 - (a) any provision of this Local Law; or
 - (b) any other written law.
- (2) Examples of valid points of order are –
 - (a) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 7.7); and
 - (b) a speaker's use of offensive or objectionable expressions (see clause 7.14).
- (3) Despite anything in this Local Law to the contrary, a point of order –
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

8.3 Procedures on a point of order

- (1) A member who is addressing the Chairperson or presiding member must not be interrupted except on a point of order.
- (2) A member interrupted on a point of order must resume his or her seat until –
 - (a) the member raising the point of order has been heard; and
 - (b) the presiding member has ruled on the point of order,

and, if permitted, the member who has been interrupted may then proceed.

8.4 Ruling by the Chairperson or presiding member

- (1) The Chairperson or presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that –
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

8.5 Continued breach of order

If a member –

- (a) persists in any conduct that the Chairperson or presiding member has ruled is out of order; or
- (b) fails or refuses to comply with a direction from the presiding member (such as a direction under clause 7.7(2)(b), 7.15 or 8.4),

the presiding member may direct the member to refrain from taking any further part in the debate of that item, other than by voting, and the member must comply with that direction.

8.6 Presiding member may adjourn meeting

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

Part 9 - Debate of substantive motions

9.1 Motions to be stated and in writing

- (1) A member who wishes to move a substantive motion, or an amendment to a substantive motion –
 - (a) is to state the substance of the motion before speaking to it; and
 - (b) if required by the Chairperson or presiding member, is to put the motion or amendment in writing.

- (2) The written terms of the motion or amendment are to be given to the CEO who is to ensure that they are recorded in the minutes.

9.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations (see clause 14.1).

9.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the Chairperson or presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the Chairperson or presiding member may put the motion directly to the vote.
- (3) If a member opposes the motion, the motion is to be dealt under this Part.
- (4) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a meeting (see Part 14).

9.4 Only one substantive motion at a time

The Council or committee –

- (a) is not to accept a substantive motion while another substantive motion is being debated; and
- (b) is not to consider more than one substantive motion at any time.

9.5 Complex motions

The Chairperson or presiding member may require that a complex substantive motion, or a complex amendment to a substantive motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

9.6 Call of order in debate

The Chairperson or presiding member is to call speakers to a substantive motion in the following order -

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;

- (g) other speakers, alternating between those against and for the motion; and
- (h) the mover invited to take the right of reply which closes debate.

9.7 Limit of debate

The Chairperson or presiding member may offer the right of reply and put a substantive motion to the vote if he or she considers that sufficient discussion has taken place even though all members may not have spoken.

9.8 Members may require motion to be read

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

9.9 Consent of seconder required to amend motion

The mover of a substantive motion may not amend the motion without the consent of the seconder.

9.10 Order of amendments

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, lost or carried.

9.11 Amendments must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

9.12 Relevance of amendments

An amendment must be relevant to the substantive motion in respect of which it is moved.

9.13 Mover of motion may speak on amendment

Any member may speak during debate on an amendment.

9.14 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

9.15 Withdrawal of motion and amendments

- (1) The Council or a committee may, without debate, grant leave to withdraw a substantive motion or amendment on the request of the mover of the motion or amendment if –
 - (a) it has the approval of the seconder; and
 - (b) there is no voice expressed to the contrary by any member.
- (2) If either paragraph (a) or (b) of subclause (1) does not apply, the discussion on the motion or amendment is to continue.

- (3) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

9.16 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The right of the reply may be exercised only –
- (a) where no amendment is moved to the substantive motion – at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion – at the conclusion of the discussion on the substantive motion and any amendments.
- (3) After the mover of the substantive motion has commenced the reply –
- (a) no other member is to speak on the motion; and
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (4) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (5) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

Part 10 - Procedural motions

10.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 9), a member may move any of the following procedural motions -

- (a) that the meeting proceed to the next item of business;
- (b) that the item be referred or adjourned to a Council or committee meeting;
- (c) that the meeting now adjourn;
- (d) that the motion be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the Chairperson or presiding member be disagreed with; and
- (g) that the meeting be closed to members of the public (see clause 5.2).

10.2 No debate on procedural motion

- (1) The mover of a motion stated in paragraphs (a), (b), (c), (f) or (g) of clause 10.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

- (2) The mover of a motion stated in paragraphs (d) and (e) of clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Who may move

A person who has moved, seconded, or spoken for or against a substantive motion, or any amendment to a substantive motion, cannot move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

10.4 Right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

10.5 Meeting to proceed to next item of business

A motion “that the meeting proceed to the next item of business”, if carried, has the effect that –

- (a) the debate on the substantive motion or amendment ceases immediately; and
- (b) no decision is made on the substantive motion;
- (c) the meeting moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

10.6 Item to be referred or adjourned

A motion “that the item be adjourned” -

- (a) is to state the time to which the debate is to be adjourned (and the reasons for the motion); and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the meeting, and at the time, stated in the motion.

10.7 Meeting now adjourn

- (1) A member is not to move or second more than one motion of adjournment during the same meeting.
- (2) Before putting a motion for the adjournment, the Chairperson or presiding member may seek leave of the meeting to deal first with matters that may be the subject of an adoption by exception resolution (see clause 4.22);
- (3) a motion “that the meeting now adjourn” -
 - (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.

- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Chairperson or presiding member, or the meeting, determines otherwise.

10.8 Motion to be put

- (1) If a motion “that the motion be now put”, is carried during discussion on a substantive motion without amendment, the Chairperson or presiding member is to offer the right of reply and then immediately put the motion to the vote without further debate.
- (2) If the motion, “that the motion be now put” is carried during debate of an amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) If the motion, “that the motion be now put” is lost, debate is to continue.

10.9 Member to be no longer heard

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

10.10 Ruling of the Chairperson or presiding member be disagreed with

If the motion “that the ruling of the Chairperson or presiding member be disagreed with” is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

Part 11 - Voting

11.1 Motion – when put

- (1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the Chairperson or presiding member –
- (a) is to put the motion to the meeting; and ,
 - (b) if requested by any member, is again to state the terms of the motion.
- (2) A member must not leave a meeting when the Chairperson or the presiding member is putting any motion.

11.2 Voting

Voting is dealt with in the Act and the Regulations.

11.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

11.4 Method of taking vote

In taking the vote on any motion, the presiding member –

- (a) is to put the motion, first in the affirmative, and then in the negative;

- (b) may put the motion in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
- (c) is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member's vote; and
- (d) subject to this clause, is to declare the result.

Part 12 - Adjournment of meeting

12.1 Meeting may be adjourned

The Council or a committee may decide to adjourn any meeting to a later time on the same day, or to any other day.

12.2 Limit to moving adjournment

No member is to move or second more than one motion of adjournment during the same meeting of the Council or committee.

12.3 Unopposed business – motion for adjournment

On a motion for the adjournment of the Council or committee, the Chairperson or presiding member, before putting the motion, may seek leave of the Council or committee to proceed to the transaction of unopposed business.

12.4 Withdrawal of motion for adjournment

A motion or an amendment relating to the adjournment of the Council or committee may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal, debate of the motion is to continue.

12.5 Time to which adjourned

The time to which a meeting is adjourned for want of a quorum, by the Chairperson or presiding member to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

Part 13 - Minutes

13.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

13.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) The votes of all members voting on a motion are to be recorded in the minutes.

13.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

13.4 Confirmation of minutes

- (1) If a member is dissatisfied with the accuracy of the unconfirmed minutes, he or she is to provide to the CEO a written copy of the alternative wording to amend the unconfirmed minutes no later than 3 clear working days before the meeting where the minutes are to be confirmed.
- (2) At that meeting, the member who provided the alternative wording shall, at the time for confirmation of minutes –
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.

