



MINUTES

ORDINARY COUNCIL MEETING

TIME: 6.30 PM

11 NOVEMBER 2021

TOWN OF VICTORIA PARK

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



Prior to taking their seats for the meeting the newly appointed Mindarie Regional Council (MRC) members made the required Declaration of Elected Member for the position of Councillor of the MRC in accordance with the Transitional Provisions of the Local Government Act 1995 (Schedule 9.3) using s702 of the Local Government Act 1960 (repealed).

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS
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The Chair declared the meeting open at 6.30pm

2	ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE
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Councillor Attendance

Cr K Vernon (Chair)	Town of Victoria Park
Cr F Cvitan, JP (Deputy Chair)	City of Wanneroo
Cr A Jacob, JP	City of Joondalup
Cr C May	City of Joondalup
Cr L Gobbert, JP	City of Perth
Cr C Hatton	City of Stirling
Cr E Re	City of Stirling
Cr K Sargent	City of Stirling
Cr L Thornton	City of Stirling
Cr A Castle	City of Vincent
Cr P Miles	City of Wanneroo
Cr K Shannon <i>arrived at 6.48 pm</i>	Town of Cambridge

Apologies

Nil

Leave of Absence

Nil

Absent

Nil

MRC Officers

Mr S Cairns (Chief Executive Officer)
Ms A Slater (Director Corporate Services)
Mr B Twine (Manager Operations)
Ms S Cherico (Manager Human Resources)
Ms D Toward (Executive Support)

Member Council Observers

Mr N Claassen (City of Joondalup)
Mr M MacPherson (City of Joondalup)
Mr M Littleton (City of Stirling)
Mr R Bryant (City of Stirling)
Mr A Murphy (City of Vincent)
Ms Y Plimbley (City of Vincent)
Mr H Singh (City of Wanneroo)
Mr A Kowero (City of Wanneroo)
Mr K Hincks (Town of Cambridge)
Mr J Wong (Town of Victoria Park)

MRC Observers

Mr A Griffiths

Visitors

Mr David Price

5 ANNOUNCEMENTS BY THE PRESIDING PERSON
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The Chair welcomed returning MRC Councillors, Cr Castle and Cr Jacob following the October 2021 Local Government Elections, and welcomed the following newly appointed councillors to the MRC, Cr Gobbert, Cr Hatton, Cr May, Cr Miles and Cr Re.

The Chair also welcomed Scott Cairns to his first meeting as the MRC CEO.

6 APPLICATIONS FOR LEAVE OF ABSENCE
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Nil

7 PETITIONS / DEPUTATIONS / PRESENTATIONS
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Nil

8	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS
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8.1 ORDINARY COUNCIL MEETING – 16 September 2021

The Minutes of the Ordinary Council Meeting held on 16 September 2021 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 16 September 2021 be confirmed as a true record of the proceedings.

Moved Cr Sargent, seconded Cr Cvitan

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/ 0)

9.1 CHIEF EXECUTIVE OFFICER REPORTS

9.1	FINANCIAL STATEMENTS FOR THE MONTHS ENDED 31 AUGUST 2021 AND 30 SEPTEMBER 2021
File No:	FIN/5-09
Appendix(s):	Appendix No. 1 Appendix No. 2
Date:	15 OCTOBER 2021
Responsible Officer:	DIRECTOR CORPORATE SERVICES

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 for the months ended 31 August 2021 and 30 September 2021 are attached at **Appendix No. 1 and 2** to this Item. The Tonnage Report for the 3 months to 30 September 2021 is attached at **Appendix No. 3**.

The financial statements are pending external auditor approval and are subject to change.

