

AGENDA

D2022/05529

Special Meeting of Council 9 November 2023

Notice of Meeting

Dear Councillors

I wish to advise that a Special Meeting of Council will be held on Thursday, 9 November 2023 at the EMRC Administration Centre, 1st Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 5:00pm.

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

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

An Agenda Forum meeting will take place at 6:00pm after the Special Meeting of Council.

Marcus Geisler | Chief Executive Officer

3 November 2023

Please Note

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

The meeting will be audio recorded and available on the EMRC's website at www.emrc.org.au.

Public question time will continue as usual at the next Ordinary Meeting of Council on 23 November 2023 and questions may be submitted electronically prior to the meeting, no later than 4.00pm on the 23 November 2023 to CouncilEnquiry@emrc.org.au.



EMRC Council Members

Cr Tallan Ames	EMRC Member	Town of Bassendean
Cr Paul Poliwka	EMRC Member	Town of Bassendean
Cr Filomena Piffaretti	EMRC Member	City of Bayswater
Cr Michelle Sutherland	EMRC Member	City of Bayswater
Cr Luke Ellery	EMRC Member	Shire of Mundaring
Cr Doug Jeans	EMRC Member	Shire of Mundaring
Cr Aaron Bowman	EMRC Member	City of Swan
Cr Jennifer Catalano	EMRC Member	City of Swan

EMRC Council Deputies

Cr Kathryn Hamilton	EMRC Deputy Member	Town of Bassendean
Cr Giorgia Johnson	EMRC Deputy Member	City of Bayswater
Cr John Daw	EMRC Deputy Member	Shire of Mundaring
Cr Ian Johnson	EMRC Deputy Member	City of Swan



Special Meeting of Council 9 November 2023

Table of Contents

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS	4
1.1	ACKNOWLEDGEMENT OF COUNTRY	4
2	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	4
3	ANNOUNCEMENT BY THE CHAIRPERSON OR PRESIDING MEMBER	4
4	DISCLOSURE OF INTEREST	4
4.1	ELECTION AND SWEARING IN OF EMRC CHAIRPERSON (D2023/32565)	5
4.2	ELECTION AND SWEARING IN OF EMRC DEPUTY CHAIRPERSON (D2023/32554)	12
5	EMPLOYEE REPORTS – APPOINTMENT OF COMMITTEES	19
5.1	APPOINTMENT OF MEMBERS TO THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE (D2023/33495)	20
5.2	APPOINTMENT OF MEMBERS TO THE AUDIT COMMITTEE (D2023/32555)	23
5.3	APPOINTMENT OF MEMBERS TO THE LEGAL COMMITTEE (D2023/32556)	26
5.4	APPOINTMENT OF MEMBER DELEGATE AND MEMBER DEPUTY DELEGATE TO THE MUNICIPAL WASTE ADVISORY COUNCIL (MWAC) (D2023/32557)	29
6	FUTURE MEETINGS OF COUNCIL	33
7	DECLARATION OF CLOSURE OF MEETING	33



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 INTEREST

4 ELECTION OF EMRC CHAIRPERSON OR PRESIDING MEMBER

4.1 ELECTION AND SWEARING IN OF EMRC CHAIRPERSON (D2023/32565)

4.2 ELECTION AND SWEARING IN OF EMRC DEPUTY CHAIRPERSON (D2023/32554)

4 ELECTION OF EMRC CHAIRPERSON AND DEPUTY CHAIRPERSON

4.1 ELECTION AND SWEARING IN OF EMRC CHAIRPERSON

D2023/32565

PURPOSE OF REPORT

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

KEY POINT(S)

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

RECOMMENDATION(S)

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

SOURCE OF REPORT

Chief Financial Officer

BACKGROUND

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

REPORT

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

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

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

8 **EMRC MEMBERS 2023 - 2025**

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

Cr Tallan Ames	Town of Bassendean
Cr Paul Poliwka	Town of Bassendean
Cr Filomena Piffaretti	City of Bayswater
Cr Michelle Sutherland	City of Bayswater
Cr Luke Ellery	Shire of Mundaring
Cr Doug Jeans	Shire of Mundaring
Cr Aaron Bowman	City of Swan
Cr Jennifer Catalano	City of Swan

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

Cr Kathryn Hamilton	Town of Bassendean
Cr Giorgia Johnson	City of Bayswater
Cr John Daw	Shire of Mundaring
Cr Ian Johnson	City of Swan

STRATEGIC/POLICY IMPLICATIONS

10 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

11 Nil

SUSTAINABILITY IMPLICATIONS

12 Nil

RISK MANAGEMENT

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

MEMBER COUNCIL IMPLICATIONS

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

ATTACHMENT(S)