Part 14 - Revoking or changing a decision

14.1 Requirements to revoke or change a decision

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

14.2 Limitations on powers to revoke or change a decision

- (1) In this clause –

authorisation means a licence, permit, approval, or other means of authorising a person to do anything; and

implement, in relation to a decision, includes –

- (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
 - (b) take any other action to give effect to the decision.
- (2) Subject to subclause (3), the Council or a committee is not to consider a motion to revoke or change a decision –
 - (a) where, at the time the motion is moved or notice is given, any action has been taken to implement the decision;
 - (b) where the decision concerns the grant of an authorisation, and where that authorisation has been communicated in writing by the EMRC to the applicant; or
 - (c) where the decision is procedural in its form or effect.
 - (3) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (2)(a) or (b) if the motion is accompanied by a written statement, by or on behalf of the CEO, of the legal and financial consequences of the motion being carried.

Part 15 - Committees

15.1 Establishment and appointment of committees

- (1) The establishment of committees is dealt with in the Act.

- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include -
- (a) the terms of reference or functions of the committee;
 - (b) either –
 - (i) the names or titles of the members, employees and any other persons to be appointed to the committee; or
 - (ii) the number of members, employees and other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and
 - (c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

15.2 Types of committees

The types of committees are dealt with in the Act.

15.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

15.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

15.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

15.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

15.7 Appointment of deputies

The appointment of a person to be a deputy of a member of a committee is dealt with in the Act.

15.8 Resignation of committee members

The resignation of committee members is dealt with in the Regulations.

15.9 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

15.10 Appointment of Participant members to committees

- (1) Where the Council establishes a committee with a member from a Participant, the appointment of that member must be made according to the wishes of the Participant.

- (2) Where the members of a committee established by the Council is to include an employee of a Participant, that employee is to be the CEO of the Participant, or an employee appointed by the CEO of the Participant.

15.11 Reports of committees – questions

Where a recommendation of a committee is submitted for adoption by the Council, any member of the Council may direct a question directly relating to the recommendation, through the Chairperson or presiding member, to the presiding member of the committee or to any member of the committee in attendance.

15.12 Permissible motions on committee recommendations

A recommendation made by a committee may -

- (a) be adopted by the Council without amendment;
- (b) be rejected by the Council and replaced by an alternative decision;
- (c) be amended, and adopted as amended, by the Council; or
- (d) be referred back to the committee for further consideration.

15.13 This Local Law to apply

This Local Law applies generally to the proceedings of committees except for clause 7.8, in relation to the limit on the number of speeches.

Part 16 - Administrative matters

16.1 Suspension of any provision of this Local Law

- (1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one or more of the provisions of this Local Law.
- (2) The mover of a motion to suspend temporarily any one or more of the provisions of this Local Law is to state the clause or clauses to be suspended, and the purpose of the suspension.
- (3) A provision of this Local Law so suspended is to remain suspended until decided otherwise by the Council or the committee.

16.2 Cases not provided for in this Local Law

- (1) The Chairperson or presiding member is to decide questions of procedure in cases where this Local Law and the Act and Regulations are silent.
- (2) The decision of the Chairperson or presiding member in these cases is final, except where a motion is moved and carried under clause 10.1(f).

16.3 Representation on public bodies

Wherever it becomes necessary to nominate a member of the Council to represent the Council on a public body or State agency, that nomination must be made by the Council.

Part 17 - Enforcement

17.1 Penalty for breach

A person who breaches a provision of this Local Law commits an offence.

Penalty: \$1,000 and a daily penalty of \$500.

17.2 Who can prosecute

Who can prosecute is dealt with in the Act.

Part 18 - Common seal

18.1 Custody of the common seal

The CEO is to have charge of the common seal of the EMRC, and is responsible for the safe custody and proper use of it.

18.2 Use of the common seal

The use of the common seal is dealt with in the Act.

18.3 Recording of common seal uses

The CEO is to record in a register each instance where the common seal of the EMRC was affixed to a document including -

- (a) the date on which it was affixed;
- (b) the nature of the document; and
- (c) where the document is an agreement, the parties to that agreement.

This local law was made by the EMRC at an Ordinary Meeting held on.:

6.4 INFORMATION BULLETIN - SUSTAINABILITY TEAM UPDATE – JANUARY TO MARCH 2023

D2023/06935

PURPOSE OF REPORT

The purpose of this combined report is to provide a progress update on the activities undertaken by the Sustainability Team for the period January to March 2023, inclusive.

KEY POINT(S)

Achievements of the Sustainability Team are highlighted in the report for the period January to March 2023 and include:

- All activities undertaken by the Urban Environment Team (UET) for the ensuing period; and
- All activities undertaken by the Waste Education Team for the ensuing period.

SOURCE OF REPORT

Chief Sustainability Officer

BACKGROUND

- 1 The Urban Environment Team partners with member Councils, other local governments and key stakeholders to facilitate projects and activities and provide services (where appropriate) for the benefit and sustainability of Perth's Eastern Region.
- 2 The Waste Education Team partners with member Councils, other local governments and key stakeholders to deliver waste education and other waste services for the benefit and sustainability of Perth's Eastern Region.
- 3 Advocacy also occurs at a regional, state and federal level to ensure key agencies are fully apprised of matters of significance to the Region.

REPORT

- 4 The progress report comprises of two parts; Urban Environment and Waste Education. The 2021/2022 focus of the Sustainability Team is to drive all projects, activities and services in accordance with the United Nations Sustainable Development Goals, Circular Economy and transitioning towards Net Zero by 2040.
- 5 **Urban Environment - Town of Bassendean**
 - Full account review has been undertaken to ensure all active electricity, gas and water accounts are being collected via the Azility platform.
- 6 **Urban Environment - City of Bayswater**
 - Meeting held with the City's new Sustainability Officer to review current level of service and promotion of other services EMRC can offer.
- 7 **Urban Environment - Shire of Mundaring**
 - Full account review has been undertaken to ensure all active electricity, gas and water accounts are being collected via the Azility platform.
- 8 **Urban Environment - City of Swan**
 - Undertaken a Water Team meeting to progress water actions that are achievable for the remainder of the 2022/23 financial year and develop a plan for 2023/24.

9 **Urban Environment – City of Kalamunda**

- No specific actions this quarter.

10 **Urban Environment – EMRC**

- Review of the Future-Fit Business Benchmark and Workshop tools for the use of SGD progress reporting.
- Joined the Future-Fit Business Community
- Initial review of historical emissions data for EMRC as we move towards Zero Net emissions.
- Provision of additional information for the WALGA ARENA EV Grant application – including electrical inspections of Red Hill, Hazelmere Resource Recovery Park and Ascot Place for the installation of the EV charging stations.

11 **Bin Tagging**

- The EMRC undertook the City of Bayswater's recent 2023 bin tagging program over a period of six weeks, and tagged 2054 properties.
- The data has been entered on an App created by WALGA instead of manually; and
- The bin tagging education program ran between February and Marcy 2023, over six weeks.

12 **EMRC Battery Program**

- A total of 16.5 tonnes of batteries and 2.8 tonnes of CFLs were collected in 2022;
- The Results of the EMRC's 2022 Battery Collection Competition are:
- Large Schools
 - ⇒ Winner — Ellen Stirling Primary School (170.1 kilograms)
 - ⇒ Most Improved — Malvern Springs Primary School (an increase of 69.2 kilograms)
- Medium Schools
 - ⇒ Winner — Darlington Primary (428 kilograms)
 - ⇒ Most Improved — Hampton Park Primary School (an increase of 69.1 kilograms)
- Small Schools
 - ⇒ Winner — Sawyers Valley Primary School (82.9 kilograms)
 - ⇒ Most Improved — Mt Helena Primary School (an increase of 26.9 kilograms)

13 **Red Hill Waste Education Centre**

- The Red Hill Waste Education Centre upgrades have been completed.