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 30 September 2021

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	59,306	57,429	1,877
Tonnes – Others	8,808	3,496	5,312
TOTAL TONNES	68,114	60,925	7,189
	\$	\$	\$
Revenue – Members	10,860,075	12,232,484	(1,372,409)
Revenue – Other	87,896,062	1,916,852	85,779,210
TOTAL REVENUE	98,556,137	14,149,336	84,406,801
Expenses	98,216,264	11,319,819	(86,896,445)
Profit on sale of assets	-	-	-
Loss on sale of assets	-	-	-
Impairment of assets	-	-	-
NET SURPLUS/(DEFICIT)	339,873	2,829,517	(2,489,644)

Members

Members tonnages for the financial period ended 30 September 2021 were 1,877 tonnes above budget, member councils delivering more waste than what was estimated.

RRE

The Resource Recovery Facility residue tonnes have delivered 14,663 tonnes in total to Tamala Park year to date, 27 tonnes above budgeted.

Trade & Casuals

The Casual and Trade tonnages are 5,312 tonnes higher than forecast for the financial year to date, 4,777 tonnes attributable to the discounted rate waste tender.

Overall tonnages for the financial period ended 30 September 2021 were 7,189 tonnes more than budgeted.

The net result variance against budget of \$2,489,644 is mainly attributable to the costs associated with the exit of the RRFA and the ongoing maintenance contract to Empty, Clean and Make Safe (ECMS) the facility. These expenditures are marginally abated by lower landfill costs and legal fees and income for tonnages received in the commercial waste tenders. All items will be addressed at Mid-Year Budget.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Receive the Financial Statements set out in Appendix No. 1 and Appendix No. 2 for the months ended 31 August 2021 and 30 September 2021.

Moved Cr Re, seconded Cr May

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/ 0)

9.2	LIST OF PAYMENTS MADE FOR THE MONTH ENDED 31 AUGUST 2021 AND 30 SEPTEMBER 2021
File No:	FIN/5-09
Appendix(s):	Appendix No. 4 and 5
Date:	16 October 2021
Responsible Officer:	Director Corporate Services

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 month ended 31 August 2021 and 30 September 2021 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 16 September 2021, 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.

Months Ended	Account	Vouchers	Amount
31 August 2021	General Municipal	Cheques	\$220.00
		EFT	\$97,697,269.69
		DP	\$182,121.54
		Inter account transfers	\$2,600,000.00
		Total	\$100,479,611.23
30 September 2021	General Municipal	Cheques	\$1,680.60
		EFT	\$3,953,454.34
		DP	\$101,319.69
		Inter account transfers	\$18,000,000.00
		Total	\$22,056,454.63

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 31 August 2021 and 30 September 2021.

Moved Cr Thornton, seconded Cr Jacob

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

9.3 REVIEW OF COUNCIL POLICY CP14 ACTING CHIEF EXECUTIVE OFFICER APPOINTMENT	
File No:	GF-21-0000066
Attachment(s):	Appendix 6 - Tracked Changes - CP14 Appendix 7 - Clean Copy - CP14
Date:	21 October 2021
Responsible Officer:	Chief Executive Officer

SUMMARY

The report seeks endorsement of the review undertaken by the Chief Executive Officer (CEO) on the current Council Policy CP14 Acting Chief Executive Officer Appointment.

BACKGROUND

Sections 5.18 and 5.46 of the *Local Government Act 1995* (the Act) require that at least once every financial year, policies are to be reviewed by the Council.

The MRC's Corporate Business plan requires that the Council Policies are relevant and reviewed by Council.

Council are requested to endorse the reviewed Council Policies to ensure they are operating effectively, providing for efficient and timely administrative decisions and services in relation to discretionary decisions the Council has the ability to make by virtue of the Act and other statutes.

At the 16 September 2021 Ordinary Council Meeting the MRC Administration presented the reviewed Council Policies, the Council resolved the following:

That Council

- 1. Endorses the minor changes to Council Policies as contained in Appendix 4 of this report save for Policy No. CP14 which is to be referred to the CEO for detailed review to be completed by November 2021.*

DETAIL

A further review of Council Policy CP14 has been undertaken, removing any reference to an Interim CEO aligning the policy with the Local Government Act, tracked changes at Appendix 6 of this report.

