



INFORMATION BULLETIN

Issue No. 74



CONTENTS PAGE

Item	Page No.
Summary of Council Resolutions	3
Municipal Waste Advisory Council (MWAC) – Minutes December 2022	8
Audit and Risk Committee Meeting – Unconfirmed Minutes – 15 February 2023	63
Common Seal Report	106

Summary of Council Resolutions

List of resolutions for the financial year 2022/23 plus any outstanding resolutions from previous years			
OCM /SCM Date	Item #	Resolution	Status
15.12.2022	8.1	The Minutes of the Ordinary Council Meeting held on 24 November 2022 have been printed and circulated to members of the Council.	For Information
	9.1	That Council: Receive the Financial Statements set out in Appendix No. 1 for the month ended 31 October 2022.	
	9.2	That Council: Note the list of payments made under delegated authority to the Chief Executive Officer, for the month ended 31 October 2022.	For Information
	9.3	Receive the Financial Statements set out in Appendix No. 4 for the month ended 30 November 2022.	
	9.4	That Council: Note the list of payments made under delegated authority to the Chief Executive Officer, for the month ended 30 November 2022.	For Information
	9.5	That the Council resolve to: 1. Notes the recommendation of the Audit Committee meeting held on 1 December 2022 to adopt the Financial Report for the year ended 30 June 2022; and 2. Adopts the Annual Report for the year ended 30 June 2022, which includes the Financial Report detailed in point 1 above.	For Information
	9.6	That the Council: 1. Notes the information contained in this report. 2. Requests the CEO to present a report to Council with a recommendation for the procurement of insurance for 2023/24 in April 2023. 3. Requests the CEO to obtain independent legal advice in relation to whether Local Governments have to go out to Tender for Insurance services and whether they are exempt from s3.57 of the Local Government Act.	In progress In progress
	9.7	That the Council: 1. Adopt the meeting dates as follows: 23 February 2023 - 6.30 pm City of Joondalup OCM 27 April 2023 - 6.30 pm City of Wanneroo OCM 01 June 2023 - 6.30 pm Town of Cambridge OCM 13 July 2023 - 6.30 pm City of Stirling OCM 21 September 2023 - 6.30 pm City of Vincent OCM 30 November 2023 - 6.30 pm Town of Victoria Park OCM 14 December 2023 - 6.30 pm City of Perth OCM 2. Issue a Public Notice on the meeting locations, dates and times as detailed in (1) above in accordance with Part 12 (1) of the Local Government (Administration) Regulations 1996 and the Local Government Act 1995. 3. Note that a Strategy Workshop has been planned for 2 February 2023. Future workshop dates for 2023 will be determined, in consultation with the Chair, later in 2023.	Completed
	10	That the Members Information Bulletin Issue No 73 be received.	
	14.1	That Council: · Notes the Annual Financial Audit Planning Summary Year Ended 30 June 2022 · Notes the Auditor General Independent Auditors Report 2022 · Notes the Annual Financial Audit Exit Brief Year Ended 30 June 2022 · Notes the Representation Letter Year Ended 30 June 2022	For Information
24.11.2022	8.1	That the Minutes of the Ordinary Meeting of Council held on 29 September 2022 be confirmed as a true record of the proceedings.	For Information
	9.1	That Council: Receive the Financial Statements set out in Appendix No. 1 for the month ended 30 September 2022.	For Information
	9.2	That Council: Note the list of payments made under delegated authority to the Chief Executive Officer, for the month ended 30 September 2022.	For Information
	9.3	That Council: Endorses the CEO to provide access to Workpower Inc. to the Tamala Park Waste Management Facility, for a term of 3 years, for the delivery of not-for-profit training and education programs.	Completed

29.09.2022	9.4	<p>That Council:</p> <p>1. Endorses the CEO to provide Workpower Inc. access to the caretaker's house at the Tamala Park Waste Management Facility, for a term of three (3) years, for the delivery of NDIS assisted living programs.</p> <p>Moved Cr May, seconded Cr Hatton</p> <p>PROPOSED AMENDMENT</p> <p>Moved Cr Vernon, Seconded Cr Proud</p> <p>1. Approves the grant of access to Workpower Inc. to the caretaker's house at the Tamala Park Waste Management Facility, for a term of three (3) years, for the delivery of NDIS assisted living programs.</p> <p>2. Authorises the CEO to execute an agreement with Workpower Inc for access to the Caretaker's House in accordance with point one above on terms and conditions acceptable to the Mindarie Regional Council including but not limited to the terms in the addendum to item 9.4.</p> <p>Reason for Amendment:</p> <p>To reflect both the grant of access and the authorisation to enter into an agreement to reflect that access.</p>	Completed
	9.5	<p>That Council:</p> <p>1. resolves to make the Mindarie Regional Council Waste Facility Site Amendment Local Law 2022 as detailed in Appendix 4 and authorises the Common Seal to be affixed;</p> <p>2. under section 3.12 (5) of the Act, authorises the publication of the Mindarie Regional Council Waste Facility Site Amendment Local Law 2022 in the Gazette and the provision of a copy to the relevant Minister/s; and</p> <p>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 Amendment Local Law 2022.</p>	In progress
	10	That the Members Information Bulletin Issue No. 72 be received.	For Information
	14.1	<p>That Council:</p> <p>Authorise the CEO to award the tender for Pick up and or Drop off of Green Waste to be Recycled (Tender Number: 13/158) to Craneswest (WA) Pty Ltd at the prices detailed within the report</p>	Completed
	14.2	<p>That Council:</p> <p>1. Note the Green Deal Alliance progress report.</p>	For Information
	6	That Council approves the request for Leave of Absence from Council duties for Cr Re on 24 November 2022.	For Information
	8.1	That the Minutes of the Ordinary Meeting of Council held on 25 August 2022 be confirmed as a true record of the proceedings.	For Information
	9.2	<p>That the Council:</p> <p>1. Appoint Cr Ferrante onto the Chief Executive Recruitment and Performance Review Committee.</p> <p>2. Appoint Cr Castle as a deputy member onto the Chief Executive Recruitment and Performance Review Committee.</p>	For Information
	9.3	<p>That Council:</p> <p>Receive the Financial Statements set out in Appendix No. 1 and 2 for the months ended 31 July 2022 and 31 August 2022.</p>	For Information
	9.4	<p>That Council:</p> <p>Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 July 2022 and 31 August 2022.</p>	For Information
	9.5	<p>That the Council:</p> <p>1. Endorses the changes to Council Policies as contained in Appendix 6 and 7 of this report.</p> <p>2. Endorses the delegations made to the Chief Executive Officer as detailed in Attachment 1 of this report.</p>	For Information
	10	That the Members Information Bulletin Issue No. 71 be received.	For Information
	14.1	<p>That Council:</p> <p>1. Endorses the publication of a tender for the provision of FOGO processing services.</p> <p>2. Requests the CEO to bring back to council a report, detailing the outcome of the tender and recommendations regarding an award.</p> <p>3. Approves an increase in the 2022/23 budget for the costs specified in the Financial Implications section of the report.</p> <p>4. Endorses the recommendation to insure the Neerabup Resource Recovery Facility, as detailed in the Confidential Report.</p>	For Action

	14.2	That Council 1. Note the advice contained in the report. 2. Requests the CEO to make a notation on the minutes of the Ordinary Council meeting of 7 July 2022 at item 16.1 referencing the minutes of the Ordinary Council meeting of 29 September 2022.	For Information Completed
	14.3	That Council 1. Note the Full Risk Register 2. Note the Risk Assessment and Acceptance Criteria v3 3. Note the Risk Appetite Statement and Risk Management Plan 4. Note the Business Continuity – Information Technology	For Information
	14.4	That Council: 1. Notes that the appraisal of Scott Cairns, Chief Executive Officer, has been undertaken for the period 20 September 2021 to 30 June 2022. 2. Endorses the findings of the MRC CEO Performance Review Report 2021/22 as per confidential attachment 1. 3. Reviews the CEO's Total Remuneration Package for 2022/23 and endorses the adjustment to the CEO's total reward package as specified in Confidential Attachment 3 4. Approves the 2022/23 CEO Key Performance Indicators as per the amendments to confidential attachment 2 to this report. 5. Endorses the adjustment to the CEO's contract detailed in confidential attachment 4.	For Information For Information Completed Completed Completed
25.08.2022	8.1	That the Minutes of the Ordinary Meeting of Council held on 07 July 2022 be confirmed as a true record of the proceedings.	For Information
	9.1	That Council: Receive the Financial Statements set out in Appendix No. 1 for the month ended 30 June 2022.	For Information
	9.2	That Council: Note the list of payments made under delegated authority to the Chief Executive Officer, for the month ended 30 June 2022.	For Information
	10	That the Members Information Bulletin Issue No. 70 be received.	For Information
	11.1	Notice of Motion That Council: 1. Requests that the Mindarie Regional Council Chief Executive Officer to explore the opportunities and risks associated with the amalgamation of the MRC and the TPRC. 2. Requests the MRC Chief Executive Officer to prepare a report on this subject to be brought to the Ordinary Council meeting on 24 November 2022.	For Information
	11.2	That Council: 1. Requests the Chief Executive Officer to prepare a report for the 24 November 2022 Ordinary Council meeting on the various options and viability of using the MRC facility at Neerabup for recycling strategies including general recycling and specific product recycling such as TVs.	For Information
07.07.2022	10.1	That the Minutes of the Ordinary Meeting of Council held on 26 May 2022 be confirmed as a true record of the proceedings.	For Information
	11.1	That Council: Receive the Financial Statements set out in Appendix No. 1 for the month ended 31 May 2022.	For Information
	11.2	That Council: Note the list of payments made under delegated authority to the Chief Executive Officer, for the month ended 31 May 2022.	For Information
	11.3	That Council: 1. Approves the proposed amendment to the Mindarie Regional Council Waste Facility Site Amended Local Law 2022 as detailed in Appendix 4 for the purposes of public advertising, under section 3.16 of the Local Government Act 1995; and 2. Notes that the MRC is to invite submissions to the amended Mindarie Regional Council Waste Facility Site Amended Local Law 2022 by way of a statewide public notice; and 3. Notes that a copy of the proposed amendment to the Mindarie Regional Council Waste Facility Site Amended Local Law 2022 will be sent to the Minister for Local Government under section 3.12 of the Act and the Minister for Environment administering the Waste Avoidance and Resource Recovery Act 2007; and 1. Notes that the matter will be referred back to the Council after the last day for submissions in relation to the proposed amendment to the Mindarie Regional Council Waste Facility Site Amended Local Law 2022.	Completed

11.4	<p>That Council:</p> <p>(i) adopt the Budget for the Mindarie Regional Council for 2022/23 financial year.</p> <p>(ii) endorse the on-going strategy of deferred payment of operational surpluses, as approved by Council at its August 2005 meeting, for the 2005/06 financial year and future years to meet its on-going capital requirements.</p> <p>(iii) Approve the Capital Budget Program of \$7,340,062 for 2022/23 as follows:</p> <p><u>New capital expenditures</u></p> <table><tr><td>• Buildings</td><td>150,000</td></tr><tr><td>• Office furniture and equipment</td><td>-</td></tr><tr><td>• Computer equipment</td><td>45,000</td></tr><tr><td>• Plant and equipment and vehicles</td><td>-</td></tr><tr><td>• Infrastructure</td><td>7,145,062</td></tr><tr><td>Total Capital Expenditure</td><td>7,340,062</td></tr></table> <p>(v) approve that \$596,079 will be transferred from the Operating Surplus to the Site Rehabilitation Reserve.</p> <p>(vi) Approve that \$6,987,000 will be transferred from the Site Rehabilitation Reserve for Landfill Infrastructure Capital works.</p> <p>(vii) approve that \$353,062 be transferred from the Reserve for Capital Expenditure to Operating Surplus to fund capital expenditures.</p> <p>(viii) approve that any funds required for carbon abatement projects be transferred from the Carbon Abatement Reserve to the Operating Surplus.</p> <p>(ix) approve that all interest earned on cash funds associated with cash-backed reserves will not be credited to the respective reserves.</p>	• Buildings	150,000	• Office furniture and equipment	-	• Computer equipment	45,000	• Plant and equipment and vehicles	-	• Infrastructure	7,145,062	Total Capital Expenditure	7,340,062	Completed
• Buildings	150,000													
• Office furniture and equipment	-													
• Computer equipment	45,000													
• Plant and equipment and vehicles	-													
• Infrastructure	7,145,062													
Total Capital Expenditure	7,340,062													
16.1	<p>Substantive Motion</p> <p>That Council:</p> <p>1. Award the tender for the auction of landfill capacity financial year 2022/23 (Tender Number: 13/154) to Cleanaway Pty Ltd, Kelair Holdings Pty Ltd and West Tip, and</p> <p>2. Authorises the CEO to inform the unsuccessful tenderers of the decision.</p> <p>RESOLVED</p> <p>That the recommendation be adopted</p>	Completed												
16.2	<p>That Council:</p> <p>1. Award the tender for the crushing and screening of Tamala Park quarry limestone (Tender Number: 13/157) to WA Limestone Contracting Pty Ltd.</p>	Completed												
16.3	<p>That Council:</p> <p>1. Note the Green Deal Alliance progress report.</p>	For Information												

Municipal Waste Advisory Council (MWAC) – Minutes December 2022



MUNICIPAL WASTE ADVISORY COUNCIL
"Getting the Environment Right"

Municipal Waste Advisory Council Minutes

4:00pm Wednesday, 14 December 2022

ONE70, Level 1, 170 Railway Parade, West Leederville

Contents

1	Procedural Matters.....	4
1.1	MWAC Minutes tabled at WALGA State Council	4
1.2	Confirmation of the Previous MWAC Minutes	5
2	Business Arising	5
3	Decision Items	5
3.1	Renergi Waste Processing***	5
3.2	Expansion of the NSW Container Deposit Scheme Submission***	7
3.3	Environment Protection Act Discussion Paper***	8
3.4	Priorities 2023	9
3.5	PFAS National Environmental Management Plan 3.0 Submission***	10
4	Discussion Items	11
4.1	WA Container Deposit Scheme Expansion	11
5	Information Items.....	12
5.1	Program Update.....	12
5.2	Welcome Conor Macgill.....	12
5.3	REDcycle.....	12
6	Reports.....	13
6.1	MWAC Groups	13
6.2	External Committees & Working Groups.....	13
7	Other General Business.....	14
7.1	Non-metropolitan Waste and Environment Summit.....	14
8	Next Meeting.....	14

Attendance

Cr Doug Thompson (Fremantle)	WALGA State Council	<i>Chair</i>
Cr Peter Abetz	City of Gosnells	
Cr Karen Vernon (Victoria Park)	Mindarie Regional Council	
Cr Karen Wheatland (Melville)	Resource Recovery Group	
Cr Andrew Maurice (Mosman Park)	Western Metropolitan Regional Council	
Mr Tim Youé	Resource Recovery Group	<i>OAG Chair</i>
Mr Marcus Geisler	Eastern Metropolitan Regional Council	
Mr Scott Cairns	Mindarie Regional Council	
Mr Brett Jackson (Kalamunda)	Metropolitan Local Government	
Mr Kevin Ketterer (Kalgoorlie-Boulder)	Non-Metropolitan Local Government	
Ms Rebecca Brown	Municipal Waste Advisory Council	
Ms Tazra Hawkins	Municipal Waste Advisory Council	
Ms Candy Wong	Municipal Waste Advisory Council	
Ms Conor Macgill	Municipal Waste Advisory Council	
Ms Nicole Matthews	WALGA	

Apologies

Cr Karen Chappel JP	WALGA	<i>Observer</i>
Cr Giorgia Johnson (City of Bayswater)	Eastern Metropolitan Regional Council	<i>Deputy Chair</i>
Cr Les Price (Cue)	WALGA State Council	
Cr Tresslyn Smith	Bunbury Harvey Regional Council	
Ms Ruth March (Albany)	Non-Metropolitan Local Government	<i>OAG Deputy</i>
Mr Peter Keane	Bunbury Harvey Regional Council	
Ms Hayley Williamson	City of Greater Geraldton	
Ms Yvette Plimbley (Vincent)	Metropolitan Local Government	
Mr Peter Klein (Wyalkatchem)	Non-Metropolitan Local Government	

Acknowledgement of Country

We acknowledge the Australian Aboriginal and Torres Strait Islander peoples of the lands on which we work throughout Western Australia, recognising their unique cultural and spiritual relationships to the land, waters and seas. We pay our respects to their ancestors and Elders, past and present.

Presentation

Tim Cusack, CEO of WA Return Recycle Renew Limited (Containers for Change), provided an overview of how the WA Container Deposit Scheme has progressed to date and the next steps to achieve the Scheme target.

Discussion at the Municipal Waste Advisory Council

The redemption rate for the top three material types by volume from January to November 2022 averaged 64%. These were glass, aluminium and clear PET with redemption rates of 79%, 60% and 53% respectively. The Scheme Coordinator (WA Return Recycle Renew Limited) for the WA Container Deposit Scheme (Containers for Change) will be focusing its efforts on recovering the remaining 36% of containers (approximately 500 million containers) not currently being returned through the Scheme.

Bin audits conducted by the Scheme Coordinator have led to an estimate of 100 million containers present in the General Waste bins of households in the Perth and Peel region. The Scheme Coordinator will be looking to collaborate with more WA Local Governments to expand its Container Exchange Point initiative which provides the community with opportunities to source separate material in public places where there is only a General Waste bin option.

Glass is the highest recovered material by weight. The glass collected through the Scheme is colour sorted and beneficiated in WA before being shipped to South Australia. The WA Scheme is currently the only one in Australia with a 100% bottle-to-bottle circular outcome. The same circular outcome has also been achieved for aluminium offshore.

Demographic research suggests that males between 18-44 years of age make up a cohort that are the hardest to engage and are the least engaged with relation the Scheme.

Key points of difference with the WA Scheme compared to other states:

- A legislated target redemption rate of 85%
- Over 800 jobs were generated when the Scheme was rolled out compared to under 900 jobs generated in New South Wales
- WA is the only state where container lids are defined as being part of the container in the legislation. The WA Scheme provides a means to recycle container lids where no option existed before.

1 Procedural Matters

1.1 MWAC Minutes tabled at WALGA State Council

A summary of the Minutes of the Municipal Waste Advisory Council meeting held on Wednesday, 26 October 2022 will be noted at the next WA Local Government Association State Council meeting.

1.2 Confirmation of the Previous MWAC Minutes

MUNICIPAL WASTE ADVISORY COUNCIL MOTION (Cr Abetz/Cr Wheatland)

The Minutes of the meeting of the Municipal Waste Advisory Council held on Wednesday, 26 October 2022 were confirmed as a true and accurate record of the proceedings.

2 Business Arising

A	Issue	June 2021 MWAC Item 5.8 FOGO in MUDs		
	Action	<ol style="list-style-type: none"> Executive Officer will follow up to determine if information on the <i>Waste Avoidance and Resource Recovery Act 2007</i> can be provided to DAPs so the members understand the regulatory requirements regarding Local Government waste collection. The Chair requested that the Executive Officer provide information on how the amount/type of education a Local Government undertakes can impact on their contamination rate. 		
	Timeframe		Status	<ol style="list-style-type: none"> Complete. To be completed.

B	Issue	June 2022 MWAC Item 7.1 Rivers Regional Council FOGO/NOGO Feasibility Report		
	Action	<ol style="list-style-type: none"> That the Municipal Waste Advisory Council request that members have access to the Rivers Regional Council <i>FOGO Feasibility Report</i> as soon as it is cleared for publication. 		
	Timeframe		Status	<ol style="list-style-type: none"> Complete. This information has been circulated to MWAC.

