



# INFORMATION BULLETIN

Issue No. 67



## **CONTENTS PAGE**

<b>Item</b>	<b>Page No.</b>
Audit Committee Meeting 09 March 2022	3
Municipal Waste Advisory Council (MWAC) – Minutes February 2022	41
Summary of Council Resolutions	81

**UNCONFIRMED MINUTES**  
**MRC AUDIT COMMITTEE MEETING 09 MARCH 2022**



# MINUTES

**AUDIT COMMITTEE MEETING**

**WEDNESDAY 9 MARCH 2022**

**TIME: 4.30 PM**

**MEETING HELD BY ZOOM**

---

*Winning Back Waste*

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



TOWN OF  
VICTORIA PARK



CITY OF VINCENT



City of  
Wanneroo

## TABLE OF CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	3
2	ATTENDANCE / APOLOGIES .....	3
3	TERMS OF REFERENCE .....	3
4	DECLARATION OF INTERESTS .....	4
5	CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....	4
6	REPORTS .....	4
6.1	COMPLIANCE AUDIT RETURN 2021 .....	4
7	MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC.....	6
7.1	HIGH RISK REGISTER SUMMARY .....	6
8	NEW BUSINESS.....	7
9	NEXT MEETING .....	8
10	CLOSURE .....	8

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

The Chair declared the meeting open at 4.33 pm.

The Chair welcomed Mr Ash Kumar as the newly appointed member of the Audit Committee.

## **2 ATTENDANCE / APOLOGIES**

### **AUDIT COMMITTEE MEMBERS**

Cr Karen Vernon (Chair)	Town of Victoria Park
Cr Frank Cvitan (Deputy Chair)	City of Wanneroo
Cr Paul Miles	City of Wanneroo
Cr Elizabeth Re	City of Stirling
Mr Ash Kumar	External Member

### **MRC OFFICERS**

Mr Scott Cairns	Chief Executive Officer
Ms Andrea Slater	Director Corporate Services
Ms Deborah Toward	PA Executive Support

### **VISITORS**

Nil

## **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. These terms of reference were subsequently revised by Council at an Ordinary Council Meeting held on 24 April 2014.

The primary objective of the Audit Committee is to accept responsibility for the annual external audit and liaise with the Council's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs.

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 auditing;

- The provision of an effective means of communication between the external auditor, the CEO and the Council.

#### 4 DECLARATION OF INTERESTS

Nil

#### 5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The minutes of the Audit Committee Meeting of 13 January 2022, can be found at **Attachment 1**.

#### RECOMMENDATION

**That the Minutes of the Audit Committee Meeting held on 13 January 2022 be taken as read, confirmed and the Chairperson invited to sign same as a true record of the proceedings.**

**Cr Vernon moved, Cr Re Seconded**

**RESOLVED**

**That the recommendation be adopted.**

(CARRIED UNANIMOUSLY 5/0)

#### 6 REPORTS

##### 6.1 COMPLIANCE AUDIT RETURN 2021

#### 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 Council and certified by the Chairman and Chief Executive Officer.

The certified Compliance Audit Return is to be forwarded to the Department of Local Government by 31 March 2022.

#### DETAIL

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

The completed audit return is included at **Attachment 2**.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 – Part 7.

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

**POLICY IMPLICATIONS**

Not applicable.

**STRATEGIC IMPLICATIONS**

Not applicable.

**COMMENT**

Nil.

**RESPONSIBLE OFFICER RECOMMENDATION**

**That the Audit Committee recommends that Council endorse the Compliance Audit return for the 2021 calendar year, as presented.**

**Cr Miles moved, Cr Cvitan Seconded**

**RESOLVED**

**That the recommendation be adopted.**

**(CARRIED UNANIMOUSLY 5/0)**



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 requested the Committee to meet “behind closed doors” to allow the Council to consider items 7.1 as the item is of a confidential nature.

**Moved Cr Vernon, seconded Cr Cvitan**

**To close the meeting to the public**

(CARRIED UNANIMOUSLY 5/0)

Doors closed at 4:40 pm.

