



# AGENDA

**ORDINARY COUNCIL MEETING**

**TIME: 6.30 PM**

**17 DECEMBER 2020**

**CITY OF PERTH**

---

*Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo  
Towns of Cambridge and Victoria Park*



---

**MINDARIE REGIONAL COUNCIL  
NOTICE OF MEETING**

**4 DECEMBER 2020**

**Councillors of the Mindarie Regional Council are advised that an Ordinary Meeting of the Council will be held at the City of Perth at 6.30 pm on 17 December 2020.**

**The agenda pertaining to the meeting follows.**

**Your attendance is respectfully requested.**



**GÜNTHER HOPPE  
CHIEF EXECUTIVE OFFICER**

**MINDARIE REGIONAL COUNCIL - MEMBERSHIP**

<b>Cr D Boothman, JP (David) - Chair</b>	<b>City of Stirling</b>
<b>Cr K Vernon (Karen) - Deputy Chair</b>	<b>Town of Victoria Park</b>
<b>Cr R Fishwick, JP (Russ)</b>	<b>City of Joondalup</b>
<b>Cr A Jacob, JP (Albert)</b>	<b>City of Joondalup</b>
<b>Cr R Gordon (Rebecca)</b>	<b>City of Perth</b>
<b>Cr J Ferrante (Joe)</b>	<b>City of Stirling</b>
<b>Cr K Sargent (Keith)</b>	<b>City of Stirling</b>
<b>Cr S Proud, JP (Stephanie)</b>	<b>City of Stirling</b>
<b>Cr E Cole (Emma)</b>	<b>City of Vincent</b>
<b>Cr D Newton, JP (Dot)</b>	<b>City of Wanneroo</b>
<b>Cr F Cvitan, JP (Frank)</b>	<b>City of Wanneroo</b>
<b>Cr K Shannon (Keri)</b>	<b>Town of Cambridge</b>

**NB: Although some Councils have nominated alternate members, it is a requirement that a Council carries a specific resolution for each occasion that the alternate member is to act.**

---

---

## CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....	4
2	ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE .....	4
3	DECLARATION OF INTERESTS .....	4
4	PUBLIC QUESTION TIME .....	4
5	ANNOUNCEMENTS BY THE PRESIDING PERSON .....	4
6	APPLICATIONS FOR LEAVE OF ABSENCE .....	4
7	PETITIONS / DEPUTATIONS / PRESENTATIONS .....	4
8	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	5
8.1	ORDINARY COUNCIL MEETING – 22 October 2020.....	5
9.1	CHIEF EXECUTIVE OFFICER REPORTS.....	6
9.1	FINANCIAL STATEMENTS FOR THE MONTHS ENDED 30 SEPTEMBER 2020 AND 31 OCTOBER 2020 .....	6
9.2	LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 30 SEPTEMBER 2020 AND 31 OCTOBER 2020 .....	8
9.3	PROVISION OF SITE ACCESS FOR NOT-FOR-PROFIT TRAINING PROVIDER .....	10
9.4	PROPOSED MINDARIE REGIONAL COUNCIL WASTE FACILITY SITE LOCAL LAW 2020.....	12
9.5	MINDARIE REGIONAL COUNCIL MEETING PROCEDURES LOCAL LAW 2020.....	17
10	MEMBERS INFORMATION BULLETIN – ISSUE NO. 57.....	22
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	22
12	URGENT BUSINESS .....	22
13	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN .....	22
14	MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC .....	23
14.1	TENDER TO AUCTION LANDFILL CAPACITY/SUPPLY OF WASTE .....	23
14.2	TENDER TO UPGRADE THE MRC LEDGER SYSTEM.....	23
14.3	RRFA INSURANCE .....	24
15	NEXT MEETING .....	24
16	CLOSURE.....	24

---

**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

**2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**

**3 DECLARATION OF INTERESTS**

Declaration of Financial/Conflict of Interest to be recorded prior to dealing with each item.