Discussion at the Municipal Waste Advisory Council

Rivers Regional Council FOGO/NOGO Feasibility Report – this information was provided to MWAC for information and is not for further circulation.

3 Decision Items

3.1 Renergi Waste Processing***

MUNICIPAL WASTE ADVISORY COUNCIL MOTION (Cr Abetz/Cr Wheatland)

That the Municipal Waste Advisory Council:

- Does not support WALGA adopting a position that supports the utilisation of any particular waste processing technologies.
- Notes that as part of the current Department of Water and Environmental Regulation Reform process, WALGA will advocate to ensure that the regulatory framework does not disadvantage new technologies which meet environmental and human health requirements and have the potential to assist Local Governments to meet the targets specified in the Waste Avoidance and Resource Recovery Strategy.

In Brief

- The Shire of Collie and Renergi met with the Municipal Waste Advisory Council and Environment and Waste Policy Team on 26 October 2022.
- This item is to provide feedback to the Zone regarding the motion and approach proposed.

Background

Renergi Waste Processing

That the South West Country Zone request WALGA to:

- 1. Adopt a position that supports the utilisation of emerging waste processing technologies*
- 2. Advocate to the Minister for Environment to review the regulatory framework surrounding environmental approvals and operational obligations to allow new, alternative treatment processes and technologies that will reduce landfill reliance by improving resource recovery rates, including the processing of FOGO and un-separable, co-mingled material.*

The Renergi Waste Processing plant is a waste to energy (WtE) project that received \$4.3M in [funding](#) from the Australian Renewable Energy Agency (ARENA) with an estimated total cost of \$9.8M. The WtE plant will use grinding pyrolysis technology to trial the conversion of municipal solid waste (MSW) and forestry wastes into crude bio-oil for energy applications, and biochar for land applications on a commercial scale. It is not known if there are any low temperature pyrolysis plants operating commercially in Australia.

Advantages of Renergi's modular pyrolysis plant could include less initial capital for infrastructure and start up, and opportunities to decentralise the processing of MSW and minimise the need to transport wastes over long distances. Biochar produced from the plant is intended for use in agriculture and potentially as stock feed.

At the meeting, the Renergi presentation cited a contamination rate of 30% for food organics and garden organics (FOGO) processing with contaminated material going to landfill. The assumptions presented were based on data from a trial conducted by the Mindarie Regional Council (MRC) at their Neerabup facility which was used to process MSW at the time. MWAC members questioned the 30% rate, as this was not the experience of FOGO contamination rates from other metropolitan Local Governments who have implemented FOGO, which on average experience a 2.6% contamination rate.

Renergi is seeking to broaden their scope of feedstock to include FOGO. The Waste Authority has a [Position Statement](#) which focuses on material recovery for a circular economy and clearly defines the role of WtE in the waste hierarchy for Western Australia. Renergi is identified, through their [EPA referral](#), as a Pyrolysis plant – a type of WtE operation. Therefore, only residual waste is an acceptable feedstock.

Members expressed concern about WALGA supporting 'emerging waste processing technologies', in particular any that had not been tested at scale.

Comment

WALGA does not have a policy position recommending or endorsing any specific waste processing technologies. While providing some general considerations, for example through the Waste to Energy Discussion Paper (**attached**), the decision regarding which technology, or approach, is a matter for each Local Government, Regional Council or group of Local Governments.

The Executive Officer met with Shire of Collie and Renergi on 6 December 2022 to discuss the feedback provided to the Shire. It was clarified regarding the 30% contamination rate mentioned in

the presentation, this referred to the rejection rate – oversize material which could not be composted and was classified as contamination. This data was from the MRC trial for FOGO through the Neerabup facility.

From their understanding of the EPA/Waste Authority Position Statement, the Renergi facility should not be classified as WtE because it is not generating energy. The key focus for the Zone was to ensure that new technologies should be allowed, not inhibited, through the regulatory process.

Discussion at the Municipal Waste Advisory Council

The Hazelmere Pyrolysis Waste to Energy Plant aims to use wood waste to produce syngas (synthesis gas) and biochar. The Renergi Waste Processing Plant will utilise municipal solid waste and forestry waste to produce bio-oil and biochar.

3.2 Expansion of the NSW Container Deposit Scheme Submission***

MUNICIPAL WASTE ADVISORY COUNCIL MOTION (Cr Abetz/Cr Wheatland)

That the Municipal Waste Advisory Council endorse the Draft Submission on *Driving NSW's Circular Economy Discussion Paper on Enhancing the NSW Container Deposit Scheme*.

In Brief

- The New South Wales (NSW) EPA has consulted on the State's Container Deposit Scheme (CDS) with a view to expand the scope of materials covered by the Scheme.
- The Draft Submission focuses on supporting the expansion of the Scheme to cover a range of additional products including wine and spirits, fruit and vegetable juice, plain and flavoured milk and milk substitutes, concentrated fruit juice, cordial, flavoured alcoholic beverages with a wine base and registered health tonics.

Background

The NSW EPA has consulted on the expansion of the State's Container Deposit Scheme, and other matters relating to Scheme design through [*Driving NSW's Circular Economy: Discussion Paper on Enhancing the NSW Container Deposit Scheme*](#). The Discussion Paper considered four options:

1. Glass only expansion of the Scheme
2. Comprehensive expansion of the Scheme to capture a broad range of additional beverage containers
3. Comprehensive expansion of the Scheme to capture a broad range of additional beverage containers plus plain milk containers
4. Dedicated kerbside glass bin.

Following discussion at the Officers Advisory Group a short WALGA Submission was developed, as the expansion of the NSW CDS is likely to impact on the future direction of the WA Scheme.

The consultation closed on 2 December and WALGA has requested an extension from NSW EPA.

Comment

WALGA engaged with the NSW Local Government Association (NSW LGA) regarding this Submission to ensure that the two Submissions aligned. NSW LGA were appreciative of the engagement and supportive of the direction of the WALGA Submission.

The focus of the Draft WALGA Submission is supporting the expansion of the Scheme to products which meet the requirements of the [Policy Statement on Container Deposit Schemes](#). The criteria in the Policy Statement are:

- a) Does the material or container type cause significant environmental or social impacts?
- b) Does the material or container type cause significant costs for waste processors?
- c) Does the material or container type have unrealised potential for recycling / resource recovery?
- d) Is the material or container type likely to be disposed of illegally?
- e) Does the material or container type cause significant community concern?
- f) Is there an alternative system in place to recover the material or container type effectively?

Discussion at the Municipal Waste Advisory Council

This item was passed with minimal discussion.

3.3 Environment Protection Act Discussion Paper***

MUNICIPAL WASTE ADVISORY COUNCIL MOTION (Cr Abetz/Cr Wheatland)

That the Municipal Waste Advisory Council endorse the Submission on the Environmental Regulation Reform Discussion Paper.

In Brief

- The DWER *Environmental Regulation Reform: A Strategic Review of Regulatory Delivery and Fees for Industry Regulation* [Discussion Paper](#) has been released for comment.
- The Paper includes a range of regulatory reform concepts which will impact premises currently regulated under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) and concepts for, and design of, a new fees model.
- WALGA will have held several consultation sessions for the sector and sought feedback on the proposed reforms. The final Submission is also being circulated through the WALGA Zones for consideration.
- Consultation closed **16 December 2022**.

Background

The passing of the *Environmental Protection Amendment Act 2020* (EP Amendment Act) in November 2020 resulted in the most significant reform of Western Australia's environmental legislation in 30 years.

Implementation of these reforms require amendment of Schedule 1 of the EP Regulations. This has necessitated consideration of the scope of activities that require regulation because of emissions and discharges and also how best to regulate these, including outside of licensing.

The Discussion Paper identifies reform measures, at a high level, and a general timeline for the reform. Whole of Government reforms ([Streamline WA](#) and [Digital Strategy for WA](#)) provide a broader context for some of the proposals.

Comment

The key impacts for Local Government, as a service provider, are on the 91 Local Governments and Regional Councils which operate 150 licensed facilities, which are currently licensed or regulated under Schedule 1 of the *Environmental Protection Act 1986* (EP Act).

For Local Government as a regulator, the impacts are less certain and will depend on the scope of reforms and how they are regulated, resourced and enforced. The **attached** Submission provides high-level feedback on the reform concepts.

Discussion at the Municipal Waste Advisory Council

This item was passed with minimal discussion.

3.4 Priorities 2023

MUNICIPAL WASTE ADVISORY COUNCIL MOTION (Cr Abetz/Cr Wheatland)

That the Municipal Waste Advisory Council endorse priorities for 2023:

Regulatory Certainty

- At least a 5-year trajectory for the Waste Avoidance and Resource Recovery Levy and increase the proportion of the Levy being provided to Local Government to assist the sector in meeting the State Waste Strategy targets
- Waste Derived Materials Framework in place
- Waste Infrastructure Plan in place
- New DWER Regulatory Framework, which takes a risk-based approach to regulation in place, including appropriate guidance for facilities.

Effective Product Stewardship

- Product Stewardship Schemes in place for Electronic Waste, Packaging, Tyres and Mattresses which address WALGA's 10 Principles for Product Stewardship
- The WA Container Deposit Scheme expanded to cover wine and spirit bottles, as a minimum.

In Brief

- WALGA are working to develop a priority list for 2023 for key activities to be undertaken.
- The proposed priority areas for discussion are:
 - Regulatory Certainty
 - Effective Product Stewardship.

Background

It is suggested that the focus for the coming year is on regulatory certainty for Local Government and on ensuring effective product stewardship is in place for key materials.

Comment

The approach suggested will allow the Team to prioritise and focus on the key outcomes for the year. These priorities have been developed considering the impact on the sector, capacity to influence change and the State and Federal Government priorities. This approach also means that on some issues or in some areas MWAC may not prioritise making submissions or advocacy.

Discussion at the Municipal Waste Advisory Council

A Waste Derived Materials Framework will be a key priority for advocacy in order to develop market confidence in outputs produced from FOGO and waste to energy facilities.

Currently, 25% of the Waste Levy goes to the WARR Account where it is expended annually through initiatives such as the Better Bins Programs for transitioning to FOGO, Recycling Modernisation Fund, Food Waste for Healthy Soils Fund and on the Department of Water and Environmental Regulation staffing. The remaining 75% of the Levy goes into consolidated revenue. WALGA's standing position is that the full amount of the Levy should be hypothecated to waste management and achieving the State Waste Strategy.

The motion for the Waste Levy was amended to include that WALGA should advocate for an increased portion of the Levy to be available to the sector to assist in achieving the State Waste Strategy Targets.

3.5 PFAS National Environmental Management Plan 3.0 Submission***

MUNICIPAL WASTE ADVISORY COUNCIL MOTION (Cr Abetz/Cr Wheatland)

That the Municipal Waste Advisory Council endorse the Draft Submission on the PFAS National Environmental Management Plan 3.0.

In Brief

- The Consultation Draft of the *PFAS National Environmental Management Plan 3.0* (PFAS NEMP 3.0) has been [released](#).
- The PFAS NEPM 3.0 includes additional guidance on resource recovery and waste, including the management of risks associated with PFAS in resource recovery products and landfill monitoring.
- Consultation closes **20 December 2022**.

Background

PFAS is an abbreviation for per- and poly-fluoroalkyl substances. PFAS are manufactured chemicals that have been used for more than 50 years. PFAS make products non-stick, water repellent, and fire, weather and stain resistant. PFAS have been used in a range of consumer products, such as carpets, clothes and paper, and have also been used in firefighting foams, pesticides and stain repellents.

The *PFAS National Environmental Management Plan* (PFAS NEMP) provides nationally agreed guidance on the management of PFAS contamination in the environment, including prevention of the spread of contamination.

PFAS are known to occur in a range of recovered organic wastes, such as biosolids, food wastes and animal wastes. General guidance provided in the PFAS NEMP is intended to support best practice in the management of PFAS risks in organic waste recovery products, and to inform decision making by regulators.

The PFAS NEMP 3.0 recommends that producers of resource recovery products should adopt a 'feedstock management plan' approach to control, monitor and record potentially PFAS-impacted waste inputs used to form a product. A 'feedstock management plan' is intended to outline procedures for the ongoing assessment and monitoring of feedstock properties, including concentrations of PFAS and other potentially harmful contaminants as necessary, along with procedures to manage and mitigate the impacts of those contaminants on product quality.

Comment

The Consultation Draft acknowledges that PFAS is omnipresent, to varying degrees, and is intended to provide guidance to support better practice management of PFAS risks. Feedback from the Officers Advisory Group indicated the need to move further upstream to where goods are manufactured in order to mitigate pathways of entry into far-reaching supply chains.

There was support from Officers for a ban on the use of PFAS as well as further investigation into whether the issue could be considered as a matter for Extended Producer Responsibility. Caution was noted that if PFAS was banned, it could be substituted with something more harmful to the health of humans and the environment.

Discussion at the Municipal Waste Advisory Council

This item was passed with minimal discussion.

4 Discussion Items

4.1 WA Container Deposit Scheme Expansion

In Brief

- The DWER has released a paper on [Expanding the scope of eligible beverage containers](#).
- The proposed expansion includes all beverage containers between 150ml and 3 L, other than plain milk and registered health tonics.
- Consultation closes 1 May 2023.

For Discussion

- Proposed engagement with Local Government regarding the expansion of the Scheme.

Background

The proposed expanded scope would change the Western Australian CDS by including:

- grape wine and spirits in glass bottles up to 3 litres
- grape wine in plastic containers 250 ml–3 litres
- grape wine in sachets 250 ml–3 litres
- grape wine in casks 1–3 litres
- water in casks 1–3 litres
- all fruit and vegetable juice, flavoured milk and cordial containers up to 3 litres.

The consultation timeframe for the Discussion Paper provides an opportunity to engage Local Government in the process and encourage additional submissions from the sector. The proposed approach is:

- February 2023: OAG and MWAC consider Draft Submission
- Late February – early April 2023: Consultation with Local Government on Draft Submission
- April 2023: OAG and MWAC consider final Submission.

Discussion at the Municipal Waste Advisory Council

A huge variety of products are available in packaging that cannot be recycled through kerbside collections. If these packaging types were included in the Container Deposit Scheme (CDS) they could potentially be recovered and recycled into new products and packaging, plain milk is one example. Water containers that are more than 3L could also be considered. Operators of WA's major material recovery facilities have indicated that 5L and 10L water containers cannot be readily recovered due to their size.

In the development of the WA Scheme, WALGA noted that a higher deposit amount would yield higher return rates. When South Australia increased their deposit amount from 5 cents to 10 cents, they saw a significant shift in the amount of material recovered. WALGA will consult with the sector to determine if there is support to advocate for an increase in the deposit.

The WALGA Submission will indicate the role that material recovery can play in emissions reduction.

5 Information Items

5.1 Program Update

Bin Tagging Program

- WALGA will be working with the City of Bunbury, City of Vincent, EMRC (City of Bayswater), City of Joondalup, City of Armadale, Resource Recovery Group (Cities of Fremantle and Melville), WMRC and South Coast Alliance (Albany, Plantagenet, Denmark and Jerramungup).
- WALGA will be testing the updated Bin Tagging App in early December and the final version is anticipated by the end of 2022.
- This Program will be completed in 2022-23 financial year, WALGA has commenced discussions with DWER about the future of the Program.

E-waste Recycling Program

- WALGA is currently working on the final report for this Program. This program is now complete.

Community Sharps Program

- Sharp containers have now been delivered to Local Governments
- Installation of the sharps units is underway, and WALGA is compiling GPS locations for all units.
- This Program will be completed by the end of 2022.

Household Hazardous Waste Program

- The 2022-23 financial year is the last year of the current Agreement, WALGA is working with DWER to develop a new Agreement.

5.2 Welcome Conor Macgill

- Conor Macgill joined the team on Monday, 21 November 2022 from the City of Bayswater.

5.3 REDcycle

- Recycle has [announced](#) a pause to their current operations, meaning that flexible plastics cannot be recycled through supermarket outlets.
- Information from ACOR indicates that flexible plastic represents less than 0.02% of Australia's recycling. The current issue appears to have arisen because one of the facilities undertaking the processing of the material burnt down, however it raises the broader issue regarding the need for effective product stewardship, markets and contingency planning.

Discussion at the Municipal Waste Advisory Council

This issue highlights the need for mandatory product stewardship schemes which fully consider producer responsibility, funding and end markets. Voluntary product stewardship schemes, particularly for low-value products, have been largely ineffective.

6 Reports

6.1 MWAC Groups

1. **Metropolitan Regional Council Working Group**
Delegates/Nominees: Mr Tim Youé, Working Group Chair
This Group has not met since the previous MWAC Meeting.
2. **Consistent Communications Collective**
Delegates/Nominees: n/a
The CCC met on Wednesday, 7 December and discussed issues with FOGO and PFAS.
3. **Industry Training Reference Group**
Delegates/Nominees: n/a
This Group has not met since the previous MWAC Meeting.
4. **Household Hazardous Waste Advisory Group/Operators Meeting**
The Household Hazardous Waste Operators Group has not met since the previous MWAC Meeting.

6.2 External Committees & Working Groups

1. **DWER Waste Reform Advisory Group**
Representative: MWAC Chair, MWAC Executive Officer and CEO of RRG
This Group met on Wednesday, 16 November.
2. **DWER Regulatory Reference Group**
Representative: MWAC Executive Officer
This Group met on Thursday, 3 November.
3. **DWER FOGO Reference Group**
Representative: MWAC Executive Officer, SMRC, EMRC, WMRC,
This Group has not met since the previous MWAC Meeting.
4. **DWER Single-use Plastic Working Group**
Representative: MWAC Executive Officer
This Group has not met since the previous MWAC Meeting but is scheduled to meet on Thursday, 15 December.
5. **Australasian Packaging Label Working Group**
Representative: MWAC Executive Officer
This Group met on Wednesday, 30 November.
6. **Hazard Coordinating Committee**
Representative: MWAC Executive Officer
This Group has not met since the previous MWAC meeting.

7. Across Agency Asbestos Group

Representative: MWAC Executive Officer

This Group has not met since the previous MWAC meeting.

8. Waste Authority C&D Working Group

Representative: Waste Policy Advisor

This Group met on Thursday, 24 November.

9. Waste Management and Resource Recovery Association

Representative: MWAC Executive Officer, CEO of SMRC

This Group met on Thursday, 24 November.

10. Charitable Recyclers Australia

Representative: MWAC Executive Officer

This Group has not met since the previous MWAC meeting.

11. Keep Australia Beautiful Council

Representative: MWAC Executive Officer

This Group is scheduled to meet on Thursday, 8 December.

7 Other General Business

7.1 Non-metropolitan Waste and Environment Summit

- The Shire of Shark Bay, in the Gascoyne region, will host the 2023 Non-metropolitan Waste and Environment Summit.
- The Shire of Northam in the Wheatbelt region has submitted an expression of interest to host the Summit in 2024.

The meeting closed at 5.26pm.

8 Next Meeting

The next meeting of the Municipal Waste Advisory Council will be held online at 4:00pm on Wednesday, **22 February 2023**.

Waste to Energy Discussion Paper
April 2013



Waste to Energy Discussion Paper for Local Government

1. Status of this Paper

This Paper has been prepared by the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (the Association). MWAC is a standing committee of the Association with delegated authority to represent the Association in all matters relating to solid waste management. MWAC's membership includes the major Regional Councils (waste management), and a number of Local Governments. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate.

This Paper will be used to inform advocacy and communication on the topic of Waste to Energy.