1. A blank Nomination Form for the Office of Chairperson, nominate oneself (D2023/32562)
2. A blank Nomination Form for the Office of Chairperson, nominate another (D2023/32562)
3. A blank ballot Paper for Election of EMRC Chairperson (D2023/32563)
4. Declaration by Elected Chairperson (D2023/32564)

VOTING REQUIREMENT

Secret Ballot

RECOMMENDATION(S)

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



EASTERN METROPOLITAN REGIONAL COUNCIL

Nomination for Chairperson

To the Chief Executive Officer

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

Signed

Date



EASTERN METROPOLITAN REGIONAL COUNCIL

Nomination for Chairperson

To the Chief Executive Officer

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

Signed

Date

* I _____ hereby certify that I accept the above nomination to the
the position of Chairperson of the Eastern Metropolitan Regional Council.

Signed

Date

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



EASTERN METROPOLITAN REGIONAL COUNCIL

9 November 2023

Ballot Paper for the Election of the EMRC Chairperson

How to Vote

(If there are 2 candidates)

Write the number 1 in the square next to the name of the candidate you want to vote for.

(If there are 3 or more candidates)

Write the number 1 in the square next to the name of the candidate who is your first choice.

If you want to, you may show more choices by writing consecutive numbers in the squares next to the names of other candidates in the order of your choice, starting with the number 2 up to the number of candidates listed below.

You do not need to write a number in all the squares.

Do not make any other marks on the Ballot Paper

Cr First Name, Last Name

Cr First Name, Last Name

Cr First Name, Last Name



Local Government Act 1995
Local Government (Constitution) Regulations 1998

Declaration by Elected Chairperson

I _____ of _____
have been elected to the Office of Chairperson of the Eastern Metropolitan Regional Council, declare that I take the office upon myself and will duly, faithfully, honestly and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the *Local Government (Model Code of Conduct) Regulations 2021*.

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

9 November 2023

Signed

Date

Witness

Date

4.2 ELECTION AND SWEARING IN OF EMRC DEPUTY CHAIRPERSON

D2023/32554

PURPOSE OF REPORT

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

KEY POINT(S)

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

RECOMMENDATION(S)

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

SOURCE OF REPORT

Chief Financial Officer

BACKGROUND

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

REPORT

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

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

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

8 **EMRC MEMBERS 2023 - 2025**

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

Cr Tallan Ames	Town of Bassendean
Cr Paul Poliwka	Town of Bassendean
Cr Filomena Piffaretti	City of Bayswater
Cr Michelle Sutherland	City of Bayswater
Cr Luke Ellery	Shire of Mundaring
Cr Doug Jeans	Shire of Mundaring
Cr Aaron Bowman	City of Swan
Cr Jennifer Catalano	City of Swan

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

Cr Kathryn Hamilton	Town of Bassendean
Cr Giorgia Johnson	City of Bayswater
Cr John Daw	Shire of Mundaring
Cr Ian Johnson	City of Swan

STRATEGIC/POLICY IMPLICATIONS

10 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

11 Nil

SUSTAINABILITY IMPLICATIONS

12 Nil

RISK MANAGEMENT

Risk Failure to elect and appoint a Deputy Chairperson will impact on fulfilling the Chairman's role in the event the Chairperson is unavailable		
Consequence	Likelihood	Rating
Moderate	Unlikely	Moderate
Action/Strategy		
➤ Elect a Deputy Chairperson		

MEMBER COUNCIL IMPLICATIONS

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

ATTACHMENT(S)

1. A blank Nomination Form for the Office of Deputy Chairperson, nominate oneself (D2023/32551)
2. A blank Nomination Form for the Office of Deputy Chairperson, nominate another (D2023/32551)
3. A blank ballot Paper for Election of EMRC Deputy Chairperson (D2023/32552)
4. Declaration by Elected Deputy Chairperson (D2023/32553)

VOTING REQUIREMENT

Secret Ballot

RECOMMENDATION(S)

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



EASTERN METROPOLITAN REGIONAL COUNCIL

Nomination for Deputy Chairperson

To the Chief Executive Officer

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

Signed

Date



EASTERN METROPOLITAN REGIONAL COUNCIL

Nomination for Deputy Chairperson

To the Chief Executive Officer

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

Signed

Date

* I _____ hereby certify that I accept the above nomination to the
the position of Deputy Chairperson of the Eastern Metropolitan Regional Council.

Signed

Date

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



EASTERN METROPOLITAN REGIONAL COUNCIL

9 November 2023

Ballot Paper for the Election of the EMRC Deputy Chairperson

How to Vote

(If there are 2 candidates)

Write the number 1 in the square next to the name of the candidate you want to vote for.

(If there are 3 or more candidates)

Write the number 1 in the square next to the name of the candidate who is your first choice.