In summary an Acting CEO is appointed by:

- The council:
 - When the CEO is absent for periods in excess of 3 months; and
 - If the position of CEO is vacant for any reason.
- The CEO:
 - When on leave for less than 5 days, at the discretion of the CEO;
 - When on leave for more than 5 days; and
 - When absent from Australia for any reason less than 3 months.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

The following extracts from the Act relate to Council's obligations in the areas of policy development and delegations to the CEO.

“2.7. Role of Council

(1) The Council —

- (a) governs the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

(2) Without limiting subsection (1), the Council is to —

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies.*

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —*

- (a) this Act other than those referred to in section 5.43; or*
- (b) the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) the power under section 9.49A (4) to authorise a person to sign documents on behalf of the local government;*
- (h) any power or duty that requires the approval of the Minister or the Governor;*
- (i) such other powers or duties as may be prescribed.”*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Strategic Community Plan 2018 -2037		
OBJECTIVE 1		Long Term Viability
Sub Objective		Good Corporate Governance
This report is required by legislation to ensure that the Council has the opportunity to review its current policies and the delegations it has provided to the Chief Executive Officer thus maintaining the relevance of the documents.		
Corporate Business Plan 2018 – 2037		
Strategies	Actions	Responsible Officer
1.1.2	Ensure Council Policies are relevant and reviewed by Council	CEO
1.1.3	Review the relevance of the delegations from the Council and report findings to Council	CEO
These actions ensure that an officer within the organisation, in this case the CEO, has a direct responsibility to review the current Council Policies and Instrument of Delegation and report the review findings to Council.		

COMMENT

Nil

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. Endorses the minor changes to Council Policy CP14 Acting Chief Executive Officer Appointment as contained in Appendix 6 of this report.

(absolute majority required)

Moved Cr Jacob, seconded Cr Re

RESOLVED

That the recommendation be adopted

(CARRIED by absolute majority 11/0)

9.4	EXTENSION TO SITE ACCESS AGREEMENT FOR NOT-FOR-PROFIT TRAINING PROVIDER
File No:	GF-20-0000544
Appendix:	Nil
Date:	15 October 2021
Responsible Officer:	Operations Manager

SUMMARY

This report seeks Council's endorsement to provide one 12-month extension to the current access agreement between the Mindarie Regional Council (MRC) and Stirling Skills Training Inc. (SST) for access to the Tamala Park Waste Management Facility (TPWMF) to deliver not-for-profit training and education programs.

BACKGROUND

At the Ordinary Council Meeting of 17 December 2020, Council endorsed the CEO's request to provide access for SST to the TPWMF, on a 12-month trial basis, for the delivery of not-for-profit training and education programs.

The basis for the initial request was to enable STT to deliver State Government-subsidised training programs at the TPWMF by providing access to a disused section of the quarry as a realistic training environment. These programs are centred around assisting disadvantaged youth, people from culturally and linguistically diverse backgrounds, and people with a disability to find employment opportunities through practical training and education.

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.
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For the purpose of this proposal, SST has partnered with the Training Alliance Group, a Registered Training Organisation (RTO), to deliver Certificate III in Civil Construction Operations and 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 see cohorts of students working under supervision at the TPWMF over 12 weeks to achieve nationally accredited qualifications before graduating and entering the workforce. To date, over 340 students have accessed the TPWMF to undertake civil or surface extraction training.

SST continues to maintain access to their own plant and machinery and holds suitable insurance coverage for the proposed activities, as well as ISO45001:2018 Occupational Health and Safety certification. Provision for MRC staff to access SST equipment on an as-required basis has also been established and seeks to expand the depth of experiences of MRC's plant operators.

Over the past 12 months of STT operating on site, the MRC has not experienced any notable impacts to operations from this training and does not anticipate any adverse impact to operations arising via an extension to the current agreement.