2. Introduction

The following Discussion Paper is intended to provide guidance to Local Government on Waste to Energy technologies. It includes an overview of the available technology options, policy context and issues involving decisions on Waste to Energy. The Paper is not intended to be a detailed comparison of technologies or costs, but rather to assist Local Governments in taking a measured and evidenced-based approach to Waste to Energy technologies for the management of municipal solid waste. Under the *Waste Avoidance and Resource Recovery Act 2007*, Local Government has a defined responsibility for "Local Government waste." This includes wastes generated by households, and Local Government activities. As such, this Paper will not specifically address the treatment of other waste streams by Waste to Energy technologies, although other waste streams are mentioned in some of the examples provided.

There are a number of drivers that have led to the development of this Discussion Paper. Firstly, a number of private sector Waste to Energy companies are currently going through the required approval processes to construct and operate Waste to Energy facilities in Western Australia. In conjunction with this, various Local Governments have identified that these technologies could be used to advance the alternative treatment of waste within their boundaries. Finally, there has been a historical lack of policy guidance from the State Government on this issue. This is particularly concerning given the shortfall in resource recovery infrastructure required to meet the 2015 and 2020 targets of the State Waste Strategy¹.

It should be noted that the Review on Waste to Energy Technologies, commissioned by the WA Environmental Protection Authority (EPA) and Waste Authority, was released in April 2013². The findings of the Review have been used to provide advice the Environment Minister on the topic of Waste to Energy, under section 16(e) of the *Environmental Protection Act 1987*. The advice identifies the role of Waste to Energy facilities, as well as a number of recommendations that will be used to guide the uptake of this technology in Western Australia (refer to Appendix 1).

For Waste to Energy facilities it is important to consider the range of different contractual approaches that can be taken³. The type of contractual approach that a Local Government decides to take will influence the considerations a Local Government needs to make. Types of contract include:

- Local Government Own and Operate;

¹ DEC (24 October 2012). Strategic Waste Infrastructure Planning Information Session

² EPA and Waste Authority (2013). Environmental and Health Performance of Waste to Energy Technologies

³ MWAC (2009). Alternative Waste Treatment (AWT) Technology Position Paper

- Build Own Operate (BOO);
- Build Own Operate Transfer (BOOT);
- Design & Construct (D&C);
- Engineering Procurement Construction Management (EPCM);
- Alliance; and
- Joint Venture (incorporated or unincorporated).

3. Waste to Energy Technologies

3.1 What is Waste to Energy?

The term Waste to Energy, refers to a thermal treatment process in which waste materials are converted to energy. The energy is used to generate products such as heat and electricity. Other thermal technologies allow for the conversion of waste to fuels for use in the transport industry or to replace natural gas.

The broad benefits of Waste to Energy as a waste treatment option include:

- A reduction in the amount of material disposed in landfill;
- A reduction in the amount of emissions released from landfill;
- A robust market for any electricity produced; and
- A small reduction in the reliance on traditional energy sources such as coal.

The community concerns with Waste to Energy technologies include:

- Perceptions that these technologies are poor environmental performers that produce toxic emissions (including dioxins, persistent organic pollutants etc);
- Concerns there are no safe levels for emissions, coupled with distrust of monitoring measures;
- Concerns that the technology will be employed to treat toxic wastes;
- Concerns these technologies undermine recycling efforts;
- The substantial costs involved in building and operating facilities; and
- An unwillingness to have a waste treatment facility located near areas used by the public.

3.2 What are the different types of Waste to Energy Technologies?

There are two key technologies that fit within the definition of Waste to Energy; *Combustion* and *Other Thermal Treatments*. The majority of Waste to Energy technologies that use municipal waste as a feedstock, require the waste to undergo a pre-treatment phase. This can include reducing particle size, or removing recyclables and inert materials⁴ (refer to Section 4.2.1 for more information). Pre-treatment ensures a more consistent feedstock, and reduces some of the issues associated with 'tarring,' which can cause Waste to Energy facilities to experience blockages, inefficiencies and plant failures⁵.

1. Combustion^{6,7}

Description	This process involves thermally treating waste in the presence of oxygen at high temperatures, directly releasing the embedded energy in waste. Combustion temperatures are usually in excess of 800°C. Historically, this technology has been the most popular method of thermally treating waste.
Input	Pre-treated municipal waste.
Outputs	<ul style="list-style-type: none"> - Energy which can be used directly in systems requiring heat, or to generate steam for the production of electricity; - Bottom ash; and - Emissions.

⁴ Maunsell (2003). Alternatives to Landfill – Cost Structures and Related Issues

⁵ UK DEFRA (2013a). Energy From Waste. A Guide to the Debate

⁶ WSN Environmental Solutions (2005). Easy Guide to Waste Technologies

⁷ UK DEFRA (2013b). Incineration of Municipal Solid Waste

Types of systems in this category (Appendix 2)	<ul style="list-style-type: none"> - Fluidised bed combustion; - Moving grate combustion; - Fixed grate combustion; and - Rotary kiln.
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2. Other Thermal Treatment

Other types of thermal treatment include pyrolysis and gasification, where waste is thermally treated to generate secondary products such as gas, liquids and/or solids. These products can be used to supply the energy requirements of a range of applications⁸.

These types of thermal treatments are beginning to gain recognition as a means of managing the portions of the waste stream that have high calorific values, such as sewage sludge, agricultural wastes, timber, plastics, food waste, green waste, oily wastes, tyres and paper pulp⁹ (refer to Section 4.2.1).

Gasification¹⁰¹¹¹²¹³

Description	This process involves thermally treating waste with a reduced amount of oxygen at lower temperatures. Depending on the types of technology, this is normally above 600°C. This means the waste does not fully combust.
Input	Pre-treated municipal waste that has moisture, recyclables and inert materials removed.
Outputs	<ul style="list-style-type: none"> - Energy which can be used directly in systems requiring heat, or to generate steam for the production of electricity; - Synthesis gas (syngas) has a net calorific value in the order of 4-10MJ/Nm³* prior to 'clean up'; - Bottom ash; - Tar; and - Emissions.
Types of systems in this category (Appendix 2)	There are many variations to this technology; some include plasma gasification and slagging gasification.

* Natural gas has a much higher calorific value, at 38MJ/Nm³

Pyrolysis¹⁴¹⁵¹⁶¹⁷

Description	This process is carried out in an oxygen-free or low oxygen environment, at relatively low temperatures. Depending on the specific technology used, this can range from 300-850°C.
Input	Pre-treated municipal waste that has moisture, recyclables and inert materials removed.

⁸ UK DEFRA (2013c). Advanced Thermal Treatment of Municipal Solid Waste

⁹ WSN Environmental Solutions (2005). Easy Guide to Waste Technologies

¹⁰ UK DEFRA (2013c). Advanced Thermal Treatment of Municipal Solid Waste

¹¹ New Energy (2013). Technology

¹² UK DEFRA (2013a). Energy From Waste. A Guide to the Debate

¹³ Clean Energy Council (2005). Waste to Energy. A Guide for Local Authorities

¹⁴ WSN Environmental Solutions (2005). Easy Guide to Waste Technologies

¹⁵ Joseph, S. pers. comm. (2000). BioEnergy Systems and Technology

¹⁶ UK DEFRA (2013a). Energy From Waste. A Guide to the Debate

¹⁷ Baskar, Baskar, Ranjit and Dhillon (2012). Biomass Conversion. The Interface of Biotechnology, Chemistry and Materials Science

Outputs	<ul style="list-style-type: none"> - Energy which can be used directly in systems requiring heat, or to generate steam for the production of electricity. This technology creates less raw energy than the other processes; - Syngas which has a net calorific value in the order of 10-20MJ/Nm³ prior to 'clean up'. Syngas can be condensed to make oils and liquid fuels; - Bottom ash; - Char (can contain heavy metals); and - Emissions.
Types of systems in this category (Appendix 2)	There are a number of different pyrolysis applications, such as torrefaction and carbonisation.

4. Application

4.1 Where does Waste to Energy fit in the Waste Hierarchy?

There are a number of practical considerations that can greatly influence the final decision on which technology to employ to treat various wastes. These include the locations available to site a facility, markets for outputs, or the required capital¹⁸. However, it is important that decisions relating to the treatment of waste are made with a balance between the Sustainability Principles and the Waste Management Hierarchy.

Sustainability Principles are used in decision making to ensure that the economic, social and environmental considerations of any particular action are taken into account¹⁹.

The concept of the Waste Management Hierarchy ranks treatment options from the most to least environmentally desirable – with avoidance and minimisation of waste generation as the most desirable options and disposal as the least. In using the Hierarchy, it is important to have an understanding that the disposal options for some wastes are limited by their physical characteristics (e.g. clinical wastes).

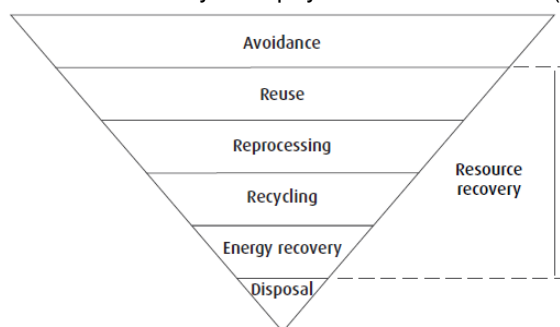


Figure 1: The Waste Management Hierarchy (EPA and Waste Authority, 2013).

In Western Australia, the place of Waste to Energy technologies within the Hierarchy is defined as “*resource recovery (including reuse, reprocessing, recycling and energy recovery)*” by the *Waste Avoidance and Resource Recovery Act 2007*. This is further expanded upon in the advice provided to the Environment Minister by the EPA and Waste Authority (Figure 1)²⁰; Recommendation 5: “*The Waste Hierarchy should be applied and only waste that does not have a viable recycling or reuse alternative should be used as feedstock. Conditions should be set to require monitoring and reporting of the waste material accepted over the life of a plant.*” It should be noted that, the 2015 and 2020 metropolitan municipal waste diversion targets of the State Waste Strategy are stated as 50% and 65% respectively²¹. To achieve these targets, there is a

¹⁸ Maunsell (2003). Alternatives to Landfill – Cost Structures and Related Issues

¹⁹ WA Department of Premier and Cabinet (2004). WA State Sustainability Strategy

²⁰ EPA and Waste Authority (2013). Environmental and Health Performance of Waste to Energy Technologies

²¹ Waste Authority (2012). Western Australian Waste Strategy: “*Creating the Right Environment*”

need for significant investment in resource recovery infrastructure that will form part of an integrated waste management system.

In Australia, other jurisdictions have also provided guidance on the use of Waste to Energy as part of the Waste Hierarchy. For example, the New South Wales EPA has released a Draft Policy Statement that explicitly addresses the place of thermal technology within the Hierarchy. This direction is also consistent with the policy direction provided in Europe, where residual waste from other resource recovery processes is considered appropriate for use in Waste to Energy plants²².

“The NSW Government considers energy recovery as a complementary waste management option for the residual waste produced from material recovery processes or source separated collection systems. In order to ensure energy recovery facilities do not receive as feedstocks, waste materials for which there is an existing higher order reuse opportunity, a resource recovery criteria has been developed for energy recovery facilities²³.”

4.2 What are the inputs and outputs for Waste to Energy?

The waste stream that is used in a Waste to Energy process, will determine the characteristics of the residuals and emissions that are generated as outputs.

4.2.1 Input: what do you put in?

It is imperative that Local Governments are aware of the composition and characteristics of the municipal waste that will be used in a Waste to Energy facility. The EPA and Waste Authority advice to the Environment Minister recommends that *“Waste to Energy proposals must characterise the expected waste feedstock and consideration made to its likely variability over the life of the proposal.”*²⁴ The calorific value and biogenic content (i.e. the component of materials originating from biological sources) of waste materials will affect the efficiency at which a facility can operate²⁵. In Europe, the calorific value of municipal waste that has not been processed is in the order of 8-11MJ/kg²⁶, whereas waste that has undergone a process to reduce particle size or remove moisture, recyclables and inert materials, is between 12-17MJ/kg²⁷. These figures are much lower than traditional fuels such as brown coal, which has a calorific value of 22MJ/kg²⁸. Figure 2 provides a comparison of the energy available in various wastes.

²² UK DEFRA (2012). Waste Incineration Directive

²³ NSW EPA (2013). Draft Policy Statement on Energy from Waste

²⁴ EPA and Waste Authority (2013). Environmental and Health Performance of Waste to Energy Technologies

²⁵ UK DEFRA (2013a). Energy From Waste. A Guide to the Debate

²⁶ UK DEFRA (2013b). Incineration of Municipal Solid Waste

²⁷ Castaldi, Nickolas, Themelis (2010). The Case for Increasing the Global Capacity for Waste to Energy (WTE). Waste Biomass Valorization

²⁸ Municipal Engineering Foundation of Victoria (2004). Future Directions in Alternative Waste Technologies

Waste to Energy Discussion Paper
April 2013

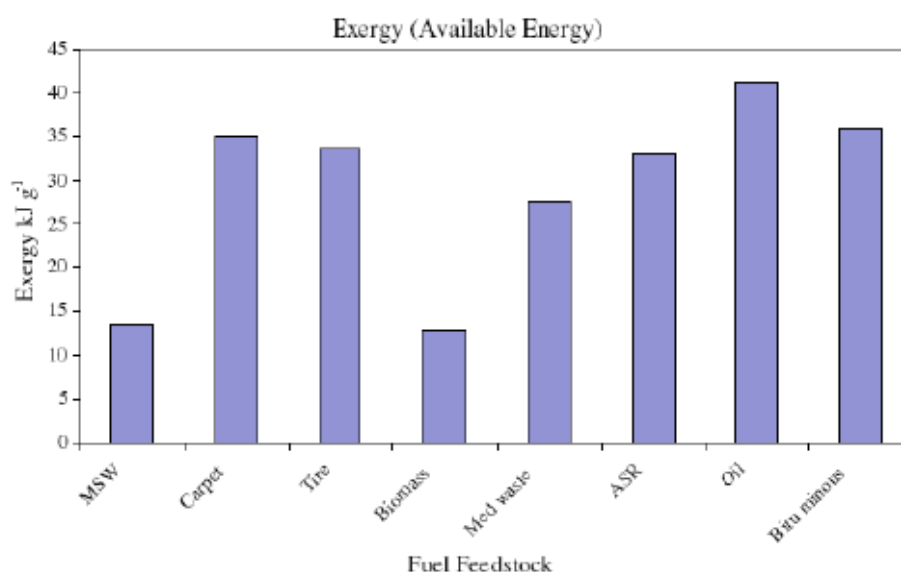


Figure 2. Available energy in several types of waste (Castaldi and Themelis 2010, Figure 10).
(Note: ASR is an acronym for Automotive Shredder Residues)

As previously discussed, Waste to Energy facilities can have the benefit of offsetting non-renewable energy sources such as coal. However, it should be noted that Waste to Energy facilities processing municipal waste in Europe, are only considered to generate partially renewable energy. This is due to the potential for materials containing fossilised carbon (for example, plastic) to enter into the treatment process²⁹. This is an important consideration for those developing facilities in Australia, given the current Government incentives and the projected linkage between the Australian and European Union Emissions Trading Schemes³⁰.

It is also important to take into consideration the likelihood of variation in the composition of waste over the life of the waste delivery contract for a facility. Recommendation 3 of the EPA and Waste Authority's advice to the Environment Minister states that "*Waste to Energy proposals must demonstrate that the waste to energy and pollution control technologies chosen are capable of handling and processing the expected waste feedstock and its variability on the scale being proposed. This should be demonstrated through reference to other plants using the same technologies and treating the same waste streams on a similar scale, which have been operating for more than twelve months.*"³¹

Local Governments considering Waste to Energy technologies need to be aware that Waste to Energy technologies are designed to operate within defined parameters. If the parameters are not met, it is impossible for the facility to function efficiently and generate the expected outputs. This can be overcome by designing contracts with provisions for the facility operators to source material from other avenues that can be mixed with municipal waste to bring the composition back within the required parameters for the Waste to Energy facility. Another important factor for Local Governments to take into account is that Waste to Energy technologies require energy to operate. Should a facility require more energy to operate than originally intended, the energy outputs will obviously be reduced (refer to section 4.2.2).

The following *hypothetical examples* explore some of the scenarios Local Governments may encounter, in the event the points discussed in the preceding paragraphs are not adequately addressed. There are a number of different contractual arrangements a Local Government can enter into, that can assist in mitigating these types of situations.

²⁹ UK DEFRA (2013b). Incineration of Municipal Solid Waste

³⁰ Department of Climate Change and Energy Efficiency (2012). Australia and European Commission Agree on Pathway Towards Fully Linking Emissions Trading Systems

³¹ EPA and Waste Authority (2013). Environmental and Health Performance of Waste to Energy Technologies

Example 1: Waste Composition Change

Over the life of a 20 year waste delivery contract to a Waste to Energy facility, the composition of waste gradually changes. This variation is due to changing demographics in the area, high density housing, less organic material and that residents are disposing of products that did not exist when the contract was initially agreed. The Local Government is in breach of its contractual agreement to supply waste of a certain composition, resulting in a loss of revenue from reduced energy outputs and fines for breach of contract.

Example 2: New Services

A Council resolves to introduce a three bin collection system (targeting organics) as an additional resource recovery measure to the pre-existing Waste to Energy facility. The Council is not aware that 15 years prior, the Council committed to supplying a set amount of waste to the facility annually. Introducing the third bin has a direct impact on the biogenic content and amount of material delivered to the Waste to Energy facility. This has resulted in poor performance of the plant, and a reduced capacity to secure carbon credits.

Example 3: Prolonged Facility Closure

A Waste to Energy facility experiences an unexpected technical issue with equipment that has been sourced from overseas. This results in significant down time, and closure of the facility. The Local Government supplying waste to the facility does not have a contingency plan in place to deal with the prolonged closure of the facility. The nearest available landfill that can take the material is over 100km away. Taking material this far afield causes delays to residential waste collection. The Local Government is anticipating it will have to pay high fees to send the material to landfill, as well as experiencing a loss of income from a lack of energy outputs. Additionally, there is a considerable amount of negative feedback from the public.

4.2.2 Output – what do you get out?

A key consideration in assessing the applicability of Waste to Energy technologies to the municipal waste stream is the overall efficiency of the various technologies. This is based on the amount of energy produced by a facility, net the energy required by the treatment process³². For example, a process that exports heat directly for use in another process is more efficient than a process that uses the heat to generate electricity. The following comments should only be considered as a general guide, as there are a range of technology variations that generate a variety of outputs.

As discussed in Section 4.2.1, the composition of the municipal waste that is supplied to a Waste to Energy facility can vary. This can influence how efficiently a facility operates. Using proven technology from the northern hemisphere in the southern hemisphere could result in different rates of efficiency and outputs, due to differing municipal waste feedstock characteristics, and a lack of customers requiring heat.

Electricity³³³⁴

The thermal treatment of waste is often used to generate electricity. This process involves using the heat from combusted waste materials to produce steam. The steam is used in a turbine to generate electricity. This traditional combustion system has efficiencies in the order of 15-27%. Electricity can also be generated from gasification technologies, but with less efficiency. This is due to the increased energy required to complete the process. However, it is possible to increase the rate of efficiency by also using syngas.

Heat³⁵

Heat from the combustion process is traditionally used to generate steam. Heat/gas generated from the combustion process, can also be used directly in processes and networks requiring these products. Combusting waste directly in a facility that requires heat has the potential to gain efficiencies in the order of 90%. An example of such a process, is a cement kiln. However, there can be significant challenges in getting this type of business to commit to operating for the life of the Waste to Energy facility.