14 **Earth Carers**

- The Earth Carer course and content for the course are currently under review; and

The survey results indicated that expected participants do not want to attend a physical course as frequently and some attendees do not want all sessions to be online.

15 **FOGO in Schools**

- Renewed focus to assist schools to move into the Waste Sorted space and provide additional support;
- Meeting with St Michaels to discuss waste education on February 15;
- Attended Waste Sorted training day and supported Ashfield Primary School and Mount Helena Primary School; and
- The report referenced in Department of Education response to the Minister on Climate Change in Schools.

16 **Waste Guides**

- All Member Councils are reviewing the 2022/2023 Waste and Recycling Guides;
- The current format of the W&R Guide issued is not sustainable, often disposed of, and not utilised by residents. The magnets on the back can cause issues with recycling;
- The preferred option is to move to electronic versions by 2024 and create a 2-page W&R flyer/calendar with bin collection information;
- Other waste and recycling information to be available online and also encourage residents to utilise the Recycle Right app; and
- This project will be completed by May 2023.

17 **Waste Plans**

- All identified EMRC projects and activities are currently on track.

18 **Public Recycling Updates (Public place collection data for the period January to March 2023)**

a. **Public Place Battery Collection Program**

| Battery Recycling – Public Places | Jan to Mar 2022/ 2023 | Jan to Mar 2021/2022 | Year to Date 2022/2023 | Year to Date 2021/2022 |
|--|------------------------------|-----------------------------|-------------------------------|-------------------------------|
| Bassendean | 290.2 | 203 | 848.4 | 693.9 |
| Bayswater | 820.6 | 776.8 | 2502.1 | 2606.3 |
| Kalamunda | 851 | 1073.3 | 2535.6 | 3194.5 |
| Mundaring | 446.9 | 354.7 | 1232.6 | 1246.6 |
| Swan | 553.7 | 553.4 | 1891.9 | 2399.3 |
| TOTAL (kg) | 2962.4 | 2961.2 | 9010.6 | 10140.6 |

b. Schools Battery Collection Program

| Battery Recycling - Schools | Jan to Mar 2022/ 2023 | Jan to Mar 2021/2022 | Year to Date 2022/2023 | Year to Date 2021/2022 |
|-----------------------------|-----------------------|----------------------|------------------------|------------------------|
| Bassendean | 60.5 | 44 | 176.2 | 252.7 |
| Bayswater | 87.7 | 132.8 | 515.9 | 599.3 |
| Kalamunda | 160.5 | 219.7 | 721.9 | 845.1 |
| Mundaring | 210.9 | 255.3 | 777.2 | 1085.2 |
| Swan | 160 | 261.4 | 953 | 1079.8 |
| TOTAL (kg) | 679.6 | 913.2 | 3144.2 | 3862.1 |

19 CFL Collection and Recycling Program

| CFL Recycling - Public Places | Jan to Mar 2022/ 2023 | Jan to Mar 2021/2022 | Year to Date 2022/2023 | Year to Date 2021/2022 |
|-------------------------------|-----------------------|----------------------|------------------------|------------------------|
| Bassendean | 21.2 | 5.6 | 94.1 | 61.2 |
| Bayswater | 143.5 | 142.2 | 612.4 | 538.5 |
| Kalamunda | 79.2 | 100 | 292.5 | 293.2 |
| Mundaring | 236.2 | 108.5 | 553.9 | 472.4 |
| Swan | 135.2 | 186.7 | 752.1 | 640.4 |
| TOTAL (kg) | 615.3 | 543 | 2305.0 | 2005.7 |

20 Tours of Red Hill Waste Management Facility and Education Centre – Jan to March 2023

No community or school tours were conducted from January to March 2023 due to school holidays and the Bin Tagging Program.

21 School Events

- Assembly and Battery Presentation- Beechboro Christian School– 15 February 2023;
- Assembly and Battery Presentation- Maylands Peninsula Primary School– 24 February 2023;
- City of Bayswater- MAX Solutions Presentation - 1 March 2023;
- Assembly and Battery Presentation- Sawyers Valley Primary School– 10 March 2023; and
- Assembly and Battery Presentation- Parkerville Primary School– 23 March 2023.

22 Member Council Events and Requests

- City of Bayswater– Australia Day Citizenship BBQ – 26 January 2022;
- City of Swan - Clothes Swap - 18 February 2023;
- City of Bayswater– Evening in the Park – 18 March 2023; and
- Town of Bassendean- Wind in the Willows Presentation – 23 March 2023.

23 EMRC Waste Education Hosted Events

- EnviroFEST 2023 at Whiteman Park – 25 March 2023.

24 **Waste Education Networking/Promotion/Collaboration Activities**

- Consistent Education Messaging for Rental Properties meeting – 11 January 2023;
- Consistent Communications Collective meeting – 1 February 2023;
- Bin Tagging Program 2023: Bin Tagging App Training Session – 2 February 2023;
- Circular Economy Western Australia - (CEWA) - Shining a Light on Circular Economy in Western Australia – 10 February 2023;
- WALGA bin Tagging Training for Taggers – 10 February 2023;
- Final Town Hall Meeting | National Clothing Product Stewardship Scheme Webinar – 15 February 2023;
- Meeting with Envirostream regarding battery collection– 17 February 2023;
- Waste Educators Networking Group Meeting – 2 March 2023;
- Baywaste Information Workshop – 9 March 2023; and
- WasteSorted and Clean Schools Workshop – 14 March 2023.

25 **Waste Education Loan Resources Utilisation**

- Clothes Swap items – Sustainably Stylish event (Ellenbrook Senior College) – 20 February to 24 February;
- Clothes Swap items – Sustainably Stylish event (Jo Dennis) – 2 March to 14 March;
- Clothes Swap items – Rail Hire (Tarni Brewer) – 17 March to 20 March; and
- Clothes Swap items – Rail Hire – (Tash) – 24 March to 28 March.

STRATEGIC IMPLICATIONS

26 Reporting on EMRC Strategic Policy implications is now being done to align with the revised Strategic Plan 2017-2027 and the Sustainability Strategy:

Goal: Creating value in the Community

Target: Increased participation on behaviour change programs

Goal: Addressing Environmental Impact

Target: Regional urban programs implemented

FINANCIAL IMPLICATIONS

27 The funding to facilitate projects is developed and agreed with member Councils as part of the annual budget process.

SUSTAINABILITY IMPLICATIONS

28 The Sustainability Team operates to pursue environmental, economic and social growth outcomes for Perth's Eastern Region.

RISK MANAGEMENT

Risk – The Sustainability Team deliver on agreed projects so there is minimal risk

| Consequence | Likelihood | Rating |
|---|---------------|--------|
| Possible | Insignificant | Low |
| Action/Strategy | | |
| <p>➤ The Sustainability Team considers risk pertaining to all projects or programs and continues to deliver on agreed actions</p> | | |

MEMBER COUNCIL IMPLICATIONS

Member Council

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

Implication Details

Participating member Council officer time on advisory group

ATTACHMENT(S)

Nil

6.5 INFORMATION BULLETIN - CORPORATE BUSINESS PLAN 2022/2023 – 2026/2027 – THIRD QUARTER REPORTING FROM JANUARY TO MARCH 2023

D2023/06934

PURPOSE OF REPORT

The purpose of this report is to provide Council with a progress update against key actions identified within EMRC's Corporate Business Plan 2022/2023 – 2026/2027 for the reporting period January to March 2023, inclusive.