CONSULTATION

No additional consultation has occurred since initial endorsement was received from Council at the 17 December 2020 OCM.

STATUTORY ENVIRONMENT

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The MRC bears no financial commitment via this extension. 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 to extend existing access for Stirling Skills Training to the Tamala Park Waste Management Facility, for an additional 12-month period, for the delivery of not-for-profit training and education programs.

Moved Cr Re, seconded Cr Cvitan

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

9.5	APPOINTMENT OF COUNCILLORS ON TO COMMITTEES AND OTHER GROUPS
File No:	GF-20-0001619
Attachment(s):	1. Audit Committee Details; 2. CEO's Recruitment and Performance Review Committee Details; 3. Municipal Waste Advisory Council Details
Date:	12 October 2021
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to seek the appointment of Councillors of the Mindarie Regional Council (MRC) to its committees and groups.

BACKGROUND

The MRC currently has two committees, established in accordance with Part 5.8 of the *Local Government Act 1995* (LGAct), and one advisory group that require Councillor membership as follows:

- Audit Committee (established in accordance with the LGAct)
- Chief Executive Officer's Recruitment and Performance Review Committee (established in accordance with the LGAct)
- Municipal Waste Advisory Council (established as part of the MRC's commitment to the Western Australia Local Government Association membership)

Attachments 1 to 3 to this agenda item provide details of the tenure, membership, duties and responsibilities associated with each of the committees and groups named above.

DETAILS

The recently held Local Government Elections have resulted in the need for the MRC to swear in new Councillors and re-appoint Councillors to its committees and other groups. The following provides a brief explanation of the purpose of the committees and groups:

Audit Committee

The Audit Committee is established under the LGAct and has prescribed duties and responsibilities (refer attachment). This committee currently consists of four elected members and an appointed independent member and aims to meet three times per year. The Audit Committee Terms of Reference (ToR) allows for three elected members, it is noted that the ToR requires an amendment, a review has been scheduled.

The Administration provides secretarial support and both the Chief Executive Officer and the Director of Corporate Services attend the meetings to provide advice and guidance to the committee on the issues presented in the agendas.

Chief Executive Officer's Recruitment and Performance Review Committee

This committee was established in 2017 to combine recruitment and performance into one single committee consisting of five Councillors. The Chief Executive Officer's (CEO) performance is reviewed annually. The committee is supported by an independent consultant who undertakes a survey of all the Councillors and assists in the review of the CEO's performance in the previous year against pre-set performance measures and the setting of performance measures for the next year. The consultant provides a performance report to assist the Councillors in assessing the performance of the CEO.

Municipal Waste Advisory Council

The Municipal Waste Advisory Council (MWAC) was established in December 1994 as a Standing Committee of the Western Australian Local Government Association (WALGA) with delegated authority to represent the Association in respect of matters relating to municipal waste issues. MWAC is established under a partnership agreement with WALGA, Eastern Metropolitan Regional Council, City of Geraldton/Greenough, Mindarie Regional Council, Rivers Regional Council, Southern Metropolitan Regional Council and Western Metropolitan Regional Council.

The objective of MWAC is to encourage and promote economically sound, environmentally safe waste management practices and to ensure that the shared interests of all Western Australian Local Governments, as they relate to waste management, are effectively managed. As MWAC is a standing committee of WALGA it requires councillor representation. An Officer Advisory Group (OAG) has been established as an advisory committee to the MWAC.

The MRC has historically appointed the Chairperson as its representatives on MWAC as well as a deputy stand-in Councillor, and the CEO as its representative on OAG

LEGAL COMPLIANCE

Refer attachments 1 through to 3 to determine the varying compliance requirements of the Committees and the Groups.

FINANCIAL IMPLICATIONS

There is no remuneration attached to the positions on any of the MRC's Committees and/or Groups.

COMMENT

The Committees and Group are an integral part of the operations of the Mindarie Regional Council and report to Council to assist Council in its decision making responsibility.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. Appoint Cr _____, Cr _____ Cr _____, and Cr _____ on to the Audit Committee.