<b>7</b>	<b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC</b>
----------	--

<b>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 a matter pertaining to Risk</b>	
<b>7.1 HIGH RISK REGISTER SUMMARY</b>	
<b>File No:</b>	<b>GF-20-0000408</b>
<b>Attachment(s)</b>	<b>Nil</b>
<b>Date:</b>	<b>24 November 2021</b>
<b>Responsible Officer:</b>	<b>Chief Executive Officer</b>

**RESPONSIBLE OFFICER RECOMMENDATION**

That the Audit Committee notes the High Risk Register as at 24.11.2022 as presented in attachment 4.

**Moved Cr Vernon, Seconded Cr Re**

---

PROPOSED AMENDMENT

Moved Cr Vernon, seconded Cr Re

To amend the recommendation by adding the following words:

2. Requests the CEO to bring a report to the next Audit Committee meeting in May 2022 outlining a draft risk appetite statement and a draft risk management plan for consideration;
3. To request the CEO to review the high risk register summary and report on that to the Audit Committee in May 2022.

(CARRIED UNANIMOUSLY 5/0)

**SUBSTANTIVE RECOMMENDATION AS AMENDED**

1. That the Audit Committee note the High Risk Register as at 24.11.2022 as presented in attachment 4;
2. Requests the CEO to bring a report to the next Audit Committee meeting in May 2022 outlining a draft risk appetite statement and a draft risk management plan for consideration;
3. Requests the CEO to review the high risk register summary and report on that to the Audit Committee in May 2022.

(CARRIED UNANIMOUSLY 5/0)

**Moved Cr Vernon, seconded Cr Re**

**To re-open the meeting to the public**

(CARRIED UNANIMOUSLY 5/0)

Doors re-opened at 5.18 pm, the Chair declared the meeting re-opened.

The Chair noted the resolutions passed behind closed doors.

<b>8</b>	<b>NEW BUSINESS</b>
----------	---------------------

Terms of Reference Review.

The Audit Committee noted the need for a review of the Terms of Reference (TOR) and agreed that the Administration would review TOR in the first instance, and bring the draft TOR to be workshopped with the Audit Committee, prior to taking to the item to the Ordinary Council meeting on 26 May 2022.

---

<b>9</b>	<b>NEXT MEETING</b>
----------	---------------------

The next meeting is to take place in May 2022, the date to be confirmed.

<b>10</b>	<b>CLOSURE</b>
-----------	----------------

The Chair closed the meeting at 5.22 pm.

These minutes were confirmed by the Audit Committee as a true and accurate record of the Audit Committee held on 09 March 2022

Signed ..... Chair

Dated..... day of .....2022



**LIST OF ATTACHMENTS**

Attachment	Title	Page Number
1	Previous Minutes – 13 January 2022	10
2	Compliance Audit Return 2021	24
3	Declaration of Interests Form	36

**ATTACHMENT 1  
TO ITEM 5  
AUDIT COMMITTEE MEETING**

**9 MARCH 2022**

**PREVIOUS MINUTES – 13 JANUARY 2022**



# MINUTES

**AUDIT COMMITTEE MEETING**

**THURSDAY 13 JANUARY 2022**

**TIME: 4.30 PM**

**CITY OF STIRLING**

---

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



Town of  
Cambridge



City of  
Joondalup



City of Perth



City of Stirling  
City of Choice



TOWN OF  
VICTORIA PARK



CITY OF VINCENT



City of  
Wanneroo

## CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....	3
2	ELECTION OF CHAIR .....	3
3	ELECTION OF DEPUTY CHAIR .....	3
4	ATTENDANCE / APOLOGIES .....	3
5	TERMS OF REFERENCE .....	4
6	DECLARATION OF INTERESTS .....	4
7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....	5
8	REPORTS .....	6
	8.1 ANNUAL FINANCIAL STATEMENTS 2020/2021 .....	6
	8.2 AUDIT COMPLETION REPORT 2020/2021 .....	8
	8.3 EXTERNAL AUDIT COMMITTEE MEMBER .....	10
	8.4 PENETRATION TESTING .....	11
	8.5 RISK REGISTER – FULL .....	12
9	NEW BUSINESS .....	13
10	NEXT MEETING .....	13
11	CLOSURE .....	13

## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The CEO declared the meeting open at 4.33 pm and welcomed officers from the Office of The Auditor General to the meeting.