Disclosure of Financial and Proximity Interests

- (a) *Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the Local Government Act 1995).*
- (b) *Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the Local Government Act 1995).*

Disclosure of Interest Affecting Impartiality

- (a) *Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee has given or will give advice.*

**4 PUBLIC QUESTION TIME**

**5 ANNOUNCEMENTS BY THE PRESIDING PERSON**

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

**7 PETITIONS / DEPUTATIONS / PRESENTATIONS**

---

<b>8 CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>
--

**8.1 ORDINARY COUNCIL MEETING – 22 October 2020**

The Minutes of the Ordinary Council Meeting held on 22 October 2020 have been printed and circulated to members of the Council.

**RESPONSIBLE OFFICER RECOMMENDATION**

**That the Minutes of the Ordinary Council Meeting of Council held on 22 October 2020 be confirmed as a true record of the proceedings.**

---

---

**9.1 CHIEF EXECUTIVE OFFICER REPORTS**

<b>9.1</b>	<b>FINANCIAL STATEMENTS FOR THE MONTHS ENDED 30 SEPTEMBER 2020 AND 31 OCTOBER 2020</b>
<b>File No:</b>	<b>FIN/5-09</b>
<b>Appendices:</b>	<b>Appendix No. 1 Appendix No. 2 Appendix No. 3</b>
<b>Date:</b>	<b>23 November 2020</b>
<b>Responsible Officer:</b>	<b>DIRECTOR CORPORATE SERVICES</b>

**SUMMARY**

The purpose of this report is to provide financial reporting in line with statutory requirements which provides useful information to stakeholders of the Council.

**BACKGROUND**

Reporting requirements are defined by Financial Management Regulations 34 of the Local Government (Financial Management) Regulations 1996.

The financial statements presented for each month consist of:

- Operating Statement by Nature – Combined
- Operating Statement by Nature – RRF Only
- Operating Statement by Function
- Statement of Financial Activity
- Statement of Reserves
- Statement of Financial Position
- Statement of Investing Activities
- Information on Borrowings
- Tonnage Report

**DETAIL**

The Financial Statements are for the months ended 30 September 2020 and 31 October 2020 and are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 4 months to 31 October 2020 is attached at **Appendix No. 3**.

The financial statements are pending external auditor approval of the 2019/2020 final accounts.

The complete suite of Financial Statements which includes the Operating Statements, Statement of Financial Position, Statement of Financial Activity and other related information are reported on a monthly basis.

The estimates for Provisions for Amortisation of Cell Development, Capping and Post Closure expenditure are based on the estimated rates per tonne calculated with reference to estimated excavation cost of various stages of the landfill and the life of the landfill. An adjustment is made (if necessary) at the end of the year based on actual tonnages on a survey carried out to assess the “air space” remaining and other relevant information.

---

Summary of results for the year to date period ended 31 October 2020

	<b>Actual</b>	<b>Budget</b>	<b>Variance</b>
	<b>t</b>	<b>t</b>	<b>t</b>
Tonnes – Members	83,077	82,662	415
Tonnes – Others	4,926	4,362	564
<b>TOTAL TONNES</b>	<b>88,003</b>	<b>87,024</b>	<b>979</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
Revenue – Members	17,033,062	16,945,633	87,429
Revenue – Other	1,659,810	1,397,598	262,212
<b>TOTAL REVENUE</b>	<b>18,692,872</b>	<b>18,343,231</b>	<b>349,641</b>
Expenses	20,493,034	19,533,286	<b>(959,748)</b>
Profit on sale of assets	-	-	-
Loss on sale of assets	-	-	-
Impairment of assets	-	-	-
<b>NET DEFICIT</b>	<b>(1,800,162)</b>	<b>(1,190,055)</b>	<b>(610,107)</b>

Commentary

Overall tonnages for the financial period ended 31 October 2020 were 979 tonnes more than budgeted, variances are mainly attributable to the Cities of Stirling, Wanneroo and Vincent.

The net deficit result variance against budget of \$610,107 is mainly attributable to RRF expenditures abated by unbudgeted income received.

RRF

The Resource Recovery Facility residue tonnes are below phased budget by 432 tonnes delivering 20,072 tonnes in total to Tamala Park year to date.

Trade & Casuals

The Casual and Trade tonnages are 564 tonnes higher than forecast for the financial year to date.