(Absolute Majority Required)

2. Appoint Cr _____, Cr _____, Cr _____ Cr _____ and Cr _____ on to the Chief Executive Officer's Recruitment and Performance Review Committee.

(Absolute Majority Required)

3. Appoint Cr _____ as a member and Cr _____ as a Deputy Member on to the Municipal Waste Advisory Council.

(Absolute Majority Required)

Parts 1 through to 3 of the Responsible Officers Recommendation were put separately.

1 AUDIT COMMITTEE

Four self-nominations were received from Cr Vernon, Cr Cvitan, Cr Re, and Cr Miles.

Cr Sargent moved, Cr Hatton seconded

RESOLVED

To appoint Cr Vernon, Cr Cvitan, Cr Re, and Cr Miles onto the Audit Committee.

CARRIED BY ABSOLUTE MAJORITY 11/0

2 CHIEF EXECUTIVE OFFICER'S RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE

Five self-nominations were received by Cr Hatton, Cr Cvitan, Cr Vernon, Cr Jacob and Cr Sargent.

Cr May moved, Cr Re seconded

RESOLVED

To appoint Cr Hatton, Cr Cvitan, Cr Vernon, Cr Jacob and Cr Sargent.

CARRIED BY ABSOLUTE MAJORITY 11/0

Cr Shannon entered the Council Chamber at 6.48 pm

3 MUNICIPAL WASTE ADVISORY COUNCIL

Two self-nominations were received for the position of Member of the Municipal Waste Advisory Council from Cr Re and Cr Vernon.
Cr Re withdrew her nomination.

Cr Re self-nominated for the position of deputy member of the Municipal Waste Advisory Council.

Cr Thornton moved, Cr Hatton seconded

RESOLVED

To appoint Cr Vernon as the member and Cr Re as the deputy member onto the Municipal Waste Advisory Council.

CARRIED BY ABSOLUTE MAJORITY 12/0

ATTACHMENT 1

AUDIT COMMITTEE

MEMBERSHIP/SUPPORT STAFF

Three Councillors (Minimum)
One Independent Member (Sourced from the Community)
MRC Chief Executive Officer (Support Staff)
MRC Director Corporate Services (Support Staff)

MEETING FREQUENCY

The Committee shall meet as and when required. Normally three times a year being:

- (a) November to review and make recommendations to Council on the previous year's audited financials;
- (b) February/March to review the MRC's risk register and MRC's response to the Statutory Compliance Audit Return required by the State Government and make recommendations to Council; and
- (c) July to review the MRC's risk register.

DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the Committee will be –

- (a) Provide guidance and assistance to Council as to carrying out the function of the Council in relation to audits.
 - (b) Develop and recommend to Council an appropriate process for the selection and appointment of a person as the Council's auditor.
 - (c) Develop and recommend to Council –
 - a list of those matters to be audited; and
 - the scope of the audit to be undertaken.
 - (d) Recommend to Council the person or persons to be appointed as auditor.
 - (e) Develop and recommend to Council a written agreement for the appointment of the auditor. The agreement is to include –
 - the objectives of the audit
 - the scope of the audit
 - a plan of the audit
 - details of the remuneration and expenses to be paid to the auditor; and
 - the method to be used by the Council to communicate with, and supply information to, the auditor.
 - (f) Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions.
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- (g) Liaise with the CEO to ensure that the local government does everything in its power to –
- assist the auditor to conduct the audit and carry out his or her other duties under the *Local Government Act 1995*; and
 - ensure that audits are conducted successfully and expeditiously.
- (h) Examine the reports of the auditor after receiving a report from the CEO on the matters and –
- determine if any matters raised require action to be taken by the Council; and
 - ensure that appropriate action is taken in respect of those matters.
- (i) Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or six months after the last report prepared by the auditor is received, whichever is the latest in time.
- (j) Review the scope of the audit plan and program and its effectiveness.
- (k) Review the appropriateness of special internal audit assignments undertaken at the request of Council or CEO.
- (l) Review the level of resources allocated to internal audit and the scope of its authority.
- (m) Review reports of internal audits and by monitoring the implementation of recommendations made by the audit and reviewing the extent to which Council and management reacts to matters raised.
- (n) Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs.
- (o) Review Council's draft annual financial report, focusing on:
- accounting policies and practices;
 - changes to accounting policies and practices;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process;
 - compliance with accounting standards and other reporting requirements; and
 - significant variances from prior years.
- (p) Consider recommending adoption of the financial report to Council
- (q) Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's terms of reference.
- (r) Seek information or obtain expert advice through the CEO on matters of concern within the scope of the Committee's terms of reference following authorisation from the Council.
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- (s) Review the annual Compliance Audit Return and report to the Council the results of that review.
- (t) Consider the CEO's biennial reviews of the appropriateness and effectiveness of the Council's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the Committee, and report to the Council the results of those reviews.
- (u) Monitor the progress of any major lawsuits facing the Council.
- (v) Perform a biannual review of the material risks identified in the Council's Risk Register.