If you want to, you may show more choices by writing consecutive numbers in the squares next to the names of other candidates in the order of your choice, starting with the number 2 up to the number of candidates listed below.

You do not need to write a number in all the squares.

Do not make any other marks on the Ballot Paper

Cr First Name, Last Name

Cr First Name, Last Name

Cr First Name, Last Name



Local Government Act 1995
Local Government (Constitution) Regulations 1998

Declaration by Elected Deputy Chairperson

I _____ of _____
have been elected to the Office of Deputy Chairperson of the Eastern Metropolitan Regional Council, declare that I take the office upon myself and will duly, faithfully, honestly and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the *Local Government (Model Code of Conduct) Regulations 2021*.

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

9 November 2023

Signed

Date

Witness

Date

5 EMPLOYEE REPORTS – APPOINTMENT OF COMMITTEES

- 5.1 APPOINTMENT OF MEMBERS TO THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE (D2023/33495)
- 5.2 APPOINTMENT OF MEMBERS TO THE AUDIT COMMITTEE (D2023/32555)
- 5.3 APPOINTMENT OF MEMBERS TO THE LEGAL COMMITTEE (D2023/32556)
- 5.4 APPOINTMENT OF MEMBER DELEGATE AND MEMBER DEPUTY DELEGATE TO THE MUNICIPAL WASTE ADVISORY COUNCIL (MWAC) (D2023/32557)

5 REPORTS OF EMPLOYEES - APPOINTMENT OF COMMITTEES

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

D2023/33495

PURPOSE OF REPORT

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

KEY POINT(S) AND RECOMMENDATION(S)

- In accordance with Section 7.1A of the *Local Government Act 1995* a local government is to establish an Audit Committee.
- Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day.

RECOMMENDATION(S)

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

Participant Local Government	Council Member
Town of Bassendean	Cr
City of Bayswater	Cr
Shire of Mundaring	Cr
City of Swan	Cr

SOURCE OF REPORT

Chief Financial Officer

BACKGROUND

Chief Executive Officer Performance Review Committee

Established	20 July 2006
Membership	Membership consists of four (4) Councillors, and will have no deputy members.
Meetings	The Committee meets as required, generally between February and June of each year.
Terms of Reference	<ul style="list-style-type: none"> a. Review the CEO’s performance in accordance with the appropriate provisions contained within the CEO’s Contract of Employment and agreed performance objectives. b. Prepare and table the concluded Performance Review Report to the Council for consideration and actioning.

- c. Review the CEO’s performance on an on-going basis if the Council or the CEO perceives that there is a need to do so.
- d. Determine the Performance Objectives to be met by the CEO for the following year and refer them to Council for consideration and actioning.
- e. Review the CEO’s remuneration package, in accordance with the appropriate provisions of the CEO’s Contract of Employment and refer the recommendations to Council for consideration and actioning.
- f. Review the CEO’s Contract of Employment and make recommendations to Council in relation to varying the contract as and when necessary.
- g. Discuss with the CEO the possibility of extending his Term of Contract and entering into a new agreement for a further term, including any contract variations and make recommendations to Council for consideration and actioning.

REPORT

- 1 Section 5.11(1)(d) of the *Local Government Act 1995* (the Act) provides that the membership of a committee continues until the next ordinary elections day. The terms of appointment of members of this committee therefore expired on 20 October 2023.
- 2 It is a requirement of the Act that all officers employed for a term of more than one year are to undergo an annual performance review. It is a condition of the CEO’s Contract of Employment that there will be at least an annual review of performance and an annual review of remuneration in accordance with contractual provisions.
- 3 The CEOPRC currently has 4 members, and as with other committees made up of Councillors, it is limited to four (4) i.e. one member from each member Council. In accordance with section 5.8 of the Act, committees are to have a minimum of three (3) members.
- 4 Deputies are not appointed to the CEOPRC as it is considered that the continuity of members during the annual performance review of the CEO is important to ensure a fair and objective process is followed.

STRATEGIC/POLICY IMPLICATIONS

- 5 Council Policy 2.1 provides for the establishment of a Chief Executive Officer Performance Review Committee.
- 6 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

- 7 Nil

SUSTAINABILITY IMPLICATIONS

- 8 Nil

5.2 APPOINTMENT OF MEMBERS TO THE AUDIT COMMITTEE

D2023/32555

PURPOSE OF REPORT

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

KEY POINT(S) AND RECOMMENDATION(S)

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

RECOMMENDATION(S)

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

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

SOURCE OF REPORT

Chief Financial Officer

BACKGROUND

Audit Committee

Established

19 May 2005

Membership

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

Meetings

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

Terms of Reference

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

REPORT

- 1 Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day. The terms of appointment of members of this committee therefore expired on 20 October 2023.