**VOTING REQUIREMENT**

Simple Majority

**RESPONSIBLE OFFICER RECOMMENDATION**

**That Council:**

**Receive the Financial Statements set out in Appendix No. 1 and 2 for the months ended 30 September 2020 and 31 October 2020, respectively.**

<b>9.2</b>	<b>LIST OF PAYMENTS MADE FOR THE MONTHS ENDED 30 SEPTEMBER 2020 AND 31 OCTOBER 2020</b>
<b>File No:</b>	<b>FIN/5-09</b>
<b>Appendices:</b>	<b>Appendix No. 4 Appendix No. 5</b>
<b>Date:</b>	<b>12 November 2020</b>
<b>Responsible Officer:</b>	<b>Director Corporate Services</b>

### SUMMARY

The purpose of this report is to provide details of payments made during the periods identified. This is in line with the requirement under the delegated authority to the Chief Executive Officer (CEO), that a list of payments made from the Municipal Fund since the last Ordinary Council meeting be presented to Council.

### COMMENT

The lists of payments for the months ended 30 September 2020 and 31 October 2020 are at **Appendix 4 and 5** to this Item and are presented to Council for noting. Payments have been made in accordance with the delegated authority to the CEO which allows payments to be made between meetings. At the Ordinary Council Meeting held on 24 September 2020, the Council delegated to the CEO the exercise of its power to make payments from the Municipal Fund. In order to satisfy the requirements of Clause 13(2) of the Local Government (Financial Management) Regulations, a list of payments made must be submitted to the next Council meeting following such payments.

It should be noted that generally all payments are GST inclusive and the Mindarie Regional Council is able to claim this tax as an input credit when GST remittances are made each month to the Australian Tax Office.

<b>Months Ended</b>	<b>Account</b>	<b>Vouchers</b>	<b>Amount</b>
30 September 2020	General Municipal	Cheques	\$1,176.08
		EFT	\$3,856,953.00
		DP	\$156,724.92
		Inter account transfers	\$0.00
		<b>Total</b>	<b>\$4,014,854.00</b>
31 October 2020	General Municipal	Cheques	\$5,167.00
		EFT	\$6,422,826.77
		DP	\$136,259.13
		Inter account transfers	\$0.00
		<b>Total</b>	<b>\$6,564,252.90</b>

### VOTING REQUIREMENT

Simple Majority



## **RESPONSIBLE OFFICER RECOMMENDATION**

**That Council:**

**Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 30 September 2020 and 31 October 2020.**

---

---

<b>9.3</b>	<b>PROVISION OF SITE ACCESS FOR NOT-FOR-PROFIT TRAINING PROVIDER</b>
<b>File No:</b>	<b>GF-20-001585</b>
<b>Appendix:</b>	<b>Nil</b>
<b>Date:</b>	<b>27 November 2020</b>
<b>Responsible Officer:</b>	<b>Chief Executive Officer</b>

### **SUMMARY**

This report seeks Council's endorsement to provide access to the Tamala Park Waste Management Facility (TPWMF) for Stirling Skills Training Inc. (SST) to deliver not-for-profit training and education programs, on an initial 12-month trial basis.

### **BACKGROUND**

In September 2020, the Mindarie Regional Council (MRC) was approached by SST, a Perth based not-for-profit training provider, with a proposal to deliver State Government-subsidised training programs at the TPWMF. These programs are centred around assisting disadvantaged youth, people from culturally and linguistically diverse backgrounds, and people with a disability find employment opportunities through practical training and education.

The MRC has previously held similar long-term training agreements with the ERTECH Training Academy, which operated on site for eight years between 2012 and 2020.

### **DETAIL**

SST is a Perth based not-for-profit training organisation that was established in 1984, with the goal of providing human and charitable services to relieve unemployment, economic hardship and misfortune in the community.

Through the delivery of training and education programs to at-risk persons, SST delivers the following State and Federal Government subsidised programs:

- Transition to Work Program (Federal) – An arm of the Australian Government's Youth Employment Strategy aimed at supporting young people aged 15-21 on their journey to employment.
- Youth Jobs PaTH (Federal) – Youth Jobs PaTH is designed to support young people to gain the employability skills and work experience they need to get and keep a job.
- Participation Equity Program (State) - This program aims to assist unemployed people who have barriers accessing mainstream training to become job ready, so they can participate fully in the workforce. The eligible target groups under this program are; Aboriginal and Torres Strait Islanders; Culturally and Linguistically Diverse (CaLD) people; people with disabilities, and youth at risk.