APPOINTMENT/TENURE Extract from Local Government Act 1995 “

5.10. Committee members, appointment of

- (1) *A committee is to have as its members —*
 - (a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 - (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*
- * Absolute majority required.*
- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
 - (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government. If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
 - (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*

- (a) *to be a member of the committee; or*
- (b) *that a representative of the CEO be a member of the committee,*

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

- (1) *The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.*

**Absolute majority required.*

- (2) *A person who is appointed as a deputy member of a committee is to be -*

- (a) *if the member of the committee is a council member – a council member; or*
- (b) *if the member of the committee is an employee – an employee; or*
- (c) *if the member of the committee is not a council member or an employee – a person who is not a council member or an employee; or*
- (d) *if the member of the committee is a person appointed under section 5.10(5) – a person nominated by the CEO.*

- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*

- (4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member*

5.11. Committee membership, tenure of

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*

- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
- (b) *the person resigns from membership of the committee; or*
- (c) *the committee is disbanded; or*
- (d) *the next ordinary elections day, whichever happens first.*

- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) the term of the person's appointment as a committee member expires; or*
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) the committee is disbanded; or*
 - (d) the next ordinary elections day,*
whichever happens first."

ATTACHMENT 2

CHIEF EXECUTIVE OFFICER'S RECRUITMENT AND PERFORMANCE REVIEW COMMITTEE

MEMBERSHIP/SUPPORT CONSULTANT

Five Councillors
One support HR Consultant

MEETING FREQUENCY

The Committee shall meet as and when required.
Recruitment: when a vacancy occurs.
Performance Review: normally three or four meetings per year.

DUTIES AND RESPONSIBILITIES

The duties and responsibilities of this committee is:

- when a vacancy occurs, participate in the recruitment of a CEO
- review on an annual basis, the CEO's performance in accordance with the Key Performance Indicators set by the Committee in the previous year; and
- Review the outcome of a survey of the Councillors undertaken by the support HR Consultant

APPOINTMENT/TENURE Extract from Local Government Act 1995 “ 5.10. Committee members, appointment of

- (1) *A committee is to have as its members —*
 - (a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 - (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

** Absolute majority required.*
- (2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
- (4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

- (5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
- (a) *to be a member of the committee; or*
 - (b) *that a representative of the CEO be a member of the committee,*
- the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.*

5.11A. Deputy committee members

- (1) *The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.*

**Absolute majority required.*

- (2) *A person who is appointed as a deputy member of a committee is to be -*
- (a) *if the member of the committee is a council member – a council member; or*
 - (b) *if the member of the committee is an employee – an employee; or*
 - (c) *if the member of the committee is not a council member or an employee – a person who is not a council member or an employee; or*
 - (d) *if the member of the committee is a person appointed under section 5.10(5) – a person nominated by the CEO.*
- (3) *A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.*
- (4) *A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member*