³² UK DEFRA (2013a). Energy From Waste. A Guide to the Debate

³³ Castaldi, Nickolas, Themelis (2010). The Case for Increasing the Global Capacity for Waste to Energy (WTE). Waste Biomass Valorization

³⁴ UK DEFRA (2013a). Energy From Waste. A Guide to the Debate

³⁵ UK DEFRA (2013b). Incineration of Municipal Solid Waste

Combined Heat and Power³⁶

This process involves capturing and using the heat that is produced during the process of generating electricity. Employing this type of approach can result in efficiencies of over 40%, which is much higher than a facility designed to capitalise on heat prior to electricity production. However, in considering this approach an assessment of the value, demand and customer base for each of these outputs is required prior to designing a Waste to Energy facility.

Fuels³⁷

Syngas can also be processed for other uses such as a fuel directly in a gas turbine. There are a number of products that can be created from syngas that have applications in the transport industry. These include biomethane, hydrogen, ethanol, synthetic diesel and jet fuel. In determining which technology to employ, Local Governments need to be mindful that the processes required to purify syngas, depend on energy. This can affect the overall energy outputs of a facility.

There is a possibility that the pyrolysis oil generated from the Pyrolysis process could be used to make petrol and diesel. However, it is important to consider that the process required to make useful fuels with consistent properties is energy intensive.

Bottom Ash and Char³⁸³⁹⁴⁰

Bottom ash is defined as a residual output from the combustion process (it largely contains the non-combustible elements of the waste feedstock). In a traditional combustion process, the bottom ash is typically 20-30% of the original waste by weight, and 10% by volume. The volume of bottom ash is dependent on the technology employed, and the level of pre-treatment that occurs prior to combustion. As a result, Local Governments considering Waste to Energy technologies will need to consider what end use or method of disposal will be in place for the bottom ash. Recommendation 15 of the EPA and Waste Authority's advice to the Environment Minister states that "*bottom ash must be disposed of at an appropriate landfill unless approval has been granted to reuse this product.*"⁴¹ A reason for this, could be due to the limited markets for using this material in construction and civil engineering processes in Australia.

Slow pyrolysis technology can be used to produce bio-char that can be used to improve soils and sequester carbon.

Emissions⁴²⁴³

The emissions that a Waste to Energy facility generates, depends on the technology employed and the composition of material entering the facility. For unprocessed municipal waste, the composition can vary dramatically. Emissions can include sulphur dioxide, carbon monoxide, nitrogen oxide, hydrogen chloride, mercury, and particulates. As a result, the systems required to 'clean up' and monitor the emissions can be as much as 60% of a facility's cost (refer to Section 4.3.1 for more information).

4.3 Addressing Community Concerns

A key issue for Local Governments to address in considering employing Waste to Energy technologies is how to involve the community. History demonstrates that when a community is not engaged or adequately consulted in the decision making process for a Waste to Energy proposal, there can be a significant backlash (regardless of the merits of the project). Some of the reasons there can be such a strong reaction, stem from negative experiences with the early forms of Waste to Energy technologies in other parts of the world. Concerns can range from topics such as the health of residents, the amenity of an area, or property values. The following Sections detail some of the concerns raised by communities in response to various Waste to Energy proposals, and an overview of solutions.

³⁶ UK DEFRA (2013b). Incineration of Municipal Solid Waste

³⁷ UK DEFRA (2013c). Advanced Thermal Treatment of Municipal Solid Waste

³⁸ UK DEFRA (2013a). Energy From Waste. A Guide to the Debate

³⁹ WSP (5 December 2012). Presentation to WtE Industry Event in Perth, Australia

⁴⁰ Gaunt J. and Lehmann J. (2008). Energy Balance and Emissions Associated with Biochar Sequestration and Pyrolysis Energy Production

⁴¹ EPA and Waste Authority (2013). Environmental and Health Performance of Waste to Energy Technologies

⁴² MWAC (2009). Alternative Waste Treatment (AWT) Technology Position Paper

⁴³ Clean Energy Council (2005). Waste to Energy. A Guide for Local Authorities

4.3.1 Environmental / Health Impacts

There is often a perception by communities that Waste to Energy technologies are poor performers in the area of environmental health, releasing toxic emissions that cannot be captured or monitored. As such, it is important to demonstrate that significant efforts are directed at establishing internationally recognised processes that either avoid or capture and treat emissions. Additionally, it is important to explain that these processes are regulated and monitored. Showing live time emissions monitoring, via a website, can be one method of achieving this⁴⁴⁴⁵.

It is also important that communities are made aware of the types of waste that will be treated in a proposed facility. It would appear that facilities recovering resources from uniform, non-hazardous wastes are more likely to gain acceptance than facilities used to treat materials such as Schedule X Pesticides.

As discussed in Section 2, the WA State Government has released its advice to the Environment Minister on Waste to Energy Technologies⁴⁶. This advice identifies that the regulatory framework established by the *Environmental Protection Act 1987* is sufficient to “*minimise and manage the environmental and health risks associated with Waste to Energy plants in Western Australia.*” Some of these regulatory measures include an environmental impact assessment, works approval, licence and supporting conditions. It is important to understand that the advice to the Environment Minister, recommends how the regulatory framework should be applied, and “*provides the basis for the EPA’s assessment of current and future proposals*”. For example, recommendation 8 requires that “*... waste to energy plants should be required to use best practice technologies and processes. Best practice technologies should, as a minimum and under both steady state and non-steady state operating conditions, meet the equivalent of the emissions standards set in the European Union’s Waste Incineration Directive.*” There are a number of other recommendations that outline the type of monitoring regimes that are to occur, as well as the information required by proponents of Waste to Energy facilities from the EPA for the approvals process.

4.3.2 Long Term Supply Contracts – “Feeding the Beast”

Another issue Local Governments need to address is that long term waste supply contracts can be seen by communities as a disincentive to recycle or recover resources. As discussed in the UK Governments Paper on *Incineration of Municipal Solid Waste*⁴⁷, Waste to Energy technologies need to support, not compete with efforts to recycle resources. Section 4.2.1 of this Discussion Paper explores the need for Local Governments to embrace a degree of flexibility in establishing long term supply agreements, to ensure that future initiatives to decrease waste generation and increase recycling are not compromised. Clear legislative settings from the State Government are needed to ensure the community is assured that although Waste to Energy technologies can be a solution for managing waste, it is not the only solution and should form part of an integrated approach to waste management.

5. Case Studies

This section is intended to provide information on how Waste to Energy technologies have been used in Australia, and is chiefly sourced from the Clean Energy Council of Australia⁴⁸. It should be noted, that there is very little information available on combustion, gasification or pyrolysis facilities that are using municipal waste as a feedstock (refer to Appendix 3 for the indicative processing costs of various Alternative Waste Treatment facilities).

⁴⁴ Montgomery County, Maryland. www.montgomerycountymd.gov

⁴⁵ EPA and Waste Authority (2013). Environmental and Health Performance of Waste to Energy Technologies

⁴⁶ EPA and Waste Authority (2013). Environmental and Health Performance of Waste to Energy Technologies

⁴⁷ UK DEFRA (2013b). Incineration of Municipal Solid Waste

⁴⁸ Clean Energy Council (2013). Case Studies

Green Waste Processing Plant: Stapylton, QLD

Description	This facility is located within an area zoned heavy industrial land. The technology used is a Fluidised Bed Combustion system, and has a capacity of 5MW.
Owner	Green Pacific Energy.
Operator	TechComm Simulation.
Capital Costs	\$12 million (including costs for planned extensions). The funding mechanism is not readily available information.
Input	Non-native wood waste, branches and tree trimmings.
Outputs	The plant produces electricity (via steam), which is sold to Energy Australia under a long-term power purchase agreement. The plant is connected to the local Energex distribution grid. This facility saves approximately 30,000 tonnes of Green House Gas emissions annually.

Macadamia Nut Power Plant: Gympie, QLD

Description	This facility is located at the <i>Suncoast Gold Macadamias</i> processing site. The plant uses waste macadamia shells as fuel to generate steam for the production process. Remaining steam is then used to generate power for export to the grid and has a capacity of 1.5MW.
Owner	AGL Energy Services (Queensland).
Operator	Ergon Energy.
Capital Costs	\$3 million. The funding mechanism is not readily available information.
Input	Approximately 5,000 tonnes of waste macadamia nut shells annually.
Outputs	The plant produces electricity (via steam). The plant is connected to the local Energex distribution grid.

Visy Pulp and Paper Mill: Tumut, NSW⁴⁹

Description	The Paper Mill uses a mixture of plantation pine and waste paper to produce unbleached kraft pulp and brown paper. A fluidised bed combustion system turns residual waste from manufacturing operations into energy, which assists in providing the energy requirements of the Mill. This facility has a capacity of 20MW.
Owner	Visy Paper.
Costs	In total, investment has been nearly \$1 billion. The funding mechanism is not readily available information.
Input	Approximately 240,000 tonnes of renewable bio-mass fuels such as bark, woodwaste and black liquor (a residue from the pulping process) are supplied to the facility annually.
Outputs	The plant produces electricity (via steam).

⁴⁹ Visy Paper (2013). Tumut Kraft Mill

6. Conclusion

Waste to Energy technologies have a role to play as part of an integrated waste management system that has due regard for the Waste Management Hierarchy and Sustainability Principles. The process of selecting a Waste to Energy technology, needs to include a number of elements, such as robust economic modelling, variation to waste inputs and outputs, as well as markets for all outputs for the duration of a facility's life. In order to address community concerns and technical challenges, a strong legislative framework is required from the State Government, to guide the use and regulation of this technology in Western Australia. The recommendations of the EPA and Waste Authority are included in Appendix 1.

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Waste to Energy Discussion Paper
April 2013

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Legislation

Waste Avoidance and Resource Recovery Act 2007

Environmental Protection Act 1987

Appendix 1: for discussion by MWAC**Checklist of the Recommendations from the EPA and the Waste Authority's advice to the Environment Minister: *Environmental and Health Performance of Waste to Energy Technologies* (released April 2013)**

Conclusions and Recommendations		MWAC response
Con. 1	Waste to energy plants have the potential to offer an alternative to landfill for the disposal of non-recyclable wastes, with the additional benefit of the immediate capture of stored energy.	Agree – MWAC notes that landfills still have a place in waste management.
Con. 2	It has been demonstrated internationally that modern waste to energy plants can operate within strict emissions standards with acceptable environmental and health impacts to the community when a plant is well designed and operated using best practice technologies and processes.	Agree
Rec. 1	Given the likely community perception and concern about waste to energy plants, a highly precautionary approach to the introduction of waste to energy plants is recommended.	Agree – MWAC suggests that a legislative framework for the use of Waste to Energy Plans is needed. The State Government also has a role to play in addressing community perceptions about the use of this technology.
Rec. 2	As part of the environmental assessment and approval, proposals must address the full waste to energy cycle - from accepting and handling waste to disposing of by-products, not just the processing of waste into energy.	Agree.
Rec. 3	Waste to energy proposals must demonstrate that the waste to energy and pollution control technologies chosen are capable of handling and processing the expected waste feedstock and its variability on the scale being proposed. This should be demonstrated through reference to other plants using the same technologies and treating the same waste streams on a similar scale, which have been operating for more than twelve months.	Agree – however, note that feedstock is likely to vary between nations.
Rec. 4	Waste to energy proposals must characterise the expected waste feedstock and consideration made to its likely variability over the life of the proposal.	Agree.
Rec. 5	The waste hierarchy should be applied and only waste that does not have a viable recycling or reuse alternative should be used as feedstock. Conditions should be set to require monitoring and reporting of the waste material accepted over the life of a plant.	MWAC strongly supports this recommendation. However notes that a triple bottom line approach should also be taken in decision making in this area.
Rec. 6	Waste to Energy operators should not rely on a single residual waste stream over the longer term because it may undermine future recovery options.	Agree – but question the ability of the EPA to enforce.
Rec. 7	Regulatory controls should be set on the profile of waste that can be treated at a waste to energy plant. Plants must not process hazardous waste.	Agree – and request information on the waste profile.
Rec. 8	In order to minimise the discharge of pollutants, and risks to human health and the environment, waste to energy plants should be required to use best practice technologies and processes. Best practice technologies should, as	Agree – however need to ensure that there is clear guidance in WA for operators.

	a minimum and under both steady state and non-steady state operating conditions, meet the equivalent of the emissions standards set in the European Union's Waste Incineration Directive (2000/76/EC).	
Rec. 9	Pollution control equipment must be capable of meeting emissions standards during non-standard operations.	Agree.
Rec. 10	Continuous Emissions Monitoring must be applied where the technology is feasible to do so (e.g. particulates, TOC, HCl, HF, SO ₂ , NO _x , CO). Non-continuous air emission monitoring shall occur for other pollutants (e.g. heavy metals, dioxins and furans) and should be more frequent during the initial operation of the plant (minimum of two years after receipt of Certificate of Practical Completion). This monitoring should capture seasonal variability in waste feedstock and characteristics. Monitoring frequency of non-continuously monitored parameters may be reduced once there is evidence that emissions standards are being consistently met.	Agree. MWAC suggests that monitoring requirements during the initial stages of the project should be more prescriptive.
Rec. 11	Background levels of pollutants at sensitive receptors should be determined for the Environmental Impact Assessment process and used in air dispersion modelling. This modelling should include an assessment of the worst, best and most likely case air emissions using appropriate air dispersion modelling techniques to enable comparison of the predicted air quality against the appropriate air quality standards. Background monitoring should continue periodically after commencement of operation.	Agree.
Rec. 12	To address community concerns, proponents should document in detail how dioxin and furan emissions will be minimised through process controls, air pollution control equipment and during non-standard operating conditions.	Agree.
Rec. 13	Proposals must demonstrate that odour emissions can be effectively managed during both operation and shut-down of the plant.	Agree – MWAC suggests that requirements for odour monitoring be more prescriptive.
Rec. 14	All air pollution control residues must be characterised and disposed of to an appropriate waste facility according to that characterisation.	Agree.
Rec. 15	Bottom ash must be disposed of at an appropriate landfill unless approval has been granted to reuse this product.	Agree – MWAC suggests that the type of landfill appropriate for disposal be clearly identified.
Rec. 16	Any proposed use of process bottom ash must demonstrate the health and environmental safety and integrity of a proposed use, through characterisation of the ash and leachate testing of the by-product. This should include consideration of manufactured nanoparticles.	Agree
Rec. 17	Long term use and disposal of any by-product must be considered in determining the acceptability of the proposed use.	Agree.
Rec. 18	Standards should be set which specify the permitted composition of ash for further use.	Agree – but request information on the standards.
Rec. 19	Regular composition testing of the by-products must occur to ensure that the waste is treated appropriately. Waste by-products must be tested	Agree – but need to ensure that the variability of existing feedstock is taken into account.

	whenever a new waste input is introduced.	
Rec. 20	Waste to energy plants must be sited in appropriate current or future industrial zoned areas with adequate buffer distances to sensitive receptors. Buffer integrity should be maintained over the life of the plant.	Agree – However, MWAC believes that steps must be taken to ensure the integrity of the buffers for these plants.
Rec. 21	For a waste to energy plant to be considered an energy recovery facility, a proposal must demonstrate that it can meet the R1 Efficiency Indicator as defined in WID.	Agree – however this will be determined by the feedstock.

Appendix 2**Description of design variations for Waste to Energy technologies**

Fluidised bed combustion: this technology involves feeding fragmented fuel particles onto a bed of coarse sand particles in a combustion chamber. Air (or oxygen) passes up through holes in the bed⁵⁰. The velocity of the air is controlled so that the particles are fluidised in the air above the bed, resulting in a transfer of energy (heat). The air velocity is influenced by the size of the fuel particles, density and pressure drop across the bed. If the air velocity increases, the bed can become turbulent, and begin to circulate⁵¹. This approach can be utilised in both atmospheric and pressurised systems⁵². In summary, designs include:

- Bubbling Fluidized Bed Combustion; and
- Circulating Fluidized Bed Combustion.

Moving grate combustion: this process has a grate/s that continually moves waste through a combustion chamber, and discharges bottom ash at the end of the process. There are a number of different design types within this category. These include:

- Forward reciprocating;
- Reverse reciprocating;
- Roller; and
- Horizontal.

Fixed grate combustion: this process consists of a series of fixed grates for each stage of the process (i.e. drying, combustion and burn-out), with the waste mechanically moved through each stage⁵³.

Rotary kiln: this type of technology covers a range of facilities, from those that completely rotate the waste through the kiln to others that function in an oscillating motion⁵⁴.

⁵⁰ Baskar, Baskar, Ranjit and Dhillon (2012). Biomass Conversion. The Interface of Biotechnology, Chemistry and Materials Science

⁵¹ Baskar, Baskar, Ranjit and Dhillon (2012). Biomass Conversion. The Interface of Biotechnology, Chemistry and Materials Science

⁵² US Department of Energy (2013). Combustion - Fluidized-Bed Combustion.

⁵³ UK DEFRA (2013b). Incineration of Municipal Solid Waste

⁵⁴ UK DEFRA (2013b). Incineration of Municipal Solid Waste

Appendix 3**Indicative Comparison of Various Alternative Waste Treatment (AWT) Processing Costs⁵⁵**

The following table is intended to provide *indicative* processing fees for various types of AWT facilities. In viewing these figures, it is important to have an understanding that the costs largely depend on the specific technology used, and the contractual arrangements that are in place for supplying material to the facilities (refer to Section 2).

Technology	Processing fee (\$AUD)	Number of Facilities
MBT	180+	200+
Anaerobic Digestion	200+	100+
Organic Compost	70+	1000+
Dry Recycling	50+	5,000+
Energy-from-Waste	250+	1,000+
Processed Engineered Fuel / SRF	150+	500+
Gasification ¹	500+	<10
Pyrolysis ²	-	0
Biochar ³	-	0

¹ \$1 billion investment written off 1995-2005. In Japan the gate fee is \$500 p/t.

² \$1 billion investment written off.

³ Commercially unproven.

⁵⁵ WMAA (2011). Issue 41, Inside Waste. Procuring Sustainable Advanced Resource Recovery Technologies for Councils

Submission on the NSW Environment Protection Authority's Driving NSW's circular economy: Discussion paper on enhancing the NSW Container Deposit Scheme

December 2022

Status of this Submission

This Submission has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA). MWAC is a standing committee of WALGA, with delegated authority to represent the Association in all matters relating to solid waste management. MWAC's membership includes the major Regional Councils (waste management) as well as a number of Local Government representatives. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate.

This Submission therefore represents the consolidated view of Western Australian Local Government. However, individual Local Governments and Regional Councils may have views that differ from the positions taken here.

MWAC will consider this submission at the next meeting on Wednesday, 14 December 2022.

Introduction

WALGA welcomes the opportunity to comment on [Driving NSW's circular economy: Discussion paper on enhancing the NSW Container Deposit Scheme](#).

Since its introduction in 2017, the NSW Container Deposit Scheme, known as Return and Earn, has contributed to significant litter reduction across the state, raised recycling rates and delivered more than \$1 billion in refunds to the community.

The NSW Environmental Protection Authority (EPA) is seeking feedback from community, industry and government sectors on proposed expansion of the scheme.

The *Driving the NSW Circular Economy discussion paper* examined four options to expand the Return and Earn scheme in order to deliver further benefits to the community.

These were:

1. Glass only expansion of the Scheme
2. Comprehensive expansion of the Scheme to capture a broad range of additional beverage containers
3. Comprehensive expansion of the Scheme to capture a broad range of additional beverage containers plus plain milk containers
4. Dedicated kerbside glass bin.