For the purpose of this proposal, SST has partnered with the Training Alliance Group, a Registered Training Organisation (RTO) to deliver the Certificate III in Civil Construction Operations and the Certificate III in Surface Extraction. Both training programs are delivered

---

under the State Government's Participation Equity Program, managed by the Department of Training and Workforce Development.

Courses will see cohorts of students working under supervision at TPWMF over a 12 week period to achieve nationally accredited qualifications, before graduating and entering the workforce.

A currently disused section of the quarry at the TPWMF is available to ensure a safe working environment for trainees and provide a realistic training environment. SST have access to their own plant and machinery, with the only commitment to this program from the MRC being the provision of physical access to a suitable training area.

SST have demonstrated they hold suitable insurance coverage for the proposed activities, as well as ISO45001:2018 Occupational Health and Safety certification.

Given the MRC's prior experience with other training providers, the MRC does not anticipate any adverse impact to operations arising from this proposal.

#### **CONSULTATION**

The proposal evaluation process has included consultation with member council officers via the Strategic Working Group.

#### **STATUTORY ENVIRONMENT**

Nil.

#### **POLICY IMPLICATIONS**

Nil.

#### **FINANCIAL IMPLICATIONS**

The MRC bears no financial commitment via this proposal. All costs associated with daily operations, including mobilisation and demobilisation, are the sole responsibility of SST. Written assurances have been received from SST to ensure that no for-profit activities take place at the TPWMF.

The MRC is not seeking compensation for allowing access to the quarry.

#### **VOTING REQUIREMENT**

Simple Majority.

#### **RESPONSIBLE OFFICER RECOMMENDATION**

**That Council:**

**Endorses the CEO's provision of access for Stirling Skills Training to the Tamala Park Waste Management Facility, on a 12-month trial basis, for the delivery of not-for-profit training and education programs.**

---

---

<b>9.4</b>	<b>PROPOSED MINDARIE REGIONAL COUNCIL WASTE FACILITY SITE LOCAL LAW 2020</b>
	<b>D-20-0000550</b>
<b>Appendices:</b>	<b>Appendix 6 Proposed Mindarie Regional Council Waste Facility Site Local Law 2020 – clean copy</b> <b>Appendix 7 Proposed Mindarie Regional Council Waste Facility Site Local Law 2020 – tracked copy</b> <b>Appendix 8 Summary Purpose and Effect</b>
<b>Date:</b>	<b>25 November 2020</b>
<b>Responsible Officer:</b>	<b>Chief Executive Officer</b>

### **SUMMARY**

The purpose of this report is to seek Council's approval to make the Mindarie Regional Council (MRC) Waste Facility Site Local Law 2020.

### **BACKGROUND**

The existing MRC Waste Facility Site Local Law 2013 ("the Local Law") was adopted by Council on 7 March 2013. Section 3.16 of the Local Government Act 1995 ("the Act") requires a periodic review of the Local Law, which for the MRC falls due on 7 March 2021.

On 17 September 2020 the MRC Administration provided a report to Council enclosing a proposed amended Local Law summarising the purpose and effect, the Council recommendation as follows:

*That Council:*

- 1. under section 3.16 of the Local Government Act 1995, the Council proposes to amend the Mindarie Regional Council Waste Facility Site Local Law 2013.*
- 2. under section 3.12 of the Act, Statewide public notice is to be given that the MRC invites submissions to the amended Mindarie Regional Council Waste Facility Site Local Law 2013.*
- 3. notes that the matter will be referred back to the Council after the last day for submissions in relation to the proposed amended local law.*

### **DETAIL**

The MRC Administration gave public notice and invited submissions for the proposed Local Law in the government section of the Western Australian Newspaper on 2 October 2020, the Community News on 8 October 2020 and requested member councils to display the notice at their public libraries.

On 8 October 2020 the proposed amended Local Law was forwarded to the Department of Local Government, Sports and Cultural Industries ("the Department") requesting their review and a response was received on 29 October 2020.

---

The Department suggested a number of minor edits which are shown in the tracked changes at Appendix 7. These minor amendments are not considered significant enough to require the MRC to recommence the local law process.