5.11. Committee membership, tenure of

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
 - (b) *the person resigns from membership of the committee; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day, whichever happens first.*

- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
- (a) the term of the person's appointment as a committee member expires; or*
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) the committee is disbanded; or*
 - (d) the next ordinary elections day, whichever happens first."*
-

ATTACHMENT 3

MUNICIPAL WASTE ADVISORY COUNCIL

MEMBERSHIP

One Councillor and a Deputy

Supported by one staff member who is on a sub-group of MWAC entitled the Officers' Advisory Group.

MEETING FREQUENCY

Bi-Monthly

DUTIES AND RESPONSIBILITIES

General Functions of the MWAC

- a) The principal role of the MWAC in exercise of the delegated authority is to govern the Waste Management Area and to represent the interests of the Parties and Local Government generally, in all matters relating to local government waste management.
- (b) Without limiting the MWAC's principal role, the broad functions and responsibilities of the MWAC include:
 - (i) defining policy and providing the overall strategic direction of the Waste Management Area to achieve the interests of the Parties to this Partnership Agreement;
 - (ii) maintaining the MWAC as a credible, active and effective body in the area of waste management;
 - (iii) facilitating and encouraging cooperative linkages between Local, State and Federal Government, Regional Councils, Waste Management Resource Recovery (WMRR), Waste Authority, industry and the community;
 - (iv) representing the interests of the Association in all matters relating to local government waste management in accordance with the Association's policy statements and formal positions on an issue, and without prior reference to the Association where a formal Association position on an issue is not current or has not yet been developed PROVIDED THAT any such position is subsequently put to the Association as soon as practicable for confirmation;
 - (v) acting as an interface between the Parties to this Partnership Agreement and other local governments;
 - (vi) promoting economically sound, environmentally safe and socially inclusive waste management strategies;
 - (vii) coordinating and initiating research on waste management issues;
 - (viii) through the WALGA Executive Manager monitoring and evaluating the performance of the Executive Officer against established key performance indicators;

-
- (ix) approving major operating plans, including the strategic plan;
 - (x) approving the Annual Budget in accordance with the terms of this Partnership Agreement; and
 - (xi) ensuring the Waste Management Area complies with the law and the Association's operational policies and procedures.
- (c) Under the terms of the delegated authority, the MWAC may not make decisions:
- (i) concerning the acquisition, holding and disposition of real property or the borrowing of money or setting Association subscription levels;
 - (ii) that are inconsistent with an existing formal policy statement of the Association without prior reference to and the prior approval of the State Council; and
 - (iii) relating to operational matters as such matters remain the responsibility of the Executive Officer, reporting to the WALGA Chief Executive Officer or to their delegate.

APPOINTMENT/TENURE

Membership continues until notification is given to the other party advising of a change in the membership.

10	MEMBERS INFORMATION BULLETIN – ISSUE NO. 64
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RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 64 be received.

Moved Cr Re, seconded Cr Cvitan

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 12/0)

11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
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Nil

12	URGENT BUSINESS
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Nil

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

In accordance with clause 10.1(h) of the Mindarie Regional Council Meeting Procedures Local Law 2020 and s5.23 of the Local Government Act 1995, the Chair requested the Council to meet “behind closed doors” to allow the Council to consider items 14.1, 14.2 and 14.3 as the item is of a confidential nature.

The Chair invited MRC Officers, Member Council CEOs and Officers seated in the public gallery to remain in the gallery.

The Chair requested members of the public present to leave the gallery. There was one member of the public present who left the gallery at 6.59 pm.

The MRC CEO, the Manager of Human Resources, the Manager Operations and the Executive Support Officer remained in the Council Chambers.