KEY POINT(S)

- Section 5.56(1) and (2) of the *Local Government Act 1995* requires that each local government is 'to plan for the future of the district', by developing plans in accordance with the regulations.
- The *Local Government (Administration) Regulations 1996* specify that a 'plan for the future' comprises of the following:
 - ⇒ A Strategic Community Plan – a minimum 10 year timeframe; and
 - ⇒ A Corporate Business Plan – a four to five year plan, which translates the 10 year strategic plan into actions.
- Council adopted the EMRC's Revised Strategic Community Plan titled Revised 10 Year Strategic Plan 2017 – 2027 on 24 November 2022. (D2022/20404).
- Council adopted the revised EMRC's Corporate Business Plan 2022/2023 – 2026/2027 on 25 August 2022 (D2021/14764).
- Council adopted the EMRC's Sustainability Strategy 2022/2023 – 2026/2027 on 25 August 2022 (D2022/14122).
- The attachment to this report provides the third quarter reporting, against the key actions identified within the new Corporate Business Plan 2022/2023 – 2026/2027, for the period January to March 2023, inclusive.

SOURCE OF REPORT

Chief Sustainability Officer

BACKGROUND

- 1 Section 5.56(1) and (2) of the *Local Government Act 1995* require that each local government is 'to plan for the future of the district', by developing plans in accordance with the regulations. The *Local Government (Administration) Regulations 1996* specify that a 'plan for the future' comprises of the following:
 - A Strategic Community Plan – a minimum 10 year timeframe; and
 - A Corporate Business Plan – a four to five year plan, which translates the 10 year strategic plan into actions.
- 2 Council adopted the EMRC's Revised Strategic Community Plan titled Revised 10 Year Strategic Plan 2017 – 2027 on 24 November 2022. (D2022/20404).
- 3 Council adopted the EMRC's revised Corporate Business Plan 2022/2023 – 2026/2027 on 25 August 2022 for activities progressed from 1 July 2022 onwards (D2020/14764).
- 4 Council adopted the EMRC's Sustainability Strategy 2022/2023 – 2026/2027 on 25 August 2022 (D2022/14122).

REPORT

- 5 The Revised 10 Year Strategic Plan 2017 – 2027 guides, at a strategic level, the direction that the EMRC will take over the ensuing period towards achieving its vision: *“To be a responsive and innovative leader in assisting Perth’s Eastern Region to be a great place to live, work, play and do business.”*
- 6 The Corporate Business Plan 2022/2023 – 2026/2027 was developed to articulate the strategic direction into operational activities. It is designed to ensure that the organisation as a whole is able to deliver on Council’s high level priorities, and summarises the services, operations and projects EMRC will deliver over the next five years, commencing as of 1 July 2022.
- 7 Council adopted the EMRC’s Sustainability Strategy 2022/2023 – 2026/2027 on 25 August 2022 (D2022/14122).
- 8 The attachment to this report relates to the Corporate Business Plan actions for the third quarter reporting period of January to March 2023.

STRATEGIC/POLICY IMPLICATIONS

- 9 Reporting on EMRC Strategic Policy implications align with the revised 10 Year Strategic Plan 2017-2027 and the Sustainability Strategy 2022/2023 – 2026/2027:
 - Goal: Demonstrate Circular Economy Leadership
 - Target: Enabling circular economy initiatives through advocacy networks by 2050
 - Goal: To Respond to a Climate Emergency
 - Target: Sustainability integrated into management processes
 - Goal: To Create Value in the Community
 - Target: Community based source separation initiatives by 2027
 - Goal: To Address Environmental Impacts
 - Target: Regional urban programs implemented

FINANCIAL IMPLICATIONS

- 10 The financial implications are reflected in the annual operating budget and the long-term financial plans.

SUSTAINABILITY IMPLICATIONS

- 11 The Corporate Business Plan 2022/2023 – 2026/2027 identified projects, programs and services for the benefit and sustainability of Perth’s Eastern Region.

RISK MANAGEMENT

| Risk The Council agreed Key Actions are not delivered in accordance with the Corporate Business Plan | | |
|---|------------|----------|
| Consequence | Likelihood | Rating |
| Moderate | Unlikely | Moderate |
| Action/Strategy | | |
| ➤ Regular and ongoing reviews and quarterly updates ensure staff continue to be apprised of the deliverables and agreed timeframes. | | |



MEMBER COUNCIL IMPLICATIONS

Member Council

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

Implication Details

} As outlined in the attachment

ATTACHMENT(S)

Corporate Business Plan 2022/2023 – 2026/2027 Third Quarter Progress Report for the period, January to March 2023 (D2023/09151)



Corporate Business Plan 2022/2023 – 2026/2027

Progress Report – Third Quarter 2022/2023

Introduction

The Eastern Metropolitan Regional Council's (EMRC) Integrated Planning Framework has been developed to ensure that programs and services are being delivered in alignment with the strategic priorities of EMRC's key stakeholders.

The revised 10 Year Strategic Plan 2017 to 2027 identifies the overarching outcomes that the EMRC Council aspires to achieve.

The newly adopted Corporate Business Plan 2022/2023 – 2026/2027 (Corporate Business Plan) is used to drive operational activities and is aligned to the priorities identified in the 10 Year Strategic Plan. These two comprise the EMRC's Plan for the Future. Strategic high-level plans guide development of actions which are prioritised during annual business planning workshops, and resourced through the annual budget.

Council adopted the latest EMRC's Corporate Business Plan in June 2022. The Corporate Business Plan is built on the foundation of four goals identified within the Sustainability Strategy 2022/2023 – 2026/2027 and the revised 10 Year Strategic Plan 2017 to 2027. The Corporate Business Plan sets out the actions that staff will undertake to deliver on Council's strategic priorities.

Reports against the Corporate Business Plan provide Council with progress updates of projects and programs developed to achieve Council's strategic vision "The EMRC focuses on delivering waste, resource recovery and sustainability services, capitalising on its existing capabilities and infrastructure to act as an industry leader" and sustainability vision "Promoting sustainable waste management and a transition to a circular economy".

Updates against the Corporate Business Plan for the period July 2022 to June 2023 are provided quarterly within this document and are against the current adopted Plan.

Marcus Geisler
Chief Executive Officer

- Behind Schedule; Over Budget; Significant impacts experienced; Project stalled; High likelihood of risk
- Minor impediments regarding Budgets/Schedules; Medium likelihood of risk; Project deferred/postponed
- Ahead or on schedule; Under/On Budget; Risks dealt with or low likelihood

1 Demonstrate Circular Economy Leadership

Objective: To provide circular based resource recovery solutions for Perth’s Eastern Region and act as a knowledge hub for waste avoidance strategies