The Department suggested the following minor amendments:

- Clause 3 - Title Repeal be replaced with Principal Local Law Amended and redrafted wording;
- Clause 4 - Definition ACROD sticker be replaced with disability parking permit;
- Clause 16 and 21 - Remove penalty clause as this is covered by clause 25 and 26;
- Clause 23 - Food gathering be removed as it covered by other provisions;
- Clause 25 - to return to the original number (clause 25) Enforcements;
- Clause 27 – new clause waste disposal services to be clause 27;
- Clause 27- additional subclause (4) be added;
- Schedule 1 – amend modified penalties, the LG Act 1995 provides that a modified penalty cannot exceed 10% of the maximum unmodified penalty. The current unmodified penalty in the Local Law is \$1000.

After the last day of submissions, 23 November 2020, no public submissions were received by the MRC Administration, therefore no other changes have been considered.

All suggested Departmental changes have been made in the Local Law and the changes are tracked in Appendix 7.

A detailed summary of the proposed amendments' purpose and their effect is detailed in Appendix 8.

## **CONSULTATION**

The draft Local Law has been provided to the Department for comment and has been made available for public comment as required.

Comments received back from the Department are considered to be minor in nature and have been incorporated in the final version of the Local Law. None of the changes made would require further public consultation to be undertaken.

No comments were received from members of the public.

## **STATUTORY ENVIRONMENT**

The process for advertising the Local law is covered in s1.7 and s1.8 of the *Local Government Act 1995*, which reads as follows:

### *“1.7. Local public notice*

*(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —*

- (a) published in a newspaper circulating generally throughout the district; and*
  - (b) exhibited to the public on a notice board at the local government's offices; and*
-

- 
- (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
- (a) published under subsection (1)(a) on at least one occasion; and
  - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
    - (i) the time prescribed for the purposes of this paragraph; or
    - (ii) if no time is prescribed, 7 days.

#### 1.8. Statewide public notice

Where under this Act Statewide public notice of a matter is required to be given, section 1.7 applies except that the newspaper referred to in section 1.7(1)(a) is required to circulate generally throughout the State.”

The process for amending the text of a Local Law is covered in s3.12 of the *Local Government Act 1995*, which reads as follows:

#### “3.12 Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
  - (a) give local public notice stating that —
    - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
    - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
    - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
  - and
  - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
  - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

\* Absolute majority required.

---

- 
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
  - (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
    - (a) *stating the title of the local law; and*
    - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
    - (c) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
  - (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
  - (8) *In this section —*  
*making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13. *Procedure where significant change in proposal*

*If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.*

3.14. *Commencement of local laws*

- (1) *Unless it is made under section 3.17, a local law comes into operation on the 14<sup>th</sup> day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
- (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*  
*[Section 3.14 amended: No. 1 of 1998 s. 9.]*

3.15. *Local laws to be publicised*

*A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.*

3.16. *Periodic review of local laws*

- (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) *The local government is to give local public notice stating that —*
    - (a) *the local government proposes to review the local law; and*
    - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
-

- (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended.*

*\* Absolute majority required."*

#### **STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Advertising cost of approximately \$1000 for the Gazette and local public notices.

#### **COMMENT**

Nil

#### **VOTING REQUIREMENT**

Absolute majority

#### **RESPONSIBLE OFFICER RECOMMENDATION**

That Council:

- 1. resolves to make the Mindarie Regional Council Waste Facility Site Local Law 2020 as detailed in Appendix 6 and authorises the Common Seal to be affixed;  
(Absolute Majority Required)**
  - 2. under section 3.12 (5) of the Act, authorises the publication of the Mindarie Regional Council Waste Facility Site Local Law 2020 in the Gazette and the provision of a copy to the relevant Minister/s; and**
  - 3. under section 3.12 (6) of the Act, authorises the MRC to give local public notice in respect of the Mindarie Regional Council Waste Facility Site Local Law 2020.**
-



---

<b>9.5</b>	<b>MINDARIE REGIONAL COUNCIL MEETING PROCEDURES LOCAL LAW 2020</b>
<b>File No:</b>	<b>GF-20-0000550</b>
<b>Appendices:</b>	<b>Appendix 9 Proposed Mindarie Regional Council Meeting Procedures Local Law 2020 - clean copy</b> <b>Appendix 10 Proposed Mindarie Regional Council Meeting Procedures Local Law 2020 - tracked changes</b>
<b>Date:</b>	<b>25 November 2020</b>
<b>Responsible Officer:</b>	<b>Chief Executive Officer</b>

### **SUMMARY**

The purpose of this report is to seek Council's approval to make the Mindarie Regional Council Meeting Procedures Local Law 2020 ("the Local Law").