While all options were found to deliver a net benefit, the preferred option identified (Option 2) proposes the expansion of the Scheme through the inclusion of a broad range of additional beverage container types.

South Australia undertook a consultation process, between 2019 and 2021, to gauge community and industry feedback on proposed changes to the state's Container Deposit Scheme. This consultation showed broad support for expanding the range of beverage containers included in the SA Scheme.

Queensland's government announced in November 2022 it will soon seek feedback on expanding its Scheme to include glass wine and spirit bottles at a minimum.

WALGA acknowledges the significant environmental and community benefits provided by individual schemes since their inceptions, and that the reviews present an opportunity for aligning the scope of containers across states to assist in developing consistent national frameworks and messaging. WALGA's [Policy Statement on Container Deposit Schemes](#) has been used as a basis for this Submission. In particular these criteria have been used to assess whether there is benefit in including these materials in the Scheme:

- a) *Does the material or container type cause significant environmental or social impacts?*
- b) *Does the material or container type cause significant costs for waste processors?*
- c) *Does the material or container type have unrealised potential for recycling / resource recovery?*
- d) *Is the material or container type likely to be disposed of illegally?*
- e) *Does the material or container type cause significant community concern?*
- f) *Is there an alternative system in place to recover the material or container type effectively?*

This Submission provides feedback on the proposed scope and type of materials to be included in an expanded Return and Earn Scheme.

Comments

The expansion of the Return and Earn scheme proposes the inclusion of glass wine and spirit bottles, cordial and concentrated fruit juice containers, alongside increased size limits for beverages already included in the Scheme.

The changes are estimated to add an additional 417 million containers to the scheme each year. Plain milk containers and health tonics are proposed to remain excluded. The proposed changes for each container type are outlined in Table 1.

Do you support an expansion in scope of containers included in the NSW Scheme?

The expansion in scope of containers in the NSW scheme will deliver a range of benefits including increased diversion of glass from kerbside recycling bins leading to cleaner streams of separated material for processing, further reduction of litter and clearer messaging surrounding eligibility.

Do you support the proposed containers that would be included in an expanded scope?

The inclusion of glass wine and spirit bottles, cordial and concentrated juice containers and increase in size of currently accepted containers is supported, as these changes will reduce community confusion around accepted items and potentially provide more incentive to participate at both household and commercial level.

The Discussion Paper outlines the continued exclusion of plain milk and alternative milk containers from an expanded Scheme on the basis these are already effectively recovered

through the kerbside system, are a staple item in households (including low-income) and are not considered a high-volume litter item.

WALGA acknowledges these points, however, based on an assessment against the criteria included in the WALGA Policy Statement, would support the inclusion of these materials in an expanded scheme in order to recover higher rates of quality materials and provide further incentive for householders to divert these materials from landfill, particularly in areas where kerbside recycling may not be accessible.

Inclusion of plain milk and milk alternative containers also has the potential to increase commercial participation in the scheme, through the high volume of container types used by the hospitality sector.

Consultation feedback from South Australia conducted in 2021 has indicated a high level of interest in including milk containers in an expanded Scheme, with only 12% of respondents in favour of continuing to exclude plain milk containers.¹

Table 1: A summary of the current and proposed container types

Beverage type	Accepted in current scheme	Proposed inclusions	WALGA Comment
Wine and spirits	Wine and spirits in plastic containers from 150ml to 3L Wine sachets (plastic and/or foil) 150ml – 250ml Wine in aseptic packs 150ml – 1L	Wine and spirits in glass containers from 150ml to 3L Wine sachets (plastic and/or foil) 250ml – 3L Wine in aseptic packs 1L – 3L	Support
Fruit and vegetable juice	All container types 150ml – 1L	All container types 1L-3L	Support
Flavoured milk	All container types 150ml – 1L	All container types 1L – 3L	Support
Concentrated fruit and vegetable juice (intended for dilution)	Not accepted	All container types 150ml-3L	Support
Cordial (undiluted)	Not accepted	All material types 150ml – 3L	Support
Flavoured alcoholic beverages with a wine base	Aseptic packs 150ml – 1L	Aseptic packs 1L – 3L	Support
Plain milk and milk substitutes	Not accepted	Not accepted	Suggest including in the Scheme
Registered health tonics	Not accepted	Not accepted	Support

¹ [Improving South Australia's Recycling makes cents – Consultation summary report](#)

Discussion Paper: Environmental Regulation Reform

**A strategic review of regulatory
delivery and fees for industry
regulation**

WALGA Submission

November 2022

Submission on Environmental Regulation Reform

Discussion Paper

1. About WALGA

The Western Australian Local Government Association (WALGA) is the peak industry body for Local Government in Western Australia. WALGA is an independent, membership-based organisation representing and supporting the work and interests of 137 mainland Local Governments in Western Australia plus the Indian Ocean Territories of Christmas Island and Cocos (Keeling) Islands.

WALGA provides an essential voice for approximately 1,222 Elected Members, 23,000 Local Government employees and the 2.6 million constituents that they serve and represent. WALGA also provides professional advice and services to Local Governments.

WALGA vision is for agile and inclusive Local Governments that enhance community wellbeing and enable economic prosperity.

2. Summary and General Comments

WALGA appreciates the opportunity to provide feedback on the Department of Water and Environmental Regulation (DWER) *Environmental Regulation Reform: A Strategic Review of Regulatory Delivery and Fees for Industry Regulation* [Discussion Paper](#). WALGA has consulted with Local Governments in developing this Submission.

Local Governments have significant interaction with the *Environmental Protection Act 1986* in relation to their land use planning responsibilities, as regulators, in providing services to their communities and as land owners and managers. WALGA has a longstanding commitment to reforms that improve the efficiency and effectiveness of environmental regulation in Western Australia. WALGA is a member of the DWER Regulatory Reform Reference Group, the Environmental Protection Authority (EPA) Stakeholder Reference Group, Water Resources Reform Reference Group and the Local Government Roadside Clearing Regulation Working Group.

WALGA's [Submission](#) on the *Modernising the Environmental Protection Act Discussion Paper* and Exposure Draft Bill supported changes to the licencing system, in particular the licencing of the prescribed activity rather than the prescribed premises. In its Submission WALGA noted that consequential changes to Schedule 1 of the EP Act regulations could have a significant impact on Local Government, particular in relation to landfill classifications. WALGA also recommended that guidelines or standards for each category of activity in Schedule 1 need to be developed in consultation with industry to provide certainty regarding the requirements for their type of prescribed activity and to ensure a transparent approach to how DWER will assess different facilities.

The key impacts for Local Government, as a service provider, are on the 91 Local Governments and Regional Councils which operate 150 licensed facilities, which are currently licensed or regulated under Schedule 1 of the *Environmental Protection Act 1986* (EP Act). For Local Government as a regulator, the impact are less certain and will depend on the scope of reforms and how they are regulated, resourced and enforced. Table 1 provides a summary of WALGA's comments in relation to the proposed reforms.

This Submission provides high-level feedback on the reform concepts. Section 3 identifies the key issues from the Discussion Paper. Section 4 identifies the potential impacts on Local Government and Regional Councils of the proposed reforms and provides some

examples of what the reforms could mean. Section 5 specifically answers the questions posed by the Department in the Discussion Paper.

As the Discussion Paper focuses on concepts, further work is needed to ensure that the on-ground impacts of the reforms/proposed regulations are fully understood. DWER acknowledges this and has indicated that there will be further engagement sessions regarding the detailed implementation of these concepts.

Table 1: Summary of WALGA's comments on the proposed reforms

Reform Proposal	WALGA Comment
1. A hierarchy of regulatory control and oversight will be adopted for activities regulated under Part V of the <i>Environmental Protection Act 1986</i> (EP Act).	Support This approach is taking a risk-based approach to regulation and aligns with the broader Streamline WA approach.
2. The level of regulatory control and oversight will be commensurate to the complexity and potential risk posed by an activity.	Support Additional considerations which would impact risk rating and consequent regulatory oversight include, avoidance of the Waste Levy, industries impacted by the recyclable material export bans and the 'fit and proper person' test for those operating facilities.
3. The greater use of regulations to prescribe approaches on an activity basis or set prescribed standards or conditions.	Conditional Support A range of different approaches is suggested in the Discussion Paper, including standardised licences. Further detailed work would be required to understand application and impact.
4. Environmental Performance Objectives will be adopted.	Conditional Support Further detailed work would be required to understand application and impact.
5. Driving Environmental Performance Objectives adoption through development of appropriate guidelines.	
6. Activities are regulated by the most appropriate agency.	Support Reduce duplication of licencing requirement. Additional considerations, ensuring that waste minimisation considerations are included with the same emphasis if regulated by an agency other than DWER.
7. Support common application and supporting information across regulatory agencies.	Support
8. Activities not currently subject to direct regulatory control under the EP Act will be subject to control where the risk warrants it.	Conditional Support Further investigation is required to determine how greenhouse gases would be included. There is potential support from the sector for DWER taking a greater regulatory role in relation intensive animal industries.
9. The use of approved waste-derived products will be removed from the scope of Schedule 1.	Support

Fee Structure	
1. Fee model similar to current approach.	Further discussion required <ul style="list-style-type: none"> The objectives for the fee structure need to be clearly articulated, currently there are 9 principles identified. Any cost recovery must be predicated on an effective and efficient regulatory process. Local Government provides services on behalf of the community, often in situations where there are no other service providers, this public good element needs to be incorporated into fee considerations. Consideration of other economic and policy instruments already in place, such as the Waste Levy and Strategy.
2. Pure cost recovery model.	
3. Cost recovery/'polluter pays' hybrid model.	
4. Cost recovery model – deferring assessment costs.	

3. Key Issues from the Discussion Paper

The Discussion Paper is a high-level document which focuses on seeking feedback on the key reform concepts and approaches to regulation of licensed activities and the associated fee structure. Whole of Government reforms ([Streamline WA](#) and [Digital Strategy for WA](#)) provide a broader context for some of the proposals which are included.

The key concepts from the Discussion Paper include:

- Taking a risk-based approach to the degree of regulatory oversight:** high risk activities would be licensed, low risk activities would be regulated in another way. For example a small non-metropolitan landfill would be regulated using industry specific regulations, which could be an update of the current *Environmental Protection (Rural Landfill) Regulations 2002*.
- Consolidating the categories under Schedule 1 of the *Environmental Protection Regulations 1987* from the current 93 to 6:**
 - Energy and combustion activities
 - Intensive livestock keeping, animal and plant product processing
 - Manufacturing activities
 - Mineral production and processing
 - Resource recovery, waste treatment and disposal
 - Transport and maritime services.
- Consistent regulation by the most appropriate agency:** This would mean a consistent application process and remove the need for multiple licences for the same activity. This may have implications for Local Government in relation to the re-use of wastewater, which is potentially regulated by DWER and Department of Health.
- Expansion of some areas of the *Environmental Protection Act 1986 (EP Act) Regulations*:** Some suggested areas for expansion include the addition of intensive animal industries and greenhouse gas emissions. Local Governments, particularly in the peri-urban may benefit from greater regulation of intensive animal industries. The scope and implications of including greenhouse gas emissions needs more consideration.

- **Excluding approved Waste Derived Materials applied to land from Schedule 1 of the EP Act Regulations:** This is in line with, and necessary for, the development of the Waste Derived Materials Framework that the Department has previously consulted on. This change would allow for the use of material such as Food Organics and Garden Organics (FOGO) derived compost and recycled Construction and Demolition (C&D) materials.
- **Review of the fee structure:** The Discussion Paper outlined four (4) options for a fee structure, all based on some degree of cost recovery. Further modelling of each approach is required to make clear the implications of the different options.

4. Impacts on Local Government

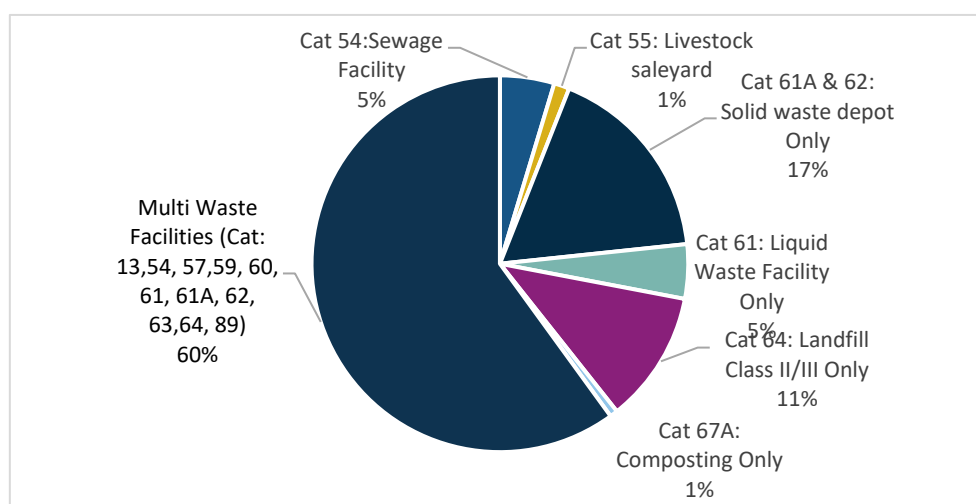
4.1. As a Service Provider

Local Government requires clear guidance and regulatory oversight to ensure that the facilities it operates, or activities it undertakes, will be in line with the regulations. Currently, the majority of Local Government sites are licensed (rather than regulated). Licensed sites, regardless of size, currently have a range of reporting and regulatory requirements. The reforms proposed have the potential to reduce the reporting and regulatory burden on the sector if facilities no longer require a licence and are instead regulated using different regulatory instruments. Table 2 provides some examples, based on current licensing of Local Government activities, of what the regulatory framework could look like.

The *Waste Avoidance and Resource Recovery Act 2007*, allows for Local Government to contract out waste management activities. Local Government may outsource these activities for a range of reasons. In some circumstances Local Governments contract out the running of premises, for example, a landfill or transfer station is contracted to a private company to operate. In other circumstances, Local Governments may contract out a service entirely – with a private company collecting, processing and disposing of waste. In considering the reforms, Local Government also needs to be cognisant of the impact of these reforms on any services that are currently contracted out.

Figure 1 illustrates the composition of the 150 licences that Local Governments and Regional Councils currently hold under Schedule 1 of the EP Act Regulations. The majority of facilities are solid waste management related (89%), with the other categories being Sewage Facilities (5%), Liquid waste facilities (5%) and Livestock sale yards (1%).

Figure 1: Local Government and Regional Council licenced facilities



4.2. As a Regulator

Local Government has responsibilities under the *Public Health Act 2016* (Public Health Act), with Local Government Environmental Health Officers (EHOs) playing a key role in administering the Public Health Act and Regulations. WALGA's [Submission](#) to the Department of Health on the management of public health risks offensive trades in WA identified:

The existing Offensive Trades provisions were developed to capture situations prior to the current planning and environmental controls that are in place. Planning legislation has advanced so that it can potentially capture and restrict development when required in relation to offensive trades. It also seems more appropriate now for large-scale activities to be captured under the Department of Water and Environment Regulation (DWER) licensing legislation, as they are likely to have more significant environmental impacts than public health impacts.

The new Public Health Act 2016 creates a General Public Health Duty, and this is likely to be sufficient in situations where a public health risk is identified. The main problem with these activities are more likely to be an amenity or nuisance problem (eg: noise, dust, light or smell) rather than a specific health issue. It should be noted that if any complaints are received in relation to these activities, they will be investigated by Local Governments regardless of whether it was classified as an Offensive Trade premises or not.

For Local Government as a regulator then, clear guidance on how facilities should be operating the required outcome is essential. It has been clearly identified, by those currently undertaking regulatory activities for Local Government, such as Environmental Health Officers, that the reforms should not result in a shifting of regulatory responsibility to Local Government. Part of the outcome of the reforms should be a greater level of on-ground compliance activities to ensure human health and the environment are protected.

Local Government also has a regulatory role relating to the Planning system, which can interact with the EP Act. The *WALGA Local Government Town Planning Standard Development Conditions Guidelines* states:

A condition which duplicates controls under separate legislation would not normally be necessary and may not fulfil a planning purpose. However where other controls are unavailable, a condition may be needed to address the land use effects of the proposed development. For example, a condition would not normally be appropriate to control the level of emissions from a proposed development where these are subject to control under the Environmental Protection Act 1986 (WA). However the condition may be necessary to address the effect of the emissions on land use which are not controlled by the Environmental Protection Act 1986 (WA) (e.g. conditions that require separation distances). On the other hand, a development condition that conflicts with other controls may be considered ultra vires and therefore, found to be invalid.

It is noted that, based on the approach proposed Discussion Paper, DWER is not seeking to remove regulatory control but to ensure that the mechanism used is appropriate to the risk of the activity. Therefore, the activity would still be subject to control under the EP Act but it may be under a regulation, rather than a licence.

The Discussion Paper identifies a range of potential regulatory instruments which could be used to regulate activities, commensurate to the facility risks. These include:

- Licences - continue to be used for high-risk facilities.
- Standardised Licences, including standard risk assessments - used for activities that have well characterised risks associated with emissions and discharges.
- General Emissions Regulations - The General Emissions Regulations would prescribe certain activities or classes of activities and require preparation of an environmental management plan (EMP) before the activity can be carried out. Periodic reporting to ensure adherence to the EMP may be required.
- Industry Specific Regulations - can regulate operation and activities that are capable of causing pollution or environmental harm – require the use of certain approaches/equipment. For example, *Environmental Protection (Rural Landfill) Regulations 2002*.
- Standard Prescribed Conditions Regulations - could be used to prescribe Better Practice Standards and approaches for a range of facility types.
- Environmental Performance Objectives (EPOs) - more focused on emissions and discharges and industry specific approaches. They would set the performance standard that must be achieved through the development of guidelines to drive industry adoption of EPOs.
- Better Practice Guidelines - currently this is not strictly a regulatory tool, unless the Guidelines are embedded as a requirement in a licence (as the Asbestos Guidelines were for Construction & Demolition Facilities).

Table 2 identifies some of the potential advantages and disadvantages of the various regulatory approaches. Table 3 identifies the potential changes to the type of regulatory instrument which could be used for Local Government facilities currently regulated under the EP Act.

All of the regulatory options, aside from licencing, require the development of resources, either better practice, new/updated regulations or other types of guidelines. The Compost Better Practice Guidelines have been, in one form or another, in progress since 2016. A final document is anticipated in 2022-23 and facilities will be encouraged to meet Better Practice through a Waste Authority funding program.

To date the Department has not been able to calibrate a risk-based approach. WALGA and Local Government worked with Department in 2015-2017 to develop Environmental Standards for Small Rural Landfills. From the work on this, WALGA understands the challenges to finding and agreeing parameters in relation to environment risk.