1.1 Enable circular economy initiatives through advocacy networks by 2025

| Key Actions | | Responsible Officer | Status | Quarter | Comments |
|-------------|--|---------------------|--------|-------------------------|---|
| 1.1.1 | Map stakeholders and areas of influence and impact to develop a targeted engagement plan (e.g. member Councils, commercial waste customers, government policy drivers) E.g.: ➤ Member Council and key stakeholder relationships; ➤ Partnership opportunities with universities and other organisations; ➤ Marketing and Communications Plan ➤ Revised Stakeholder Engagement Plan | CEO | ● | July - September 2022 | In progress |
| | | | | October - December 2022 | ➤ Annual report completed and disseminated ➤ EMRC E-Newsletter Nov/Dec issue 145 was published and disseminated ➤ EMRC Community grant funding Award Ceremony at Red Hill |
| | | | | January - March 2023 | ➤ Three community consultation meetings were held at Red Hill on the APCr and Carbon to Ethanol Pilot Plant projects. |
| | | | | April - June 2023 | |
| 1.1.2 | Facilitate regular industry-based and community-based advocacy meetings to discuss and identify new circular economy and net zero ventures opportunities E.g.: ➤ CEWA; Emicol; RWESG ➤ CE webinars and forums | Sustainability | ● | July - September 2022 | Regular meetings occurring with stakeholders including STEG; CEWA and continuing Circular Economy webinars |
| | | | | October - December 2022 | ➤ Meetings have continued with industry and community-based groups as required, CEWA ➤ Circular Economy Roadmap webinars were completed ➤ Early stage planning for 2023 Circular Economy Leadership Course with UNSSC |
| | | | | January - March 2023 | ➤ Meetings have continued around circularity ➤ The 2023 Circular Economy Leadership Course has been confirmed and content is being finalised, due to start in mid May 2023 |
| | | | | April - June 2023 | |

| Key Actions | | Responsible Officer | Status | Quarter | | Comments |
|-------------|--|---------------------|--------|-------------------------|--|----------|
| 1.1.3 | Create strategic partnerships and alliances which aim to achieve positive outcomes for the region and beyond, build resilience and secure funding (where relevant) | CEO | ● | July - September 2022 | Meeting with GDA, Woodside, other alliances have been held this quarter | |
| | | | | October - December 2022 | Meetings with the above agencies have continued during this quarter | |
| | | | | January - March 2023 | Meeting continued during this quarter | |
| | | | | April - June 2023 | | |
| 1.1.4 | Map alignment and circularity gaps between advocacy programs and partnerships for identification of future circular economy initiatives including sustainable transport E.g.: ➤ Circularity Gap Report / Horizon Scan; | CEO | ● | July - September 2022 | Final draft of the Regional Circular Economy Horizon Scan is in progress | |
| | | | | October - December 2022 | Regional Circular Economy Horizon Scan was completed and will assist with future mapping | |
| | | | | January - March 2023 | Circularity opportunities continue to be tracked to identify relevant advocacy | |
| | | | | April - June 2023 | | |

1.2 80% resource recovery of waste generated in the region by 2030

| Key Actions | | Responsible Officer | Status | Quarter | | Comments |
|-------------|--|---------------------|--------|-------------------------|---|----------|
| 1.2.1 | Develop a resource flow model for the EMRC and its member Councils. The model could focus only on waste or expand into other materials such as water, energy, and carbon | CEO | ● | July - September 2022 | In progress | |
| | | | | October - December 2022 | In progress | |
| | | | | January - March 2023 | In progress | |
| | | | | April - June 2023 | | |
| 1.2.2 | Enable a sales model for use of recovered material in each member Council areas E.g. ➤ Identify markets and develop resource recovery products | Operations | ● | July - September 2022 | Regular meetings with member Council representatives to understand/establish their product needs. | |
| | | | | October - December 2022 | Regular meetings with member Council representatives to understand/establish their product needs. | |
| | | | | January - March 2023 | Regular meetings with member Council representatives to understand/establish their product needs. | |
| | | | | April - June 2023 | | |

| Key Actions | | Responsible Officer | Status | Quarter | Comments |
|-------------|---|---------------------|--------|-------------------------|--|
| 1.2.3 | Establish and provide member Councils with waste and recycling guides. This should include the integration of FOGO waste guides | Sustainability | ● | July - September 2022 | Continue to develop member Councils with waste and recycling guides and integrate FOGO when the Council moves to a three-bin system. |
| | | | | October - December 2022 | Liaison with member Councils is underway relating to their waste and recycling guides for 2023. |
| | | | | January - March 2023 | Liaison with member Councils is underway relating to updating their waste and recycling guides for 2023. |
| | | | | April - June 2023 | |
| 1.2.4 | Determine high-value use for the existing C&I processing building at Hazelmere RRP | Operations | ● | July - September 2022 | Initial discussions with member Council representatives to explore solutions for bulk verge processing and recycling materials. |
| | | | | October - December 2022 | Bassendean Bulk Verge Trial commenced early December, achieving a 25% landfill diversion rate. |
| | | | | January - March 2023 | Continue to grow bulk verge collection through member Councils \ |
| | | | | April - June 2023 | |

1.3 80% reuse of material at all EMRC operated sites by 2040

| Key Actions | | Responsible Officer | Status | Quarter | Comments |
|-------------|--|---------------------|--------|-------------------------|--|
| 1.3.1 | Map our current waste production profile for benchmarking (as an organisation) and align with the EMRC's FOGO Strategy where applicable E.g.: Undertake, provide, investigate; ➤ Integrated Waste Management research, ➤ Leadership in waste policy and practice ➤ New waste management practices and services | CEO | ● | July - September 2022 | Our current waste profile, particularly in terms of FOGO is in line with the FOGO strategy |
| | | | | October - December 2022 | The EMRC's waste profile also aligns with the Sustainability Strategy and the revised Strategic Plan |
| | | | | January - March 2023 | The EMRC's waste profile is in line with the FOGO strategy and continues to be mapped |
| | | | | April - June 2023 | |

| Key Actions | | Responsible Officer | Status | Quarter | Comments |
|-------------|--|---------------------|--------|-------------------------|--|
| 1.3.2 | Regularly review and implement initiatives in line with the Red Hill and Hazelmere Development Plans | Projects | ● | July - September 2022 | There have been a number of developments at Red Hill in particular which necessitate an update to the Red Hill Development Plan. Similarly, an update to the Hazelmere Development Plan is also being considered. |
| | | | | October - December 2022 | Updates to the Red Hill and Hazelmere Development Plans are planned to be complete by the end of the financial year. |
| | | | | January - March 2023 | Following the cancellation of the request for tender for a Permanent FOGO processing plant at Red Hill, discussions have proceeded with technology suppliers/contractors for an alternative configuration for an aerobic composting/anaerobic digestion facility. An amendment to the Ministerial approval for the Red Hill facility is pending. |
| | | | | April - June 2023 | |
| 1.3.3 | Develop, facilitate, and participate in activities of the regional waste education and resource recovery steering groups | Sustainability | ● | July - September 2022 | Continued to participate in regional waste education and resource recovery steering groups. |
| | | | | October - December 2022 | Continued to participate and facilitate regional waste education and resource recovery steering groups. |
| | | | | January - March 2023 | Continued to participate and facilitate regional waste education and resource recovery steering groups. |
| | | | | April - June 2023 | |
| 1.3.4 | Regularly review local government procurement guidelines and processes for sustainable decision making | Business | ● | July - September 2022 | Sustainable decision making in procurement is included in the EMRC Purchasing Policy. Currently the procurement team is working on a sustainable procurement framework |
| | | | | October - December 2022 | Sustainable decision making in procurement is included in the EMRC Purchasing Policy. Currently the procurement team is working on a sustainable procurement framework |
| | | | | January - March 2023 | Sustainable decision making in procurement is included in the EMRC Purchasing Policy. Currently the procurement team is working on a sustainable procurement framework |
| | | | | April - June 2023 | |
| 1.3.5 | Regularly review local government sales requirements for sustainable decision making | Operations | ● | July - September 2022 | Reviews undertaken on monthly basis. |
| | | | | October - December 2022 | Reviews undertaken on monthly basis. |
| | | | | January - March 2023 | Reviews undertaken on monthly basis. |
| | | | | April - June 2023 | |

| Key Actions | | Responsible Officer | Status | Quarter | Comments |
|-------------|---|---------------------|--------|-------------------------|--|
| 1.3.6 | Identify and facilitate supply chain awareness for product production e.g. FOGO products, woodchips, construction materials | Operations | ● | July - September 2022 | Development of a sales comm strategy for all existing customers as well as new potential customers around recoverable materials. |
| | | | | October - December 2022 | Executed sales comm strategy and track set targets |
| | | | | January - March 2023 | Executed sales comm strategy and track set targets |
| | | | | April - June 2023 | |