### **BACKGROUND**

At the Mindarie Regional Council (MRC) Ordinary Council meeting held on 24 September 2020 Council resolved to commence the local law-making process. The Council resolved as follows:

*That Council:*

1. *Approves the proposed Mindarie Regional Council Meeting Procedures Local Law 2020 as detailed in Attachment 1 for the purposes of public advertising, under section 3.16 of the Local Government Act 1995 with:*
    - a) *Clause 6.7 (8) deleting the word 'two' and replacing with the word 'three', so that the new clause reads 'A member of the public shall have three minutes to ask a question';*
    - b) *Clause 6.9 adding the word 'Statement' so that the title of clause 6.9 now reads 'Deputations and Statements';*
    - c) *including any consequential changes to give effect to a) and b); and*
  2. *Notes that the MRC is to invite submissions to the Mindarie Regional Council Meeting Procedures Local Law 2020 by way of a statewide public notice; and*
  3. *Notes that a copy of the proposed Mindarie Regional Council Meeting Procedures Local Law 2020 will be sent to the Minister for Local Government under section 3.12 of the Act; and*
  4. *Notes that the matter will be referred back to the Council after the last day for submissions in relation to the proposed Mindarie Regional Council Meeting Procedures Local Law 2020.*
-

In accordance with section 3.12(3) of the Local Government Act 1995 the MRC publicly advertised the proposed Local Law and arranged with the Department of Local Government, Sport and Cultural Industries to forward a copy of the Local Law to the relevant Minister/s. At the close of the public consultation period on 23 November 2020, the MRC had not received any public submissions.

#### **DETAIL**

The MRC Administration gave public notice and invited submissions for the proposed Local Law in the government section of the Western Australian Newspaper on 2 October 2020, the Community News on 8 October 2020 and requested member councils to display the notice at their public libraries.

On the 8 October 2020 the proposed Local Law was forwarded to the Department of Local Government, Sports and Cultural Industries (“the Department”) requesting their review and a response was received on 29 October 2020.

The Department suggested a number of minor edits which are shown in the tracked changes at Appendix 10. These minor edits are not considered significant enough to require the MRC to recommence the local law process.

After the last day of public submissions on 23 November 2020 the MRC had not received any submissions, therefore no other changes have been considered.

#### **CONSULTATION**

The draft Local Law has been provided to the Department for comment and has been made available for public comment as required.

Comments received back from the Department are considered to be minor in nature and have been incorporated in the final version of the Local Law. No of the changes made would require further public consultation to be undertaken.

No comments were received from members of the public.

#### **STATUTORY ENVIRONMENT**

The process for advertising the Local law is covered in s1.7 and s1.8 of the *Local Government Act 1995*, which reads as follows:

##### *“1.7. Local public notice*

*(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —*

- (a) published in a newspaper circulating generally throughout the district; and*
- (b) exhibited to the public on a notice board at the local government’s offices; and*
- (c) exhibited to the public on a notice board at every local government library in the district.*

*(2) Unless expressly stated otherwise it is sufficient if the notice is —*

- (a) published under subsection (1)(a) on at least one occasion; and*
-

---

(b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than

- (i) the time prescribed for the purposes of this paragraph; or
- (ii) if no time is prescribed, 7 days.

#### 1.8. Statewide public notice

Where under this Act Statewide public notice of a matter is required to be given, section 1.7 applies except that the newspaper referred to in section 1.7(1)(a) is required to circulate generally throughout the State.”

The process for amending the text of a Local Law is covered in s3.12 of the *Local Government Act 1995*, which reads as follows:

#### “3.12 Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
  - (a) give local public notice stating that —
    - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and
    - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
    - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
  - and
  - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
  - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

\* Absolute majority required.