Table 2: Advantages and disadvantages of different regulatory approaches

Regulator Approach	Advantages	Disadvantages
Licences	Known approach and structure	<p>Inefficient for smaller scale and low risk activities</p> <p>Cost, application and reporting burden for proponent and Department</p> <p>Currently inconsistent in application</p> <p>Significant administrative burden for DWER</p>
Standardised Licences and Risk Assessment	Clear process and application	Would require significant work to develop the risk assessment and input considerations, to ensure the risk assessment wasn't simply every risk possible
General Emission Regulations	These would capture all the general information and requirements for licence activities under one set of regulations	Each applicant would have to translate the guidance to meet their requirements
Industry Specific Regulations	<p>Known approach for some activities, e.g. small rural landfills</p> <p>Current Regulations require review and updating</p> <p>Works well for small scale/low risk activities</p>	Requires high risk tolerance, as currently this approach has minimal compliance oversight
Standard Prescribed Conditions Regulations	Potential to standardise approach across multiple categories of activity	Assumes that there are standard and consistent approaches across activities, and this could be included in the Regulations
Environmental Performance Objectives	These would be an outcomes-based approach to site requirements	It is not clear how this would interact with the other regulatory approaches

Table 3: Potential implications of reforms on Local Government facilities

Facility/Activity Type	Current Regulatory Instrument	Potential Regulatory Instrument	WALGA Comment
Large Putrescible Landfill, or landfill where there are	Licence	Licence	Regulatory approach unlikely to change
Inert Landfill	Licence	Licence	Regulatory approach unlikely to change unless low risk nature of
Medium sized landfill (> 4,000 tonnes per annum) in low-risk	Licence	Licence	Subject to Better Practice Target in Waste Strategy
Small landfill (<5,000 tonnes per annum) currently licenced	Licence	Regulation	Subject to Better Practice Target in Waste Strategy
Small landfill (<5,000 tonnes per annum) currently regulated	Rural Landfill	Regulation	Subject to Better Practice Target in Waste Strategy
Large Material Recovery Facility	Licence	Licence	Subject to Better Practice Target in Waste Strategy
Small / medium Material Recovery Facility	Licence	Regulation	Subject to Better Practice Target in Waste Strategy
Large Transfer Station	Licence	Licence	Subject to Better Practice Target in Waste Strategy
Small / medium Transfer Station	Licence	Licence/ Regulation	Subject to Better Practice Target in Waste Strategy
Composting facility	Licence	Licence	Subject to Better Practice Target in Waste Strategy
Small Sewage Treatment facility	Licence	Regulation	Reduced regulatory requirements.
Small waste water treatment facility	Licence	Regulation	Reduced regulatory requirements
Cattle feedlot	Licence	Regulation	Reduced regulatory requirements

5. Response to Discussion Paper questions

DWER Overview	
<p><i>Vision: A regulatory framework for emissions and discharges is one whereby the level of regulatory intervention is proportionate to risk, and the way we regulate activities is fit for purpose, streamlined and effective. It is serviced by a spectrum of interventions from general regulations for those activities where risks are known and well understood, to case by-case assessment of impacts for larger or complex projects.</i></p> <p><i>Guiding Principles:</i></p> <ul style="list-style-type: none"> • <i>Consistent with the Objects and principles of the EP Act</i> • <i>Align with DWER's regulatory principles</i> • <i>Digitally focused</i> • <i>Integrate better practice</i> • <i>Support Streamline WA outcomes</i> • <i>Customer focused</i> • <i>Support ESG initiatives and outcomes.</i> 	
DWER Question	WALGA Comment
Do you have any feedback on the outcomes being sought through our regulatory delivery review?	The vision articulated for the reforms in the Discussion Paper is supported
Do you support the guiding principles proposed? Please include supporting comments to explain your response.	<p>Support</p> <p>These principles align with the legislation, broader Government policy and direction. Customer focus is an important consideration, current DWER guidance and approaches does not always assist Local Government to navigate regulatory requirements and/or processes. Having a customer focus would mean considering the needs of the customer in the development of documents and the approach of regulation.</p>
Are there any additional or alternative principles that should guide our review?	No
Please provide information on any aspects of our current regulatory approach that you support, and feel should be carried over into our future delivery model	Feedback from Local Government indicated that key success factors included, quick response to license changes, clear guidance on how to navigate the system and flexible payment options for smaller regional Local Governments (without credit card payment options).
Please provide information on any aspects of our current regulatory approach that you do not wish to see carried over into our future delivery model	<p>The current regulatory approach has limited DWER's ability to undertake strategic activities and lead to inconsistent approaches State-wide.</p> <ul style="list-style-type: none"> • No Strategic Guidance: For example, the Waste Avoidance and Resource Recovery Strategy requires all sites to be operating to Better Practice Standards, currently these are not in place. • Inconsistent Approach: Local Government feedback from across the state indicates that some of the officers appear to only have limited knowledge of waste related

	<p>matters and there are inconsistent approaches because there is no overarching guidance for waste related activities.</p> <p>What this points to is limited expertise / capacity / confidence in the Department to provide better practice approaches for the Local Government. Local Governments also highlighted that definitions used in licences were inconsistent and out of date and that the activities of a site may have changed but it was difficult to find a clear pathway to update the licence.</p>
<p>Proposal 1: A hierarchy of regulatory control and oversight will be adopted for activities regulated under Part V of the EP Act.</p> <p>Proposal 2: The level of regulatory control and oversight will be commensurate to the complexity and potential risk posed by an activity.</p> <p>Proposal 3: The greater use of regulations to prescribe approaches on an activity basis</p>	
Please provide feedback on Proposals 1-3	<p>Proposal 1 – Support</p> <p>This approach is taking a risk-based approach to regulation and aligns with the broader Streamline WA approach.</p> <p>Proposal 2 – Support</p> <p>Additional considerations which would impact risk rating and consequent regulatory oversight include avoidance of the Waste Levy, industries impacted by the recyclable material export bans and the ‘fit and proper person’ test for those operating facilities.</p> <p>Proposal 3 – Conditional Support</p> <p>A range of different approaches is suggested in the Discussion Paper, including standardised licences. Further detailed work would be required to understand the impact.</p>
Do you support the proposed hierarchy and regulatory mechanisms?	The Association supports the hierarchy of control whereby activities that give rise to emissions and discharges are regulated by the most appropriate method, that is high risk and complex activities are licenced while lower risk, less complex activities are regulated.
In what circumstances would you support the development of Standard Licences packages?	Through the REFIRE process, the Department of has previously sought to standardise licences. This approach did not achieve its objectives. A standard licence package would have to be sufficiently variable to take into account the different risk profile of different operations and sites. For example, a transfer station operating in the metropolitan area will have different risks associated with it due to proximity of sensitive receptors (residents, commercial businesses) compared to a transfer station operating in a regional area.
Are there any activities (including their design, construction and operation) that you believe should be managed under regulations rather than licencing?	This would depend on the risk of the facility operations and if a standard approach could be taken.

Are there circumstances in which you consider <i>Standardised Prescribed Conditions Regulations</i> may be an appropriate lever for regulation?	This would be supported for small, low risk, similar activities. For example through a review of the current Rural Landfills Regulations.
Proposal 4: Environmental Performance Objectives will be adopted.	
Proposal 5: Driving Environmental Performance Objectives adoption through development of appropriate guidelines.	
Please provide your feedback on Proposals 4 and 5 Do you support the introduction of generic and industry-specific EPOs?	Proposal 4 and 5 – Conditional Support Further detailed work would be required to understand how this would be expressed and how this would work with the other regulatory instruments proposed. As with the other types of guidance document mentioned, there is considerable work in the development of these documents.
Do you support the adoption of EPOs and the application of better practice for activities regulated under Part V Division 3?	For waste management facilities the Better Practice requirement is included as a Waste Strategy Target.
Proposal 6: Activities are regulated by the most appropriate agency.	
Proposal 7: Support common application and supporting information across regulatory agencies.	
Please provide your feedback on Proposals 6 and 7	Proposal 6 – Support Proposal 7 – Support Reduce duplication of licencing requirement. Additional considerations, ensuring that waste minimisation considerations are included with the same emphasis if regulated by an agency other than DWER.
Proposal 8: Activities not currently subject to direct regulatory control under the EP Act will be subject to control where the risk warrants.	
Activities include battery technologies/manufacturing, changes and growth in intensive animal industries and greenhouse gas emissions from prescribed premises.	
Please provide your feedback on Proposal 8 Please provide details of any additional existing, new or emerging activities that may warrant inclusion in a new Schedule 1 in the future. What risks do you believe these activities present?	Proposal 8 – Conditional Support The Association agrees that the activities mentioned warrant regulation particularly where there is potential for damaging emissions to the environment. Further work is required however to determine how these industries and emissions types would be regulated. For greenhouse gas emissions it is important to consider other regulatory requirements which already exist and avoid duplication of regulation. Local Government feedback has identified that a greater degree of State Government oversight of intensive animal industries would be beneficial.

Proposal 9: The use of approved waste-derived products will be removed from the scope of Schedule 1.	
<p>Please provide your feedback on Proposal 9. The proposal would result in an approval process for waste-derived materials.</p>	<p>Proposal 9 – Support</p> <p>The Department released an issues paper in June 2019 Waste not, want not: Valuing waste as a resource, which sought comments on the preferred legislative framework for WA.</p> <p>A discussion paper followed in September – Dec 2020 which builds on the issues paper released in June 2019 and was the next step in developing the framework. A Consultation Summary Report was published in February 2020. The Association provided submissions on all papers and is of the view that a streamlined approval process for waste derived materials – a process which does not require an application to be lodged with the Department for every use of material and that is supported by clear guidance documentation developed in consultation with industry.</p>
Industry Guidance	
<p>Are there any policy, process or guidance documents required to support the implementation of the EP Act amendments?</p>	<p>To be successful, guidance documents need to be fit for purpose, developed in consultation with the affected industry by staff that have an appropriate level of skill and experience, and released in a timely manner with sufficient engagement. Local Governments have also identified that training for staff on the new policies and approaches is essential to ensure consistent application and understanding.</p> <p>Guidance documents required by the industry include:</p> <ul style="list-style-type: none"> • Composting • Transfer stations • Rural landfills • Waste Water Reuse.
Review of Fees	
<p>Do you support the proposed Part V Fee Model design principles?</p> <p>Are there any additional or alternative design principles that should guide our Part V Fee Model?</p>	<p>Taking a principles based approach is supported, however the Departments prioritisation of the principles is needed. Currently 9 principles are identified, without a priority rating, which makes it difficult to assess the best fee structure to meet the required outcomes.</p> <p>WALGA agrees with the user-pays principle and considers cost recovery may be appropriate in an efficient system where there is a private benefit accruing to, in this case, the applicant for a licence.</p> <p>However, WALGA argues strongly that many of the activities undertaken by Local Governments for which approvals or licences are required are for the public benefit, are often non-discretionary (e.g. landfills, transfer stations) and that these benefits often extend beyond their local communities.</p> <p>Compounding this issue is the inability for most Local Governments to absorb additional costs without raising rates or reducing services.</p>

	For Local Government a key principle is ensuring that essential community services can continue to be provided without substantial fee increases. Further discussion of the fee approaches, including modelling of potential cost impacts on the sector is required prior to an indication of support.
Fee Proposal 1: Fee model similar to current approach.	
Please provide your feedback on Fee Proposal 1?	<p>Further discussion required</p> <p>An annual licence fee consists of a premises fee, a waste fee and an emissions fee. For controlled works the capital value of the controlled works determines the fee and for amendments fees are determined by the highest value premises category. This can make it quite unclear what the fee will be for a given facility.</p>
Fee Proposal 2: Pure cost recovery model – the relevant fee represents the cost of the work effort to deliver the service.	
Please provide your feedback on Fee Proposal 2?	<p>Further discussion required</p> <p>Any cost recovery must be predicated on an effective and efficient regulatory process, which is underpinned by clear guidance for applicants.</p>
Fee Proposal 3: Cost recovery/'polluter pays' hybrid model.	
Please provide your feedback on Fee Proposal 3.	<p>Further discussion required</p> <p>To some extent this is already imbedded in the current approach – with fees associated with emissions and waste generation.</p> <p>Currently all waste generated or landfilled in the metropolitan area is subject to the Waste Levy. WALGA has provided commentary on the use of the Levy as an economic instrument for change in a range of previous submissions. This approach is most successful where there is a direct link between the person/organisation producing the waste and paying the Levy, and the person/organisation has the means to legitimately reduce their waste generation. Putting a price on pollution in no way guarantees a reduction in pollution as the costs may be passed onto the consumer.</p>
Fee proposal 4: Cost recovery model – deferring assessment costs.	
Please provide feedback on Fee Proposal 4.	<p>Not supported</p> <p>As noted in the Discussion Paper, this approach is overly complex and clear benefits have not been identified. There are also considerable risks likely with this</p> <p>There are concerns with this approach, as it is complex and may be problematic. Also if the company undertaking the activity goes into liquidation/receivership.</p>
Implementing Change: A consultative approach to developing a new future.	
Have we identified the right approach to develop our new framework?	As the Department identified in the WALGA Environmental Regulation Reform Briefing Session, further engagement is needed to work through the various regulatory scenarios (mixture of approaches), the implications for currently licenced premises

<p>Do you have any feedback on our new approach to regulation under Part V of the EP Act?</p> <p>Can we improve our engagement or refine it to achieve better outcomes?</p>	<p>and for future licenced activities (including those not currently actively regulated).</p>
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6. Conclusion

WALGA appreciates the opportunity to provide feedback to DWER on these significant regulatory reforms. WALGA has a longstanding commitment to reforms that improve the efficiency and effectiveness of environmental regulation in Western Australia and considers these reforms provide an important opportunity to embed a risk based approach to regulation into the Department's processes.

WALGA looks forward to working with the Department on the next stages of this process to further explore the detail of how these reforms will be implemented and during consultation on the draft regulations.



Submission on the Draft PFAS National Environmental Management Plan Version 3.0

December 2022

Status of this Submission

This Submission has been prepared through the Municipal Waste Advisory Council (MWAC) for the Western Australian Local Government Association (WALGA). MWAC is a standing committee of WALGA, with delegated authority to represent the Association in all matters relating to solid waste management. MWAC's membership includes the major Regional Councils (waste management) as well as a number of Local Government representatives. This makes MWAC a unique forum through which all the major Local Government waste management organisations cooperate.

This Submission therefore represents the consolidated view of Western Australia Local Government. However, individual Local Governments and Regional Councils may have views that differ from the positions taken here.

MWAC will consider this submission at the next meeting on Wednesday, 14 December 2022.

Introduction

WALGA appreciates the opportunity to provide feedback on the [Draft PFAS National Environmental Management Plan 3.0](#). The group of manufactured chemicals known as PFAS (per-and-poly-fluoroalkyl substances) has been in use for more than 50 years in a range of products in both domestic and industrial applications.

PFAS are used to make products non-stick, water repellent, and fire, weather and stain resistant, and due to their chemical nature have become prevalent in the environment through a range of supply chains. In 2018, the Intergovernmental Agreement on a National Framework for Responding to PFAS Contamination was established, the primary focus of which is to protect the environment from, and take precautionary action to minimise human exposure to, PFAS contamination.

The *PFAS National Environmental Management Plan 3.0* (PFAS NEMP) provides nationally agreed guidance on the management of PFAS contamination in the environment, including prevention of the spread of contamination. The PFAS NEMP identifies the likelihood of PFAS occurrence in waste and waste derived products is dependent on the waste stream. Given the use of PFAS in food related materials such as packaging and paper, it is expected PFAS are likely to be present in both food waste and food waste derived materials.

The PFAS NEMP acknowledges there is limited information currently available on the occurrence and concentration of PFAS in organic wastes. However, a general guide to assessing the risk of PFAS in a range of materials has been provided, based on regulatory experience and understanding of the likelihood of PFAS being present at concentrations that may pose a risk for beneficial reuse of the material (see Table 1).

The PFAS NEMP recommends producers of resource recovery materials adopt a 'feedstock management plan' approach to control, monitor and record potentially PFAS-impacted waste inputs used to form a product.

Table 1 Hierarchy of levels of assessment required for some common organic waste types with respect to potential PFAS content

Waste type	Examples ^b	Level of assessment required
Organic-derived (industrial) liquid wastes	Interceptor trap waste; textile effluent and residues; industrial wash waters; solvents	Use in resource recovery products is likely to be prohibited
WWTP solid outputs	Biosolids ^c , sludge cake	
Septage waste	Liquid or solid components from pump-out of septic tanks	PFAS assessment and management is essential to address potential risks
Paper waste	Paper, cardboard, paper pulp, paper processing sludge.	
Domestic organic wastes	MWOO, FOGO	
Animal wastes	Manure; abattoir wastes, animal bedding organics	PFAS assessment and management is likely to be required
Treated timber waste	Waste from timber composite materials ^d	
Natural (untreated) timber wastes	Wood packaging, woodchips, sawdust, shavings	PFAS assessment and management may be indicated in some instances
Natural fibrous organics	Peat, seed hulls/husks, straw	
Green waste/mulch derived from controlled collections	Grass, leaves, tree prunings	PFAS analysis or management may not be necessary

Notes:

a. This table provides a guide to potential risks associated with PFAS only. Other contaminants that may be present in organic waste materials should be assessed separately.

b. Examples are provided as a general guide; however, the list is not exhaustive.

c. Use of resource recovery products containing biosolids must comply with concentration criteria and CLBAR requirements outlined in [Section 15](#).

d. PFAS have been detected in composite wood products. The source of PFAS is likely to be adhesives used in these products (Bečanová et al. 2016).

Comments

The assessment tool outlined in the NEMP identifies the risk of PFAS concentration in Food Organics Garden Organics (FOGO) material as higher than that of garden organics material only, due to the supply chain effects of PFAS being present in food waste. The accumulation of PFAS in food supply chains is undesirable as it would increase the complexity in recovering organic wastes for a circular economy.

At present, 16 Local Governments in Western Australia offer a FOGO system to residents, and some commercial properties, for the collection of food and garden organics. In addition to food and garden materials, other compostable items accepted include shredded paper, food soiled paper and cardboard, tissue and paper towels and animal droppings. Through the Department of Water and Environmental Regulation (DWER) FOGO Reference Group, and WALGA Consistent Communication Collective,

acknowledging the potential risks posed by PFAS, the approach being taken is to emphasise that the main materials which should be placed in FOGO are food organics, garden organics and certified compostable caddy liners. Currently, the agreed position in WA is that compostable plastics are not to be disposed of through the kerbside FOGO system.

There is limited information available on current levels of PFAS within Western Australian organic waste products. However, in addition to the likelihood of PFAS being present in food waste, the inclusion of fibre based packaging and other paper products within this waste stream is likely to increase the potential risk of PFAS being present.

Single Use Plastic bans are resulting in a wider range of alternative packaging being introduced, with approximately 3.5 million tonnes of fibre-based packaging (including paperboard, paper bags, and plant-based fibres such as wood, bamboo and bagasse) being placed on the Australian market in 2019-20¹. In addition, the increase in the availability of, and drivers to move to, compostable packaging has contributed to community confusion regarding accepted materials in the FOGO stream as many products labelled as 'certified compostable' or perceived as compostable are excluded from current kerbside collection. WALGA's [Submission on Stage 2 of the WA Single Use Plastic Ban](#) addresses this issue.

In September 2022, the Australian Packaging Covenant Organisation (APCO) released its [Action Plan](#) designed to support businesses to phase out intentionally added PFAS in fibre-based food contact packaging by 31 December, 2023. The action plan highlighted the high incidences of PFAS in fibre-based food packaging, in large part due to their water and heat proof repellent properties, and offers a structured framework to identify and test for PFAS within packaging as well as transition to safe alternatives.

Conclusion

As a long term means to mitigate the risks raised by PFAS in the organic waste stream, WALGA proposes the use of PFAS in the manufacture of packaging products and compostable alternatives be addressed through a national phase out / ban.

WALGA supports the actions being undertaken by APCO, to assist businesses in phasing out intentionally added PFAS in fibre-based food contact packaging, noting that any alternatives nominated through the process must be functional and safe for use.