2 Respond to a Climate Emergency

Objective: To reduce carbon impacts to achieve net zero and understand the risks associated with climate change to Perth’s Eastern Region

2.1 Infrastructure adaptation and education by 2030

| Key Actions | Responsible Officer | Status | Quarter | Comments |
|--|---------------------|--------|-------------------------|--|
| 2.1.1a Undertake asset management assessment, workforce planning and long-term financial planning for all EMRC owned infrastructure E.g.: <ul style="list-style-type: none"> ➤ Long term financial plan ➤ Asset Management Plan ➤ Strategic IT Plan | Business | ● | July - September 2022 | <ul style="list-style-type: none"> ➤ Long Term Financial Planning - Review of the 10 Year Financial Plan will be undertaken as part of the 2023/2024 Budget deliberation process and is expected to commence in Feb/Mar'23 following the half year budget review in Jan/Feb'23. ➤ Strategic IT Plan – New phone system implemented at the Red Hill site. Test environment built for testing a new version of the Synergy Soft finance system. |
| | | | October - December 2022 | <ul style="list-style-type: none"> ➤ Long Term Financial Planning - Review of the 10 Year Financial Plan will be undertaken as part of the 2023/2024 Budget deliberation process and is expected to commence in Feb/Mar'23 following the half year budget review in Jan/Feb'23. ➤ Strategic IT Plan – New phone system implemented at the Hazelmere and Ascot sites. The Synergy Soft finance system was upgraded to version 11.1.441. Microsoft Office 2019 licenses converted to Microsoft 365 licenses. |
| | | | January - March 2023 | <ul style="list-style-type: none"> ➤ Long Term Financial Planning -. Review of the 10 Year Financial Plan is currently being undertaken as part of the 2023/2024 Budget deliberation. ➤ Strategic IT Plan – Completed the Cyber Security Framework. Updated the IT Disaster Recovery Process. Prepared networking for the new CCTV system at Red Hill. Deployed networking to the Control Room of the Wood Waste to Energy Plant. |
| | | | April - June 2023 | |
| 2.1.1b Undertake asset management assessment, workforce planning and long-term financial planning for all EMRC owned infrastructure E.g.: <ul style="list-style-type: none"> ➤ Organisational governance ➤ Integrated Planning Framework ➤ Workforce Plan ➤ WHS Plan ➤ Risk Management | CEO | ● | July - September 2022 | <ul style="list-style-type: none"> ➤ The Risk Management is an ongoing process and updates reported through the Audit Committee. The next Risk Management update will be in the October AC meeting. ➤ All further plans are in progress. |
| | | | October - December 2022 | Workforce Plan has been reviewed and is in the process of being finalised. LGIS undertook an Audit of the EMRC WHS systems and a plan has been developed to meet the requirements of the new legislation. |
| | | | January - March 2023 | LGIS have completed the review of the EMRC’s safety management system (all major management guidelines and procedures) and have also undertaken a review of the EMRC’s Contractor Management system for referral to the ELT. Workforce Plan to be submitted for the review by the CEO pending approval of the ELT in the next quarter. Remuneration review completed and implemented as of 1 st January 2023. |
| | | | April - June 2023 | |

| | Key Actions | Responsible Officer | Status | Quarter | Comments |
|-------|---|---------------------|--------|-------------------------|--|
| 2.1.2 | Identify and evaluate land-use options at EMRC sites to maximise future resource recovery program | Projects | ● | July - September 2022 | Land use options currently under review in line with various projects which are in development stages. |
| | | | | October - December 2022 | Land use options are still currently under review. The planned updates to the Red Hill and Hazelmere Development Plans will address land use issues. |
| | | | | January - March 2023 | Several options are being considered; these will be detailed in updates to the Red Hill and Hazelmere Development Plans. |
| | | | | April - June 2023 | |

2.2 Below zero carbon emissions by 2040

| | Key Actions | Responsible Officer | Status | Quarter | Comments |
|-------|--|---------------------|--------|-------------------------|--|
| 2.2.1 | Map and benchmark energy usage and consumption rates across all sites e.g. energy use, vehicle fuel consumption, auditing requirements, early stage asset management | Operations | ● | July - September 2022 | Implement effective systems to accommodate monthly reports |
| | | | | October - December 2022 | Ongoing reviews on monthly basis |
| | | | | January - March 2023 | Ongoing reviews on monthly basis |
| | | | | April - June 2023 | |
| 2.2.2 | Establish a decarbonisation plan to achieve “Below zero emissions by 2040” target. This should include consideration of decarbonisation project ideas presented in the strategic review e.g. opportunities for onsite use or export of heat energy for value-adding processes or sale to surrounding industrial businesses, electric fleet procurement | CEO | ● | July - September 2022 | Discussions are ongoing with external parties around future decarbonisation at Red Hill |
| | | | | October - December 2022 | Meetings held with Woodside around trial Ethanol Plant opportunity at Red Hill |
| | | | | January - March 2023 | Meetings continued regarding the Carbon to Ethanol pilot project. |
| | | | | April - June 2023 | |
| 2.2.3 | Create Annual Energy and Emission Data Analysis Report and Snapshot for goal tracking. Develop and publish the SDG annual report card E.g.: ➤ EMRC corporate emissions & SDG progress | Sustainability | ● | July - September 2022 | Finalised frame work for SDG reporting and commenced collection of data |
| | | | | October - December 2022 | Emissions Report Card and Snapshot finalised in November 2022 for Mundaring and Bassendean |
| | | | | January - March 2023 | Collation of data will commence in the next quarter as a pre-cursor to developing the SDGs Report cards for the EMRC and participating member Councils |
| | | | | April - June 2023 | |

2.3 Sustainability integrated into management processes

| | Key Actions | Responsible Officer | Status | Quarter | Comments |
|-------|---|---------------------|--------|-------------------------|---|
| 2.3.1 | Establish a decision-making framework to include sustainability for operational and capital expenditure E.g.: ➤ Provide Waste disposal service at Red Hill WMF ➤ Review Red Hill Development Plan | Operations | ● | July - September 2022 | Review the procurement process for tenders and quotations to include sustainability as a key KPI with all operational reporting requirements. |
| | | | | October - December 2022 | Sustainability KPI implemented in all RFQs and Tenders and evaluated accordingly. |
| | | | | January - March 2023 | Sustainability KPI implemented in all RFQs and Tenders and evaluated accordingly. |
| | | | | April - June 2023 | |
| 2.3.2 | Include sustainable decision-making frameworks in procurement templates, evaluation and processes of all projects | Business | ● | July - September 2022 | Sustainable decision making in procurement is included in the EMRC Purchasing Policy. The procurement team is working on a sustainable procurement framework and to be included in the procurement templates and processes as appropriate. |
| | | | | October - December 2022 | Sustainable decision making in procurement is included in the EMRC Purchasing Policy. The procurement team is working on a sustainable procurement framework and to be included in the procurement templates and processes as appropriate. |
| | | | | January - March 2023 | Sustainable decision making in procurement is included in the EMRC Purchasing Policy. The procurement team is working on a sustainable procurement framework and to be included in the procurement templates and processes as appropriate. Procurement Velpic training includes sustainable procurement principles. |
| | | | | April - June 2023 | |
| 2.3.3 | Review projects quarterly to identify examples where sustainable decision making and other actions have been applied to a project. This should include the identification of design engineering for front-end material reuse programs | Projects | ● | July - September 2022 | The first step towards this objective is updating the EMRCs tender documentation to reflect a sustainable approach to project delivery. This process is now underway. |
| | | | | October - December 2022 | In progress |
| | | | | January - March 2023 | In progress |
| | | | | April - June 2023 | |
| 2.3.4 | Create a sustainability performance review for each team and identify sustainability criteria for environmental, social, governance (ESG) decision making | CEO | ● | July - September 2022 | In progress |
| | | | | October - December 2022 | In progress |
| | | | | January - March 2023 | This action is under review |
| | | | | April - June 2023 | |