Moved Cr Vernon, seconded Cr Cvitan
To close the meeting to the public
(CARRIED UNANIMOUSLY 12/0)

Doors closed at 6.59 pm

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 <i>Local Government Act 1995</i> as the report deals with a matter where a contract may be entered into.	
14.1	TENDER FOR GROUNDWATER MONITORING AND ANNUAL REPORTING
File No:	GF-21-0000395
Attachment(s):	
Date:	20 October 2021
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. Authorise the CEO to award the tender for Groundwater Monitoring and Annual Reporting (Tender Number: 13/150) to Talis Consultants Pty Ltd at the prices detailed within the report.
2. Authorise the CEO to advise the tenderers of the outcome of the tender process.

PROPOSED AMENDMENT

Moved Cr Vernon, seconded Cr Cvitan

Adding the words "for a period of 3 years" at the end of the sentence at point 1.

(CARRIED UNANIMOUSLY 12/0)

SUBSTANTIVE RECOMMENDATION AS AMENDED

Moved Cr Jacob, seconded Cr May

1. Authorise the CEO to award the tender for Groundwater Monitoring and Annual Reporting (Tender Number: 13/150) to Talis Consultants Pty Ltd at the prices detailed within the report for a period of 3 years.
 2. Authorise the CEO to advise the tenderers of the outcome of the tender process.
- (CARRIED UNANIMOUSLY 12/0)
-

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 may be entered into.

14.2 TENDER FOR ENVIRONMENTAL CONSULTANCY

File No: GF-21-0000396

Attachment(s):

Date: 20 October 2021

Responsible Officer: Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

1. Authorise the CEO to award the tender for Groundwater Monitoring and Annual Reporting (Tender Number: 13/151) to 360 Environmental Pty Ltd at the prices detailed within the report.
2. Authorise the CEO to advise the tenderers of the outcome of the tender process.

Moved Cr Re, seconded Cr Sargent

PROPOSED AMENDMENT 1

Moved Cr Vernon, seconded Cr Gobbert

To remove the words 'Groundwater Monitoring and Annual Reporting' and replace with the words 'Environmental Consultancy' at point no 1.

(CARRIED UNANIMOUSLY 12/0)

PROPOSED AMENDMENT 2

Moved Cr Vernon, seconded Cr Gobbert

Add the words "for a period of 3 years" at the end of the sentence at point no 1.

(CARRIED UNANIMOUSLY 12/0)

SUBSTANTIVE RECOMMENDATION AS AMENDED

Moved Cr Vernon, seconded Cr Gobbert

1. Authorise the CEO to award the tender for Environmental Consultancy (Tender Number: 13/151) to 360 Environmental Pty Ltd at the prices detailed within the report for a period of 3 years.
 2. Authorise the CEO to advise the tenderers of the outcome of the tender process.
- (CARRIED UNANIMOUSLY 12/0)
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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 May Be Entered Into.

14.3 TENDER FOR ENVIRONMENTAL DRILLING

File No: GF-21-0000397

Attachment(s):

Date: 20 October 2021

Responsible Officer: Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

- 1. Not award the tender for Environmental Drilling (Tender Number: 13/152), and**
- 2. Authorise the CEO to write to the unsuccessful tenderers and advise them of the decision not to award the tender.**

Moved Cr Re, seconded Cr Cvitan

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 12/0)

Moved Cr Vernon, seconded Cr Cvitan

To re-open the meeting to the public

(CARRIED UNANIMOUSLY 12/0)

Doors re-opened at 7.17pm, the Chair declared the meeting re-opened.

No members of the public re-entered the gallery.

The Chair noted the resolutions passed behind closed doors.

15 NEXT MEETING

The next Ordinary Council meeting to be held on Thursday 16 December 2021 at the City of Perth commencing at 6.30 pm.

16 CLOSURE

The Chair closed the meeting at 7.18 pm and thanked the Town of Victoria Park for their hospitality and use of their meeting facilities.

Signed..........Chair

Dated16TH..... day ofDECEMBER.....2021