To limit the scope of materials containing PFAS entering the organic waste stream going forward, Local Governments have agreed revised messaging promotes the key FOGO feedstocks of food organics, garden organics and certified compostable caddy liners, and de-emphasises the collection of paper and cardboard and other products through the FOGO kerbside system. The refining of the focus of the communications will assist in reducing the risk of PFAS in organic waste, as well as providing a clear and consistent message on the primary materials intended for FOGO.

Implementation of PFAS management plans in downstream supply chains will be further considered through engagement with the DWER FOGO Reference Group and licencing requirements for the facilities processing FOGO.

¹ [Action Plan to Phase out PFAS in Fibre-Based Food Contact Packaging - APCO](#)

Unconfirmed Minutes
MRC Audit and Risk Committee Meeting
15 February 2023



MINUTES

AUDIT AND RISK COMMITTEE MEETING

WEDNESDAY 15 FEBRUARY 2023

TIME: 4.00 PM

CITY OF STIRLING

Winning Back Waste

Constituent Members: Cities of Perth, Joondalup, Stirling, Vincent and Wanneroo

Towns of Cambridge and Victoria Park

TABLE OF CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
2	ATTENDANCE / APOLOGIES.....	3
3	TERMS OF REFERENCE	4
4	DECLARATION OF INTERESTS	7
5	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	7
5.1	AUDIT AND RISK COMMITTEE MEETING – 01 DECEMBER 2022	7
6	REPORTS	8
6.1	COMPLIANCE AUDIT RETURN 2022.....	8
7	MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	10
7.1	CEO REVIEW OF RISK MANAGEMENT, INTERNAL CONTROL AND LEGISLATIVE REQUIREMENT	11
7.2	HIGH-RISK REGISTER REVIEW	12
8	NEW BUSINESS	13
9	NEXT MEETING.....	13
10	CLOSURE	13

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 4.07 pm.

The Chair, Cr Karen Vernon, attended the meeting by electronic means and made the following announcements:

1. *I authorise myself, Cr Karen Vernon, and Mr Aswin Kumar (independent committee member) to attend the MRC Audit and Risk Committee meeting on 15 February 2023 by electronic means in accordance with Regulation 14C of the Local Government (Administration) Regulations 1996.*
2. *I confirm that I will be in my home office connecting to the meeting via ZOOM, and I am able to participate in the meeting fully and declare that I can maintain confidentiality when the meeting goes 'behind closed doors' during the confidential session;*
3. *I acknowledge Mr Kumar's declaration that he will be connecting to the meeting from his home office via ZOOM, so I consider that he is able to participate in the meeting and note his declaration that he can maintain confidentiality when the meeting goes 'behind closed doors' during the confidential session.*

2 ATTENDANCE / APOLOGIES

AUDIT COMMITTEE MEMBERS

Cr Karen Vernon (Chair) *attended electronically*
 Cr Frank Cvitan (Deputy Chair)
 Cr Paul Miles
 Cr Elizabeth Re
 Mr Aswin Kumar *attended electronically*

Town of Victoria Park
 City of Wanneroo
 City of Wanneroo
 City of Stirling
 External Member

APOLOGIES

Nil

MRC OFFICERS

Mr Scott Cairns Chief Executive Officer
 Ms Adnana Arapovic Finance Manager
 Ms Sonia Cherico HR Officer
 Ms Deborah Toward PA Executive Support

OBSERVERS

Nil

VISITORS

Nil

3 TERMS OF REFERENCE

At an Ordinary Council Meeting held on 7 July 2005, Council established the Audit Committee under s7.1A of the Local Government Act 1995 and at an Ordinary Council Meeting held on 27 October 2005, Council adopted the Terms of Reference for the operation of the Audit Committee. These terms of reference were subsequently revised by Council at an Ordinary Council Meeting held on 26 May 2022, renaming the Committee to Audit and Risk Committee.

1. Objectives of Audit Committee

In line with Function 16 of the Local Government (Audit) Regulations 1996, the objective of the Audit and Risk committee is to:

- *Support Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management and external audit functions and ethical accountability.*
- *Critically examine the annual external audit and liaise with the Office of the Auditor General (OAG) so that Council can be satisfied with the performance of the local government in managing its financial affairs.*
- *Receive and review reports prepared by the Chief Executive Officer in accordance with the Regulations, and present a report to Council on its findings and recommendations.*

Reports from the Committee will assist Council in discharging its legislative responsibilities of controlling the Council's affairs, determining the Council's policies and overseeing the allocation of the Council's finances and resources. The Committee will ensure openness in the Council's financial reporting and will liaise with the Chief Executive Officer (CEO) to ensure the effective and efficient management of the Council's financial accounting systems and compliance with legislation.

The Committee is to facilitate:

- *the enhancement of the credibility and objectivity of external financial reporting;*
- *effective management of financial and other risks and the protection of Council assets;*
- *compliance with laws and regulations as well as use of best practice guidelines relative to audit, risk management, internal control and legislative compliance;*
- *the provision of an effective means of communication between the OAG, the CEO and the Council.*

2. Powers of the Audit Committee

The Committee is a formally appointed committee of Council and is responsible to that body. The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and cannot involve itself in management processes or procedures.

The Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the Council that have not been delegated to the CEO.

3. Membership

The Committee will consist of a minimum of three elected members. The Council may also appoint an external member. All members shall have full voting rights.

External persons appointed to the Committee will be a member of CPA Australia or the Institute of Chartered Accountants (Australia), have the requisite financial, risk, commercial and/or business experience, and will be sufficiently conversant with governance, financial and other reporting requirements so as to allow them to fulfil the role.

Appointment of external persons shall be made by Council by way of a public advertisement and be for a maximum of two years.

Reimbursement of approved expenses will be paid to each external person who is a member of the Committee, up to an annual limit set as part of the annual budget process.

The CEO and employees are not members of the committee.

The CEO or his/her nominee is to attend all meetings to provide advice and guidance to the Committee.

The Council shall provide secretarial and administrative support to the Committee.

4. Meetings

The Committee shall meet at least once a year. Additional meetings shall be convened at the discretion of the presiding person. A quorum of the Committee will be constituted by three members.

Any decision of the Committee is to be made by simple majority.

5. Reporting

Reports and recommendations of each committee meeting shall be presented to the next ordinary meeting of the Council.

6. 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) Review and recommend to Council –*
 - a list of those matters to be audited; and*
 - the scope of the audit to be undertaken.*
- (c) Meet with the OAG once in each year and provide a report to Council on the matters discussed and outcome of those discussions.*
- (d) Liaise with the CEO to ensure that the Local Government does everything in its power to –*
 - assist the OAG 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.*
- (e) Examine the reports of the OAG 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.*
 - (f) *Review the report prepared by the CEO on any actions taken, in respect of any matters raised in the report of the OAG and present 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 OAG is received, whichever is the latest in time.*
 - (g) *Review the scope of the audit plan and program and its effectiveness.*
 - (h) *Review the appropriateness of special internal audit assignments undertaken at the request of Council or CEO.*
 - (i) *Review the level of resources allocated to internal audit and the scope of its authority.*
 - (j) *Review reports of internal audits and monitor the implementation of recommendations made by OAG and review the extent to which Council and management reacts to matters raised.*
 - (k) *Facilitate liaison between the internal auditor and the OAG to promote compatibility, to the extent appropriate, between their audit programs.*
 - (l) *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.*
 - (m) *Consider recommending adoption of the financial report to Council.*
 - (n) *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.*
 - (o) *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.*
 - (p) *Review the annual Compliance Audit Return and report to the Council the results of that review.*
 - (q) *Consider the CEO review 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, in accordance with regulation 17 of the Local Government (Audit) Regulations 1996.*
 - (r) *Monitor the progress of any major lawsuits facing the Council.*
 - (s) *Perform an annual review of the MRC Risk Management Framework and the full risk register.*
 - (t) *Perform a biannual review of the high risks identified in the Council's Risk Register.*

4 DECLARATION OF INTERESTS

Nil

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
--

5.1 AUDIT AND RISK COMMITTEE MEETING – 01 DECEMBER 2022

The minutes of the Audit and Risk Committee Meetings of the 01 December 2022, have been circulated to members of the Audit and Risk Committee and can be found in ***Attachment 2***.

RECOMMENDATION

That the Minutes of the Audit and Risk Committee Meetings held on 01 December 2022 be taken as read, confirmed and the Chair invited to sign same as a true record of the proceedings.

Moved Cr Vernon, Seconded Cr Miles

RESOLVED

That the recommendation be adopted.

(CARRIED UNANIMOUSLY 5/0)

6 REPORTS

6.1	COMPLIANCE AUDIT RETURN 2022
Reference:	GF-22-0000196
Attachment(s):	Attachment 3 - Compliance Audit Return 2022
Date:	15 February 2023
Responsible Officer:	CHIEF EXECUTIVE OFFICER

BACKGROUND

The Local Government (Audit) Regulations 1996 require a Local Government to carry out a compliance audit for the period 1 January to 31 December each year. The Compliance Audit Return is to be adopted by the Council and certified by the Chairperson and the Chief Executive Officer.

The certified Compliance Audit Return is to be forwarded to the Department of Local Government by 31 March 2023

DETAIL

There were no areas of non-compliance noted in this year's compliance return.

The completed audit return is included in **Attachment 3**.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Part 7.

Local Government (Audit) Regulations 1996 – Regulation 14 and 15.

POLICY IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

Not applicable.

COMMENT

Nil.

RESPONSIBLE OFFICER RECOMMENDATION

That the Audit and Risk Committee recommends that Council endorse the Compliance Audit return for the 2022 calendar year, as presented.

Moved Cr Cvitan, Seconded Cr Re

AMENDMENT

Moved Cr Vernon, Seconded Cr Re

Adding the following words, subject to the following amendments:

- 1) Question 21, in 'disclosure of interests', now has two parts, the answer to which is "Yes".
- 2) Question 4, in 'finance', now has a mandatory comments field, the comments are:
"Audit Report pertaining to FY2021 had 6 findings. 5 out of the 6 findings and recommendations have been resolved (ref Exit meeting doc 1 Dec 2022). One finding is deferred to 2023/24 (the date for review of the LTFP and the AMP has been deferred to 30 June 2023, to coincide with the new SCP)."

Reason for Amendment

To update the document with the latest changes.

(CARRIED UNANIMOUSLY 5/0)

SUBSTANTIVE RECOMMENDATION AS AMENDED

That the Audit and Risk Committee recommends that Council endorse the Compliance Audit return for the 2022 calendar year, as presented, subject to the following amendments:

- 1) **Question 21, in 'disclosure of interests', now has two parts, the answer to which is "Yes".**
- 2) **Question 4, in 'finance', now has a mandatory comments field, the comments are:
"Audit Report pertaining to FY2021 had 6 findings. 5 out of the 6 findings and recommendations have been resolved (ref Exit meeting doc 1 Dec 2022). One finding is deferred to 2023/24 (the date for review of the LTFP and the AMP has been deferred to 30 June 2023, to coincide with the new SCP)."**

(CARRIED UNANIMOUSLY 5/0)

7 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC
--

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 requests the Audit and Risk Committee to meet “behind closed doors” to allow the Committee to consider items 7.1 and 7.2 as the items are of a confidential nature.

No members of the public were present at the meeting.

Moved Cr Vernon, Seconded Cr Cvitan

Procedural Motion

1. Closes the meeting to the members of the public at 4.28 pm to consider items 7.1 and 7.2 in accordance with Section 5.23 of the *Local Government Act 1995*.
2. Permits the MRC Chief Executive Officer and MRC Staff, to remain in the meeting during discussion for these items.

(CARRIED 5/0)

Doors closed at 4.28 pm.

This Report is confidential and dealt with in a confidential session, under Section 5.23 (2) (f)(ii) of The <i>Local Government Act 1995</i> as the report deals with matters concerning risks to the MRC.	
7.1	CEO REVIEW OF RISK MANAGEMENT, INTERNAL CONTROL AND LEGISLATIVE REQUIREMENT
File No:	GF-22-0000818
Attachment (s)	Attachment 4 – CEO Review of Risk Management, Internal Controls and Legislative Compliance (tracked changes) Attachment 4a – CEO Review of Risk Management, Internal Controls and Legislative Compliance (clean copy)
Date:	13 February 2023
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That the Audit and Risk Committee recommends that Council:

Endorses the CEO's Review of Risk Management, Internal Controls and Legislative Compliance version 13 February 2023, as presented.

Moved Cr Re, Seconded Cr Cvitan

AMENDMENT

Moved Mr Kumar, seconded Cr Miles

Adding the following words "subject to the following amendment at attachment 4a on page 17, delete the words "at least every 5 years" and insert the words "as required if there are changes in the conditions".

Reason: To bring it in line with the accounting standards.

(CARRIED UNANIMOUSLY)

SUBSTANTIVE RECOMMENDATION AS AMENDED

That the Audit and Risk Committee recommends that Council:

Endorses the CEO's Review of Risk Management, Internal Controls and Legislative Compliance version 13 February 2023, as presented, "subject to the following amendment at attachment 4a on page 17, delete the words "at least every 5 years" and insert the words "as required if there are changes in the conditions".

(CARRIED UNANIMOUSLY 5/0)

This Report is confidential and dealt with in a confidential session, under Section 5.23 (2) (f)(ii) of The *Local Government Act 1995* as the report deals with matters concerning risks to the MRC.

7.2 HIGH-RISK REGISTER REVIEW	
File No:	GF-20-0000408
Attachment (s)	Attachment 5– High-Risk Register - Review 05.04.2022 Attachment 5a – Risk Criteria Tables
Date:	13 February 2023
Responsible Officer:	Chief Executive Officer

RESPONSIBLE OFFICER RECOMMENDATION

That the Audit and Risk Committee recommends that Council:

Endorses the CEO's Review of the High Risk Register as reviewed on 24 November 2022, as presented.

Moved Cr Re, Seconded Cr Cvitan
RESOLVED

That the recommendation be adopted.
 (CARRIED UNANIMOUSLY 5/0)

Moved Cr Vernon, seconded Cr Re
Procedural Motion:
 That Committee:

- Reopen the meeting to members of the public at 4.43 pm

(CARRIED 5/0)

Doors re-opened at 4.43 the Chair declared the meeting re-opened. As there were no members of the public present, the Chair noted the resolutions passed behind closed doors.

8	NEW BUSINESS
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None

9	NEXT MEETING
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To be arranged

10	CLOSURE
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The Chair closed the meeting at 4.44 pm and thanked the City of Stirling for their hospitality and use of their meeting facilities.

These minutes were confirmed by the Audit and Risk Committee as a true and accurate record of the Audit and Risk Committee meeting held on 15 February 2023.

Signed Chair

Dated..... day of2023

LIST OF ATTACHMENTS

Attachment	Title	Page Number
1	Declaration of Interest Form	15
2	Previous Minutes – 01 December 2022	17
3	Compliance Audit Return 2022	32
4	CEO Review of Risk Management, Internal Controls and Legislative Compliance (tracked changes)	Contained in the Confidential Report
4a	CEO Review of Risk Management, Internal Controls and Legislative Compliance (clean copy)	Contained in the Confidential Report
5	High-Risk Register – Review 24.11.2022	Contained in the Confidential Report
5a	Risk Criteria Tables	Contained in the Confidential Report

Declaration of Interest

Item
4

ATTACHMENT 1

Item
4



Mindarie Regional Council

DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

To: **CHIEF EXECUTIVE OFFICER,
MINDARIE REGIONAL COUNCIL**

Name & Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed

<p style="text-align: center;">Unconfirmed Minutes Audit and Risk Committee - 01 December 2022</p>
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<p>Item 5.1</p>	<p style="text-align: center;">ATTACHMENT 2</p>	<p>Item 5.1</p>
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MINUTES

AUDIT AND RISK COMMITTEE MEETING

01 DECEMBER 2022

TIME: 6.30PM

CITY OF WANNEROO

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



TABLE OF CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
2	ATTENDANCE / APOLOGIES.....	4
3	TERMS OF REFERENCE	5
4	DECLARATION OF INTERESTS	5
5	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	5
6	REPORTS	6
6.1	ANNUAL FINANCIAL REPORT 2021/2022	6
7	MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	9
7.1	ANNUAL FINANCIAL REPORT AUDIT PLANNING 2021/2022	9
7.2	AUDIT COMPLETION REPORT	10
8	NEW BUSINESS	11
9	NEXT MEETING	11
10	CLOSURE	11

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 6.32 pm

The Chair welcomed Mr Kien Neoh and Ms Danielle England, representatives from the Office of the Auditor General (OAG), to the meeting.

The Chair, Cr Karen Vernon, attended the meeting by electronic means and made the following announcements:

- 1. I authorise myself, Cr Karen Vernon, and Mr Aswin Kumar (independent committee member) to attend the MRC Audit and Risk Committee meeting on 01 December 2022 by electronic means in accordance with Regulation 14C of the Local Government (Administration) Regulations 1996.*
- 2. I confirm that I will be in my home office connecting to the meeting via ZOOM, and I am able to participate in the meeting fully and declare that I can maintain confidentiality when the meeting goes 'behind closed doors' during the confidential session;*
- 3. I acknowledge Mr Kumar's declaration that he will be connecting to the meeting from his home office via ZOOM, so I consider that he is able to participate in the meeting and note his declaration that he can maintain confidentiality when the meeting goes 'behind closed doors' during the confidential session.*

2 ATTENDANCE / APOLOGIES

AUDIT COMMITTEE MEMBERS

Cr Karen Vernon (Chair) <i>attended electronically</i>	Town of Victoria Park
Cr Frank Cvitan (Deputy Chair)	City of Wanneroo
Cr Paul Miles	City of Wanneroo
Mr Ash Kumar <i>attended electronically</i>	External Member

APOLOGIES

Cr Elizabeth Re	City of Stirling
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MRC OFFICERS

Mr Scott Cairns	Chief Executive Officer
Ms Adnana Arapovic	Finance Manager
Ms Deborah Toward	PA Executive Support

OBSERVERS

Nil

VISITORS

Mr Kien Neoh	Director, Financial Audit	Office of the Auditor General
Ms Danielle England	Principle Auditor <i>attended electronically</i>	Office of the Auditor General

3 TERMS OF REFERENCE

At an Ordinary Council Meeting held on 7 July 2005 the Audit Committee was established by Council under s7.1A of the Local Government Act 1995 and at an Ordinary Council Meeting held on 27 October 2005, Council adopted the Terms of Reference for the operation of the Audit Committee. A review of the Audit Committee Terms of Reference has been conducted and subsequently revised by Council at an Ordinary Council Meeting held on 26 May 2022, and the Committee renamed the Audit and Risk Committee.

The Committee will operate in accordance with all relevant provisions of the Act, the Local Government (Audit) Regulations 1996, the Local Government (Administration) Regulations 1996 and the Terms of Reference.

As prescribed in Section 16 of the *Local Government (Audit) Regulations 1996*, the Audit and Risk Committee is to provide guidance and assistance to Council on matters relevant to its terms of reference.

Refer to Page 12 for the full Terms of Reference

4 DECLARATION OF INTERESTS

Nil

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The minutes of the Audit and Risk Committee meetings held on 7 and 9 September 2022, can be found at **Attachment 1 and 1a**

RECOMMENDATION

That the Minutes of the Audit and Risk Committee Meeting held on 07 September and 09 September 2022 be taken as read, confirmed and the Chair invited to sign same as a true record of the proceedings.

Moved Cr Vernon, Seconded Cr Cvitan

RESOLVED

That the recommendation be adopted.