| | Key Actions | Responsible Officer | Status | Quarter | Comments |
|-------------------------|--|---------------------|--------|---|-------------|
| 2.3.5 | Establish regular internal collaboration sessions to identify new sustainability initiatives, for consideration by Council, and revisit ongoing initiatives. | Sustainability | ● | July - September 2022 | In progress |
| October - December 2022 | | | | New sustainability initiatives are considered by the Executive Leadership Team (ELT) as and when they arise | |
| January - March 2023 | | | | Internal collaboration sessions are continuing | |
| April - June 2023 | | | | | |

3 Reduce Our Environmental Impact

Objective: To lead by example and reduce environmental impacts through efficient operations, forward thinking and supporting circular and sustainability initiatives in the region

3.1 Regional urban programs implemented

| | Key Actions | Responsible Officer | Status | Quarter | Comments |
|-------|---|---------------------|--------|-------------------------|--|
| 3.1.1 | Maintain programs related to sustainability goals and review in participating Councils' annual programs reports E.g.: Identify, investigate, develop; ➤ ACER program ➤ SDG reporting ➤ New environmental and sustainability initiatives | Sustainability | ● | July - September 2022 | <ul style="list-style-type: none"> ➤ Shire of Mundaring and City of Bayswater engaged to participate in SDG reporting ➤ Commenced Acer reporting Shire of Mundaring and Town of Bassendean ➤ Facilitated QPR for Town of Bassendean and Shire of Mundaring |
| | | | | October - December 2022 | ACER reporting for 2021/2022 has wrapped up for the Shire of Mundaring and the Town of Bassendean with reports disseminated by the end of November 2022 |
| | | | | January - March 2023 | Meetings have been scheduled with member Councils on planning for the next round of reporting |
| | | | | April - June 2023 | |
| 3.1.2 | Review and complete annual water plans in alignment with Waterwise Council Accreditations E.g.: Review and implement ➤ Water Sensitive Futures Program ➤ Waterwise Council reindorsement reporting | Sustainability | ● | July - September 2022 | <ul style="list-style-type: none"> ➤ Commenced Water Wise annual re-endorsement for Town of Bassendean, Shire of Mundaring, City of swan and Town of Vic park ➤ Commenced water sensitive futures reporting for The Town of Bassendean, City of Swan and Shire of Mundaring ➤ Facilitated QPR for Town of Bassendean and Shire of Mundaring ➤ Attended water team meeting city of Swan |
| | | | | October - December 2022 | Water data analysis, water report completed and sent to the Shire of Mundaring, City of Swan and Town of Bassendean at the end October 2022 |
| | | | | January - March 2023 | Meetings have been scheduled with member Councils on planning for the next round of reporting |
| | | | | April - June 2023 | |

| Key Actions | | Responsible Officer | Status | Quarter | Comments |
|-------------|---|---------------------|--------|-------------------------|--|
| 3.1.3 | Facilitate and/or participate in industry-based and community-based advocacy meetings to discuss, identify and prioritise new, or ongoing, circular economy, net zero and sustainability regional programs E.g.: ➤ Facilitate networking groups, e.g. STEG. ➤ Participate e.g. WALGA Climate Change Collaborative. | Sustainability | ● | July - September 2022 | The team has participated in a number of industry-based forums during this quarter |
| | | | | October - December 2022 | <ul style="list-style-type: none"> ➤ EMRC attended a WA+ forum at Lotterywest this quarter as well as a number of online Teams forums ➤ EMRC met with ARUP to discuss EV readiness in FOGO facilities and pilot projects in circular economy ➤ Avon Descent Family Fun Day Acquittal 2022 submitted through Lotterywest ➤ Avon Descent Festivals grant application 2023 submitted to Lotterywest ➤ Initial planning towards 2023 WA Tree Festival |
| | | | | January - March 2023 | <ul style="list-style-type: none"> ➤ Booking commenced for the Avon Descent marking and advertising ➤ Funding and collaboration for Youth Week has been supported by the EMRC ➤ Tree Festival will be focused online via social media |
| | | | | April - June 2023 | |

3.2 Contribute to a decrease in illegal waste disposal by 2040

| Key Actions | | Responsible Officer | Status | Quarter | Comments |
|-------------|--|---------------------|--------|-------------------------|--|
| 3.2.1 | Establish campaigns to create a recover, reuse, recycle, return, repair and drop off culture to increase recovery rates and combat illegal dumping | Sustainability | ● | July - September 2022 | Creating campaigns to create a recover, avoid, reuse, recycle, return, repair and drop off culture to increase recovery rates and combat illegal dumping |
| | | | | October - December 2022 | November event utilising Repair Café Bassendean repairing textiles, offering a drop off option for damaged garments for recovery and assisting in reducing illegal dumping. |
| | | | | January - March 2023 | Continue to create campaigns to recover, avoid, reuse, recycle, return, repair and drop off culture to increase recovery rates and combat illegal dumping. |
| | | | | April - June 2023 | |
| 3.2.2 | Establish programs for acceptance of construction and demolition waste e.g. bricks, timber, sand, soil, concrete and other resource recovery initiatives | Projects | ● | July - September 2022 | Options being considered include liquid waste, APCr and other waste products. The first step in this process is to obtain approval to accept and process these materials. |
| | | | | October - December 2022 | Approvals for these processes are required, however the EMRC is currently constrained by EPA / DWER restrictions on the number of licence amendments we can submit. |
| | | | | January - March 2023 | We first must obtain approval to accept and process these materials. DWER is currently restricting the number of licence amendments an organisation can submit, however it may be possible to consider this with the next licence referral the EMRC makes. |
| | | | | April - June 2023 | |

3.3 EMRC wide environmental management system

| | Key Actions | Responsible Officer | Status | Quarter | Comments |
|-------|--|---------------------|--------|-------------------------|---|
| 3.3.1 | Review and develop the framework the EMRC will use going forward in terms of its Environmental Management System Framework i.e. in alignment with ISO14001 or equivalent | Projects | ● | July - September 2022 | The EMRCs accreditation to ISO14001 was recertified in April 2022. There are seven minor non-compliances to address. The environmental management system is under review with the objective of reducing and simplifying the number, frequency, and complexity of reporting we are required to provide. |
| | | | | October - December 2022 | In progress. |
| | | | | January - March 2023 | The Waste & Compliance Team is reviewing the EMRCs Environmental Management System; training will be taking place before the end of the financial year, which will assist in the identification of simplifying our reporting requirements. External certification audit will take place in July 2023. |
| | | | | April - June 2023 | |
| 3.3.2 | Establish compliance monitoring, reporting and review processes in alignment with the EMRC's Environmental Management System E.g: Minimise environmental impacts of waste management operations | Projects | ● | July - September 2022 | The EMS which is accredited to ISO14001 is under review, with a view to simplifying and reducing the reporting requirements required under our operating licences. |
| | | | | October - December 2022 | In progress, work is on-going with DWER to address this. |
| | | | | January - March 2023 | The EMRC is working with DWER to reduce the level and complexity of Annual Reports. Level of reporting on surface and ground water has been streamlined. All reporting is in accordance with licence conditions, Ministerial requirements, and Red Hill EMS. AER (Annual Environmental Report) and Annual Audit Compliance Report has been submitted for Hazelmere. |
| | | | | April - June 2023 | |