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
-

- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
  - (a) *stating the title of the local law; and*
  - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
  - (c) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*  
*making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13. *Procedure where significant change in proposal*

*If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.*

3.14. *Commencement of local laws*

- (1) *Unless it is made under section 3.17, a local law comes into operation on the 14<sup>th</sup> day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
- (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

*[Section 3.14 amended: No. 1 of 1998 s. 9.]*

3.15. *Local laws to be publicised*

*A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.*

3.16. *Periodic review of local laws*

- (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) *The local government is to give local public notice stating that —*
    - (a) *the local government proposes to review the local law; and*
    - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
    - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
-

- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended.*

*\* Absolute majority required."*

#### **STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS**

Nil

#### **FINANCIAL IMPLICATIONS**

Advertising cost of approximately \$1000 for the Gazette and local public notices.

#### **COMMENT**

Nil

#### **VOTING REQUIREMENT**

Absolute majority

#### **RESPONSIBLE OFFICER RECOMMENDATION**

That Council:

- 1. resolves to make the Mindarie Regional Council Meeting Procedures Local Law 2020 as detailed in Appendix 9 and authorises the Common Seal to be affixed;  
(Absolute Majority Required)**
  - 2. under section 3.12 (5) of the Act, authorises the publication of the Mindarie Regional Council Meeting Procedures Local Law 2020 in the Gazette and the provision of a copy to the relevant Minister/s; and**
  - 3. under section 3.12 (6) of the Act, authorises the MRC to give local public notice in respect of the Mindarie Regional Council Meeting Procedures Local Law 2020.**
-

**10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 57**

**RESPONSIBLE OFFICER RECOMMENDATION**

**That the Members Information Bulletin Issue No. 57 be received.**

**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**12 URGENT BUSINESS**

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

---

---

**14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

**This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (c) of the *Local Government Act 1995* as the report deals with a matter where a contract is entered into.**

**14.1 TENDER TO AUCTION LANDFILL CAPACITY/SUPPLY OF WASTE**

**File No: GF-20-0001521**

**Attachments(s): Nil**

**Date: 1 December 2020**

**Responsible Officer: Chief Executive Officer**

THIS REPORT IS CONFIDENTIAL AND NOT FOR PUBLIC VIEWING

TO BE SENT UNDER SEPARATE COVER TO MEMBER COUNCIL COUNCILLORS,  
MEMBER COUNCIL CHIEF EXECUTIVE OFFICERS AND MEMBERS OF THE  
MINDARIE REGIONAL COUNCIL STRATEGIC WORKING GROUP

**This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (c) of the *Local Government Act 1995* as the report deals with a matter where a contract is entered into.**

**14.2 TENDER TO UPGRADE THE MRC LEDGER SYSTEM**

**File No: GF-20-0001576**

**Appendix: Nil**

**Date: 1 December 2020**

**Responsible Officer: Chief Executive Officer**

THIS REPORT IS CONFIDENTIAL AND NOT FOR PUBLIC VIEWING

TO BE SENT UNDER SEPARATE COVER TO MEMBER COUNCIL COUNCILLORS,  
MEMBER COUNCIL CHIEF EXECUTIVE OFFICERS AND MEMBERS OF THE  
MINDARIE REGIONAL COUNCIL STRATEGIC WORKING GROUP

---

---

**This report is Confidential and dealt with in a confidential session, under Section 5.23 (2) (c) of the *Local Government Act 1995* as the report deals with a matter where a contract is entered into.**

<b>14.3 RRFA INSURANCE</b>	
<b>File No:</b>	<b>GF-20-0000794</b>
<b>Appendix:</b>	<b>Nil</b>
<b>Date:</b>	<b>24 November 2020</b>
<b>Responsible Officer:</b>	<b>Chief Executive Officer</b>

THIS REPORT IS CONFIDENTIAL AND NOT FOR PUBLIC VIEWING

TO BE SENT UNDER SEPARATE COVER TO MEMBER COUNCIL COUNCILLORS,  
MEMBER COUNCIL CHIEF EXECUTIVE OFFICERS AND MEMBERS OF THE  
MINDARIE REGIONAL COUNCIL STRATEGIC WORKING GROUP

**15 NEXT MEETING**

The next Ordinary Council meeting to be held on Thursday 28 January 2021 at the City of Joondalup commencing at 6.30 pm.

**16 CLOSURE**

---