(CARRIED UNANIMOUSLY 4/0)

6 REPORTS

6.1 ANNUAL FINANCIAL REPORT 2021/2022	
Reference:	GF-21-0000314
Attachment(s):	Attachment 3 and 4
Date:	25 November 2022
Responsible Officer:	Manager Finance

BACKGROUND

The *Local Government Act 1995* (the Act) requires every local government to prepare an Annual Report for each financial year and to accept it prior to 31 December following the end of the financial year (section 5.53 and 5.54 of the Local Government Act 1995). The Act also specifies the contents required to be included in the Annual Report. If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to accepted by the local government no later than 2 months after the auditor's report becomes available.

The Mindarie Regional Council (MRC), in accordance with the Local Government Act 1995 Section 5.53, is required to submit an Annual Report.

The annual audit of the Financial Statements for the financial year ended 30 June 2022 has been completed and the Financial Report is now submitted to the Audit Committee for consideration. The draft Financial Report is included as **Attachment 3** to this agenda.

The full Annual Report, including the Financial Report, will be presented to the Council at its Ordinary Council Meeting on 15 December 2022.

DETAIL

The Auditor, in accordance with the Local Government (Audit) Regulations 1996 Sections 10.2 and 10.3 is required to issue an audit report after the completion of the annual audit that expresses an opinion on the financial position and results of the operations of the local government for each financial year.

The Audit Completion Letter from the Auditor General (OAG) is included as part of **Confidential Attachment 4**. The MRC, in accordance with the Local Government (Financial Management) Regulations 1996 Section 51.1, is required to include in the Annual Financial Report a signed Statement of Declaration by the CEO after this report has been audited in accordance with the Local Government Act 1995. This declaration is on page 1 of **Attachment 3**.

STATUTORY IMPLICATIONS

The submission of the Financial Report for 2021/2022 is in conformity with the requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996. The Auditor's Report for 2021/2022 conforms to the requirements of the Local Government (Audit) Regulations 1996.

POLICY IMPLICATIONS

Not applicable.

STRATEGIC IMPLICATIONS

Not applicable.

COMMENT

The Financial Report of the MRC has been prepared in accordance with the requirements of Local Government Act 1995 and applicable Australian Accounting Standards.

Section 51 of the Local Government (Financial Management) Regulations state the following;

(1) After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form 1.

(2) A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report.

RESPONSIBLE OFFICER RECOMMENDATION

That the Audit and Risk Committee recommends that Council adopt the Financial Report for year ended 30 June 2022.

The Chair invited the Finance Manager, Ms Arapovic, to present an overview of the financial report for the financial year ended 30 June 2022.

The Finance Manager provided a verbal presentation of the Financial Report to the Committee.

On behalf of the Audit and Risk Committee, the Chair thanked the Finance Manager and the team at the MRC for the work on the Annual Financial Report.

Moved Cr Vernon, Seconded Cr Miles

RESOLVED

That the recommendation be adopted.

(CARRIED UNANIMOUSLY 4/0)

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 requests the Audit and Risk Committee to meet “behind closed doors” to allow the Committee to consider items 7.1 and 7.2 as the items are of a confidential nature.

No members of the public were present at the meeting.

Moved Cr Vernon, Seconded Cr Cvitan

Procedural Motion

1. Closes the meeting to the members of the public at 6.52pm to consider items 7.1 and 7.2 in accordance with Section 5.23 of the *Local Government Act 1995*.
2. Permits the MRC Chief Executive Officer, MRC staff and Representatives from OAG, to remain in the chamber during discussion for these items.

(CARRIED 4/0)

Doors closed at 6.52 pm

7 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) (f) (ii) of The *Local Government Act 1995* as the report deals with matters concerning risks to the MRC.

7.1 ANNUAL FINANCIAL REPORT AUDIT PLANNING 2021/2022

File No:	GF-21-0000314
Attachment (s)	Attachment 2
Date:	25 NOVEMBER 2022
Responsible Officer:	FINANCE MANAGER

RESPONSIBLE OFFICER RECOMMENDATION

That the Audit Committee note its review of the scope and effectiveness of the 2021/2022 Annual Financial Report Audit Planning Summary issued by the Auditors.

The Chair invited officers from the Office of the Auditor General (OAG) to present a verbal report on the conduct of the Financial Year 2022 Audit and the Final Audit Report.

Mr Neoh (OAG) provided a verbal report, acknowledging that there had been some complexities in the Audit and congratulated all the MRC staff involved in the Audit.

The Chair offered Committee Members a private audience with OAG; the Committee considered it was not required.

On behalf of the Committee, the Chair thanked OAG Officers for their work on the MRC Audit.

**Moved Cr Miles, Seconded Cr Cvitan
RESOLVED**

That the recommendation be adopted.
(CARRIED UNANIMOUSLY 4/0)

This report is confidential and dealt with in a confidential session, under Section 5.23 (2) (f) (ii) of The *Local Government Act 1995* as the report deals with matters concerning risks to the MRC.

7.2 AUDIT COMPLETION REPORT

File No:	GF-21-0000314
Attachment (s)	Attachment 4 Attachment 4a
Date:	25 NOVEMBER 2022
Responsible Officer:	FINANCE MANAGER

That the Audit and Risk Committee recommends that Council note the Auditor General Independent Auditors Report for year ended 30 June 2022 issued by the Auditors.

That the Audit and Risk Committee recommends that Council note the final exit brief for year ended 30 June 2022 issued by the Auditors.

That the Audit and Risk Committee recommends that Council note the representation letter for the year ended 30 June 2022 issued by the Auditors.

Moved Cr Vernon, Seconded Cr Cvitan

RESOLVED

That the recommendation be adopted.

(CARRIED UNANIMOUSLY 4/0)

Moved Cr Vernon, seconded Cr Miles

Procedural Motion:

That Committee:

- Reopen the meeting to members of the public at 7.44 pm

(CARRIED 4/0)

Doors re-opened at 7.45pm, the Chair declared the meeting re-opened. As there were no members of the public present, the Chair noted the resolutions passed behind closed doors.

8 NEW BUSINESS

Nil

9 NEXT MEETING

To be confirmed

10 CLOSURE

The Chair closed the meeting at 7.45 pm and thanked the City of Wanneroo for their hospitality and use of their meeting facilities.

The Chair thanked Committee Members, MRC staff and Officers from the OAG for their attendance.

These minutes were confirmed by the Audit and Risk Committee as a true and accurate record of the Audit and Risk Committee meeting held on 01 December 2022

Signed Chair

Dated..... day of2022

AUDIT AND RISK COMMITTEE TERMS OF REFERENCE

(Terms of Reference endorsed Ordinary Council Meeting 26 May 2022)

1. Objectives of Audit Committee

In line with Function 16 of the Local Government (Audit) Regulations 1996, the objective of the Audit and Risk committee is to:

- Support Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management and external audit functions and ethical accountability.
- Critically examine the annual external audit and liaise with the Office of the Auditor General (OAG) so that Council can be satisfied with the performance of the local government in managing its financial affairs.
- Receive and review reports prepared by the Chief Executive Officer in accordance with the Regulations, and present a report to Council on its findings and recommendations.

Reports from the Committee will assist Council in discharging its legislative responsibilities of controlling the Council's affairs, determining the Council's policies and overseeing the allocation of the Council's finances and resources. The Committee will ensure openness in the Council's financial reporting and will liaise with the Chief Executive Officer (CEO) to ensure the effective and efficient management of the Council's financial accounting systems and compliance with legislation.

The Committee is to facilitate:

- the enhancement of the credibility and objectivity of external financial reporting;
- effective management of financial and other risks and the protection of Council assets;
- compliance with laws and regulations as well as use of best practice guidelines relative to audit, risk management, internal control and legislative compliance;
- the provision of an effective means of communication between the OAG, the CEO and the Council.

2. Powers of the Audit Committee

The Committee is a formally appointed committee of Council and is responsible to that body. The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and cannot involve itself in management processes or procedures.

The Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the Council that have not been delegated to the CEO.

3. Membership

The Committee will consist of a minimum of three elected members. The Council may also appoint an external member. All members shall have full voting rights.

External persons appointed to the Committee will be a member of CPA Australia or the Institute of Chartered Accountants (Australia), have the requisite financial, risk, commercial and/or business experience, and will be sufficiently conversant with governance, financial and other reporting requirements so as to allow them to fulfil the role.

Appointment of external persons shall be made by Council by way of a public advertisement and be for a maximum of two years.

Reimbursement of approved expenses will be paid to each external person who is a member of the Committee, up to an annual limit set as part of the annual budget process.

The CEO and employees are not members of the committee.

The CEO or his/her nominee is to attend all meetings to provide advice and guidance to the Committee.

The Council shall provide secretarial and administrative support to the Committee.

4. Meetings

The Committee shall meet at least once a year.

Additional meetings shall be convened at the discretion of the presiding person.

A quorum of the Committee will be constituted by three members.

Any decision of the Committee is to be made by simple majority.

5. Reporting

Reports and recommendations of each committee meeting shall be presented to the next ordinary meeting of the Council.

6. 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) Review and recommend to Council –
 - a list of those matters to be audited; and
 - the scope of the audit to be undertaken.
- (c) Meet with the OAG once in each year and provide a report to Council on the matters discussed and outcome of those discussions.

- (d) Liaise with the CEO to ensure that the Local Government does everything in its power to –
 - assist the OAG 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.
- (e) Examine the reports of the OAG 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.
- (f) Review the report prepared by the CEO on any actions taken, in respect of any matters raised in the report of the OAG and present 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 OAG is received, whichever is the latest in time.
- (g) Review the scope of the audit plan and program and its effectiveness.
- (h) Review the appropriateness of special internal audit assignments undertaken at the request of Council or CEO.
- (i) Review the level of resources allocated to internal audit and the scope of its authority.
- (j) Review reports of internal audits and monitor the implementation of recommendations made by OAG and review the extent to which Council and management reacts to matters raised.
- (k) Facilitate liaison between the internal auditor and the OAG to promote compatibility, to the extent appropriate, between their audit programs.
- (l) 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.
- (m) Consider recommending adoption of the financial report to Council.
- (n) 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.
- (o) 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.
- (p) Review the annual Compliance Audit Return and report to the Council the results of that review.
- (q) Consider the CEO review 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, in accordance with regulation 17 of the Local Government (Audit) Regulations 1996.
- (r) Monitor the progress of any major lawsuits facing the Council.
- (s) Perform an annual review of the MRC Risk Management Framework and the full risk register.
- (t) Perform a biannual review of the high risks identified in the Council's Risk Register.

END

Compliance Audit Return 2022

Item
6.1

ATTACHMENT 3

Item
6.1

Compliance Audit Return 2022

Commercial Enterprises by Local Governments		
No	Reference	Question
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2022? NO The MRC is still operating under the provision of landfill services business plan, valid to 2024/25
2	s3.59(2)(b) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2022? N/A
3	s3.59(2)(c) F&G Regs 7,8A, 8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2022? N/A
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2022? N/A
5	s3.59(5)	During 2022, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority? N/A

Delegation of Power/Duty		
No	Reference	Question
1	s5.16	Were all delegations to committees resolved by absolute majority? N/A
2	s5.16	Were all delegations to committees in writing? N/A
3	s5.17	Were all delegations to committees within the limits specified in section 5.17 of the <i>Local Government Act 1995</i> ? N/A
4	s5.18	Were all delegations to committees recorded in a register of delegations? N/A
5	s5.18	Has council reviewed delegations to its committees in the 2021/2022 financial year? N/A
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the <i>Local Government Act 1995</i> ? YES
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority? YES
8	s5.42(2)	Were all delegations to the CEO in writing? YES
9	s5.44(2)	Were all delegations by the CEO to any employee in writing? YES
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the council to amend or revoke a delegation made by absolute majority? N/A Delegations went to the Ordinary Council meeting 29.9.2022 – delegations were not amended or revoked
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?

		YES
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2021/2022 financial year? YES
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Local Government (Administration) Regulations 1996, regulation 19? YES

Disclosure of Interest

No	Reference	Question
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of the <i>Local Government Act 1995</i> , did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter? N/A
2	s5.68(2) & s5.69(5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required the Local Government (Administration) Regulations 1996 regulation 21A, recorded in the minutes of the relevant council or committee meeting? N/A
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) of the <i>Local Government Act 1995</i> recorded in the minutes of the meeting at which the disclosures were made? YES
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day? YES
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2022? YES
6	s5.77	On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return? YES
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the <i>Local Government Act 1995</i> ? YES
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A of the <i>Local Government Act 1995</i> , in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28? YES
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the <i>Local Government Act 1995</i> , did the CEO remove from the register all returns relating to that person? YES
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) of the <i>Local Government Act 1995</i> been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return? YES
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the <i>Local Government Act 1995</i> , in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28A? YES

12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website? YES
13	s5.89A(6)	When people cease to be a person who is required to make a disclosure under section 5.87A or 5.87B of the Local Government Act 1995, did the CEO remove from the register all records relating to those people? YES
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) Local Government Act 1995 been kept for a period of at least five years after the person ceases to be a person required to make a disclosure? YES
15	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report? N/A
16	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under s5.71A(1) of the Local Government Act 1995 relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application? N/A
17	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) of the Local Government Act 1995 recorded in the minutes of the council meeting at which the decision was considered? N/A
18	s5.104(1)	Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates within 3 months of the prescribed model code of conduct coming into operation (3 February 2021)? YES
19	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4) of the Local Government Act 1995? NO
20	s5.104(7)	Has the CEO published an up-to-date version of the code of conduct for employees on the local government's website? YES
21	s5.51A(1) & (3)	Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government in accordance with section 5.51A(1) of the Local Government Act 1995? YES

Disposal of Property

No	Reference	Question
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the Local Government Act 1995 (unless section 3.58(5) applies)? N/A
2	s3.58(4)	Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section 3.58(4) of the Act, in the required local public notice for each disposal of property? N/A

Elections

No	Reference	Question
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulations 30G(1) and 30G(2) of the Local Government (Elections) Regulations 1997? N/A
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the Local Government (Elections) Regulations 1997? N/A
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the Local Government (Elections) Regulations 1997? N/A

Finance

No	Reference	Question
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Local Government Act 1995? YES – Established an Audit and Risk Committee
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the <i>Local Government Act 1995</i> , did it do so by absolute majority? N/A
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2022 received by the local government by 31 December 2022? YES FY 2022 report received 05 December 2022 Note : FY 2021 report also received 14 January 2022
4	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the <i>Local Government Act 1995</i> required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters? YES
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government? N/A

6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the <i>Local Government Act 1995</i> , did the CEO publish a copy of the report on the local government's official website? YES
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June 2022 received by the local government within 30 days of completion of the audit? YES – Report received 05.12.2022, sent to DLGSC 19.12.2022

Integrated Planning and Reporting

No	Reference	Question
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section? YES adopted 06 April 2017 currently under review and due for completion by 30.06.2023
2	Admin Reg 19DA(1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section? YES adopted 06 April 2017 currently under review and due for completion by 30.06.2023
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of Local Government (Administration) Regulations 1996 19DA(2) & (3)? YES

Local Government Employees

No	Reference	Question
1	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A? N/A no CEO recruitment in 2022 the MRC has not designated any roles as Senior employees
2	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate? N/A
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of the <i>Local Government Act 1995</i> ? N/A
4	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee? N/A
5	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so? N/A

Official Conduct

No	Reference	Question
1	s5.120	Has the local government designated an employee to be its complaints officer? YES
2	s5.121(1) & (2)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a) of the <i>Local Government Act 1995</i> ? N/A - no complaints received
3	S5.121(2)	Does the complaints register include all information required by section 5.121(2) of the <i>Local Government Act 1995</i> ? N/A - no complaints received
4	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website? YES - nil complaints

Optional Questions

No	Reference	Question
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the Local Government (Financial Management) Regulations 1996 regulations 5(2)(c) within the three years prior to 31 December 2022? If yes, please provide the date of council's resolution to accept the report. YES Audit Committee 22.07.2021 and to OCM 12.08.2021 via the Members Information Bulletin
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2022? If yes, please provide date of council's resolution to accept the report. Yes Reviewed in January 2020, report to Audit Committee 30 Jan 2020 and Ordinary Council meeting held on 27 Feb 2020 (presented through the Members Information Bulletin). Due for a review Qtr 1 2023.
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B of the <i>Local Government Act 1995</i> , were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act? YES
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events? YES
5	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the <i>Local Government Act 1995</i> ? YES note that 5.96A(1(a)) does not apply to Regional Councils
6	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members? YES - the policy, training and reporting requirements of MRC Councillors, as required under the Act are fulfilled by their respective councils.
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2021/2022 financial year and publish it on the local government's official website by 31 July 2022? NO - the policy, training and reporting requirements of MRC Councillors, as required under the Act are fulfilled by their respective councils.
8	s6.4(3)	By 30 September 2022, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2022? YES
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income? YES

Tenders for Providing Goods and Services

No	Reference	Question
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy, adopted under the Local Government (Functions and General) Regulations 1996, regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less? YES
2	s3.57 F&G Reg 11	Subject to Local Government (Functions and General) Regulations 1996, regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations? YES Note 1: The MRC procure insurances services from LGIS, a member benefit Scheme without going to tender.

Note 2: One instance while a tender process was live an existing contract for the tendered service exceeded the \$250,000 value before the resolution on the tender was passed by council.		
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 of the Local Government Functions and General Regulations 1996, required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)? YES
4	F&G Reg 12	Did the local government comply with Local Government (Functions and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract? YES
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer notice of the variation? YES
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 15 and 16? YES

7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website? YES
8	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender? N/A
9	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept? YES
10	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted? YES
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulations 21 and 22? YES
12	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice? N/A the MRC did not seek procurement related expression of interest in 2022.
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under the Local Government (Functions and General) Regulations 1996, Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer? N/A the MRC did not seek procurement related expression of interest in 2022.
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with Local Government (Functions and General) Regulations 1996, Regulation 24? N/A the MRC did not seek procurement related expression of interest in 2022.
15	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with Local Government (Functions and General) Regulations 1996, Regulations 24AD(4) and 24AE? N/A the MRC did not seek to establish a panel of pre-qualified suppliers in 2022.
16	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation? N/A the MRC did not seek to establish a panel of pre-qualified suppliers in 2022
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application? N/A the MRC did not seek to establish a panel of pre-qualified suppliers in 2022
18	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24AG? N/A the MRC did not seek to establish a panel of pre-qualified suppliers in 2022
19	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications? N/A the MRC did not seek to establish a panel of pre-qualified suppliers in 2022
20	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept? N/A the MRC did not seek to establish a panel of pre-qualified suppliers in 2022
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application? N/A the MRC did not seek to establish a panel of pre-qualified suppliers in 2022

22 F&G Regs 24E & 24F

Where the local government gave regional price preference, did the local government comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24E and 24F?

N/A no regional price preference given in 2022

COMMON SEAL REPORT

DOCUMENTS EXECUTED BY AFFIXING THE COMMON SEAL	
File No:	G-20-0001584
Appendix(s):	Nil
Date:	13 February 2023
Responsible Officer:	Chief Executive Officer

SUMMARY

The report is for Council to note the documents executed by affixing the Common Seal of the Mindarie Regional Council.

BACKGROUND

The MRC enters into various agreements by affixing its Common Seal in accordance with *Division 3, s9.49A of the Local Government Act 1995*. Documents that are executed by affixing the Common Seal are reported to Council for information.

DETAIL

During the period 01 September 2021 to 13 February 2023, one (1) document was executed by affixing the Common Seal. A summary is provided below:

Date	Document	Signed/Sealed
22.12.2022	Waste Facility Site Amendment Local Law 2022 D-22-0008488	Sealed and signed by Chair and CEO

If further information is required on the documents signed under common seal please contact the Chief Executive Officer, Scott Cairns on 9306 6302.