4 Create Value in the Community

Objective: To establish and support projects in the community that create social value from a residential level through to commercial levels

4.1 Community based source separation initiatives by 2027

| Key Actions | | Responsible Officer | Status | Quarter | Comments |
|-------------|---|---------------------|--------|-------------------------|--|
| 4.1.1 | Establish community engagement initiatives for source separation opportunities including education hubs, school programs, community group support and bin tagging | Sustainability | ● | July - September 2022 | Continue to establish community engagement initiatives for source separation opportunities including school education, tours of Red Hill Waste Management Facility provide workshops, clothes swaps community group support and bin tagging. |
| | | | | October - December 2022 | Preparing for 2023 Bin Tagging behaviour change program. Delivered of education initiatives to support correct source separation. |
| | | | | January - March 2023 | The Bin Tagging program occurred in the City of Bayswater and delivered education initiatives supporting correct source separation. |
| | | | | April - June 2023 | |
| 4.1.2 | Utilise current community programs to provide education and tools on material re-use and issues regarding poor source separation | Sustainability | ● | July - September 2022 | Continue to utilise current community programs to provide education and tools on avoid, re-use and issues regarding poor source separation. |
| | | | | October - December 2022 | Attended events educating on avoid and reuse and advice on correct source separation behaviour. |
| | | | | January - March 2023 | Attended community events educating on avoid and reuse and advice on correct source separation behaviour. |
| | | | | April - June 2023 | |
| 4.1.3 | Utilise EMRC fleet and other EMRC owned assets as educational billboards for source separation education and requirements | Operations | ● | July - September 2022 | Currently reviewing all assets to see where opportunity exists for educational messaging. E.g new collection trucks and walking floor trailers. |
| | | | | October - December 2022 | Reviewing marketing messaging for identified fleet items |
| | | | | January - March 2023 | Marketing messaging finalised for two walking floor trailers |
| | | | | April - June 2023 | |
| 4.1.4 | Establish verge collection and shared valet service programs. This includes a waste classification program for different materials and costings | Operations | ● | July - September 2022 | Progressing as per the regional waste collection business case. |
| | | | | October - December 2022 | Review of options completed for the Shire of Mundaring. |
| | | | | January - March 2023 | Trial commenced with Bassendean and ongoing dialogue with member Councils |
| | | | | April - June 2023 | |

4.2 Use of recovered material in the region by 2040

| | Key Actions | Responsible Officer | Status | Quarter | Comments |
|-------|--|---------------------|--------|-------------------------|---|
| 4.2.1 | Establish reward and incentive systems dependent on company sustainability rating to encourage better waste management in the region | CEO | ● | July - September 2022 | In progress |
| | | | | October - December 2022 | In progress |
| | | | | January - March 2023 | This action is under review |
| | | | | April - June 2023 | |
| 4.2.2 | Continue to establish community recycling and reuse networks for exchange of products, reuse and repair initiatives, and identification of regional synergies | Operations | ● | July - September 2022 | Currently reviewing any potential opportunities with relevant member Councils. |
| | | | | October - December 2022 | Ongoing dialogue with member Councils |
| | | | | January - March 2023 | Ongoing dialogue with member Councils |
| | | | | April - June 2023 | |
| 4.2.3 | Identify member council uses for recovered materials e.g. woodchip mulching, FOGO fertiliser products, construction materials, road surfacing, energy reuse E.g: provide a waste management service | Operations | ● | July - September 2022 | Regular meetings with member Council representatives to understand/establish their product needs. |
| | | | | October - December 2022 | Regular meetings with member Council representatives to understand/establish their product needs. |
| | | | | January - March 2023 | Regular meetings with member Council representatives to understand/establish their product needs. |
| | | | | April - June 2023 | |

4.3 Increased participation in behaviour change programs

| | Key Actions | Responsible Officer | Status | Quarter | Comments |
|-------|---|---------------------|--------|-------------------------|--|
| 4.3.1 | Provide education for waste solutions that are in line with WA Waste Strategy and waste hierarchy E.g.: ➤ Continue waste education programs | Sustainability | ● | July - September 2022 | Continue to provide waste education programs that align with the WA Waste Strategy |
| | | | | October - December 2022 | Delivered education programs that focus on target issues from the Waste Strategy. |
| | | | | January - March 2023 | Continue education programs that focus on target issues from the Waste Strategy. |
| | | | | April - June 2023 | |

| Key Actions | | Responsible Officer | Status | Quarter | Comments |
|-------------|---|---------------------|--------|-------------------------|--|
| 4.3.2 | Benchmark and monitor participation rates in EMRC sustainability programs | Sustainability | ● | July - September 2022 | Participation rates in EMRC sustainability programs are proceeding in accordance with the individual Council's signed Project Plans and in accordance with the approved 2022/23 budget |
| | | | | October - December 2022 | Participation rates continue to be tracked |
| | | | | January - March 2023 | Meetings have been recently held with member Councils to ascertain further participation in sustainability programs |
| | | | | April - June 2023 | |
| 4.3.3 | Establish a Sustainability Stakeholder engagement plan E.g: Continue to foster and enhance relationships with member Councils and all key stakeholders | Sustainability | ● | July - September 2022 | The current/existing stakeholder relationship plan is being reviewed |
| | | | | October - December 2022 | This work is currently ongoing |
| | | | | January - March 2023 | Work on stakeholder engagement is progressing including updating our stakeholder list |
| | | | | April - June 2023 | |

7 CONFIDENTIAL MATTER FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

RECOMMENDATION (Closing Meeting to the Public)

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

COUNCIL RESOLUTION(S)

MOVED CR

SECONDED CR

7.1 LICENCE TO OCCUPY PART OF LOT 12, TOODYAY ROAD, GIDGEGANNUP (D2023/08001)

This item is recommended to be confidential because it contains matters of Legal advice.

See Confidential Item circulated with the Agenda under Separate Cover.

7.2 WOODWASTE TO ENERGY PROJECT UPDATE (D2023/08109)

This item is recommended to be confidential because it contains matters of a commercial-in-confidence nature and Legal advice or Legal professional privilege or due to issues of parliamentary privilege.

See Confidential Item circulated with the Agenda under Separate Cover.

RECOMMENDATION (Meeting Re-Opened to the Public)

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

COUNCIL RESOLUTION(S)

MOVED CR

SECONDED CR

8 FUTURE AGENDA FORUMS

The next meeting of Agenda Forum will be held on Thursday 8 June 2023 at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 6.00pm.

Future Forums 2023

| | | | | | |
|----------|----|-----------|---------------|----|----------------------------|
| Thursday | 08 | June | | at | EMRC Administration Office |
| Thursday | 13 | July | (if required) | at | EMRC Administration Office |
| Thursday | 10 | August | (if required) | at | EMRC Administration Office |
| Thursday | 14 | September | (if required) | at | EMRC Administration Office |
| Thursday | 09 | November | (if required) | at | EMRC Administration Office |

9 DECLARATION OF CLOSURE OF MEETING