- 2 Nominations for Councillor members of the Audit Committee (AC) are being sought as part of this report item.
- 3 The appointment of deputy members to committees provides the opportunity for a committee member to be represented when he or she is unable to attend. Council Policy 2.1 allows for a deputy to be appointed for each committee member. The appointment of deputies is also recommended as a means of ensuring a quorum is present to allow for the orderly committee flow of business.
- 4 Nominations for Deputy Councillor members of the AC will automatically be the other Councillor member of each participant member Council.
- 5 Nominations for the Second Deputy Councillor member of the AC will be automatically the Deputy Councillor member of each participant member Council.
- 6 In the event that the Committee member is unable to attend a meeting, he or she is to organise with the deputy Committee member or the second Deputy Committee member from the same participant member Council to attend in his or her place as well as notify the EMRC.

STRATEGIC/POLICY IMPLICATIONS

- 7 Council Policy 2.1 provides for the establishment of the Audit Committee.
- 8 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

- 9 Nil

SUSTAINABILITY IMPLICATIONS

- 10 Nil

RISK MANAGEMENT

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

MEMBER COUNCIL IMPLICATIONS

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

ATTACHMENT(S)

Nil

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION(S)

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

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

COUNCIL RESOLUTION(S)

MOVED

SECONDED

5.3 APPOINTMENT OF MEMBERS TO THE LEGAL COMMITTEE

D2023/32556

PURPOSE OF REPORT

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

KEY POINT(S) AND RECOMMENDATION(S)

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

RECOMMENDATION(S)

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

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

SOURCE OF REPORT

Chief Financial Officer

BACKGROUND

Legal Committee

Established 8 February 2021

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

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

Terms of Reference

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

REPORT

- 1 Section 5.11(1)(d) of the *Local Government Act 1995* provides that the membership of a committee continues until the next ordinary elections day. The terms of appointment of members of this committee therefore expired on 20 October 2023.
- 2 Nominations for Committee members of the LC are being sought as part of this report item.
- 3 The appointment of deputy members to committees provides the opportunity for a committee member to be represented when he or she is unable to attend. Council Policy 2.1 allows for a deputy to be appointed for each committee member. The appointment of deputies is also recommended as a means of ensuring a quorum is present to allow for the orderly flow of business.
- 4 Nominations for Deputy Councillor members of the LC will automatically be the other Councillor member of each participant member Council.
- 5 Nomination for the Second Deputy Councillor members of the LC will be automatically the Deputy Councillor member of each participant member Council.
- 6 In the event that the Committee member is unable to attend a meeting, he or she is to organise with the deputy Committee member from the same participant member Council to attend in his or her place as well as notify the EMRC.

STRATEGIC/POLICY IMPLICATIONS

- 7 Council Policy 2.1 provides for the establishment of the Legal Committee.
- 8 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

- 9 Nil

SUSTAINABILITY IMPLICATIONS

- 10 Nil

RISK MANAGEMENT

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

MEMBER COUNCIL IMPLICATIONS

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

ATTACHMENT(S)

Nil

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION(S)

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

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

COUNCIL RESOLUTION(S)

MOVED

SECONDED

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

D2023/32557

PURPOSE OF REPORT

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

KEY POINT(S) AND RECOMMENDATION(S)

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

RECOMMENDATION(S)

That:

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

SOURCE OF REPORT

Chief Financial Officer

BACKGROUND

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

5 There is no sitting fee for MWAC members. The MWAC meeting calendar for the rest of 2023 and 2024 calendar years are as follows:

2023	2024
	Wednesday, 21 February 2024
	Wednesday, 24 April 2024
	Wednesday, 26 June 2024
	Wednesday, 21 August 2024
	Wednesday, 23 October 2024
Wed 6 December 2023	Wednesday, 11 December 2024

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

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

8 Members of MWAC are expected to:

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

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

REPORT

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

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

STRATEGIC/POLICY IMPLICATIONS

- 12 EMRC Policy 1.1 Election of MWAC Representatives
- 13 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

- 14 Nil

SUSTAINABILITY IMPLICATIONS

- 15 Nil

RISK MANAGEMENT

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

MEMBER COUNCIL IMPLICATIONS

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

ATTACHMENT(S)

Nil

VOTING REQUIREMENT

Simple Majority



RECOMMENDATION(S)

That:

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

COUNCIL RESOLUTION(S)

MOVED

SECONDED



6 FUTURE MEETINGS OF COUNCIL

The next Ordinary meeting of Council is scheduled to be on Thursday, 23 November 2023 at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, Ascot WA 6104 commencing at 6:00pm.

Future meetings of Council 2023

Thursday 23 November 2023 at EMRC Administration Office

Proposed meetings of Council 2024

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

7 DECLARATION OF CLOSURE OF MEETING