## 2 ELECTION OF CHAIR

The CEO invited nominations from the committee for the position of Chair.

Cr Miles nominated Cr Vernon for the position of Chair.

The CEO asked Cr Vernon if she accepted the nomination. Cr Vernon confirmed that she accepted the nomination.

The CEO asked if there were any further nominations. No further nominations were received.

Cr Vernon was declared elected as Chair unopposed.

## 3 ELECTION OF DEPUTY CHAIR

Cr Vernon invited nominations from the committee for the position of Deputy Chair.

Cr Frank Cvitan nominated himself and was declared elected as Deputy Chair unopposed.

## 4 ATTENDANCE / APOLOGIES

### ATTENDANCE

#### AUDIT COMMITTEE MEMBERS

Cr Karen Vernon (Chair)	Town of Victoria Park
Cr Frank Cvitan (Deputy Chair)	City of Wanneroo
Cr Paul Miles	City of Wanneroo
Cr Elizabeth Re	City of Stirling

#### MRC OFFICERS

Mr Scott Cairns	Chief Executive Officer
Ms Andrea Slater	Director Corporate Services
Ms Deborah Toward	PA Executive Support

#### VISITORS

Mr Kien Neoh	Office of the Auditor General
Ms Huei Chie Soh	Office of the Auditor General



## **5 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. These terms of reference were subsequently revised by Council at an Ordinary Council Meeting held on 24 April 2014.

The primary objective of the Audit Committee is to accept responsibility for the annual external audit and liaise with the Council's auditor so that Council can be satisfied with the performance of the local government in managing its financial affairs.

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 auditing;
- The provision of an effective means of communication between the external auditor, the CEO and the Council.

## **6 DECLARATION OF INTERESTS**

Nil

<b>7      CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>
---

The minutes of the Audit Committee meeting of 22 July 2021, can be found at Attachment 1.

**RECOMMENDATION**

**That the Minutes of the Audit Committee Meeting held on 22 July 2021 be taken as read, confirmed and the Chair invited to sign same as a true record of the proceedings.**

**Cr Vernon moved, Cr Cvitan Seconded**

**RESOLVED**

**That the recommendation be adopted.**

**(CARRIED UNANIMOUSLY 4/0)**

## 8 REPORTS

### 8.1 ANNUAL FINANCIAL STATEMENTS 2020/2021

#### BACKGROUND

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

- A report from the Chairman.
- A report from the Chief Executive Officer (CEO).
- A report of the principal activities commenced or continued during the Financial Year.
- An assessment of the Local Government's performance in relation to each principal activity.
- An overview of the principal activities that are proposed to commence or to continue in the next Financial Year.
- The Financial Report for the Financial Year.
- Such information as may be prescribed in relation to the payments made to employees.
- The Auditor's Report for the Financial Year.
- Such other information as may be prescribed.

The annual audit of the Financial Statements for the financial year ended 30 June 2021 has been completed and the Financial Report is now submitted to the Audit Committee for consideration. The draft Financial Report is included as **Attachment 2** to this agenda.

The full Annual Report, including the Financial Report, will be presented to the Council at its Ordinary Council Meeting on 27 January 2022.

#### DETAIL

##### Annual Audit Process

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 **Attachment 3**. The MRC, in accordance with the Local Government (Financial Management) Regulations 1996 Section 51.1, is required to include in the annual Financial Statements 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 5 of **Attachment 2**.

#### STATUTORY ENVIRONMENT

The submission of the Financial Report for 2020/2021 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 2020/2021 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 Committee recommends that Council adopt the Financial Report for year ended 30 June 2021.**

**Cr Cvitan moved, Cr Vernon Seconded**

The Director Corporate Services provided a verbal presentation of the Financial Report.

**RESOLVED**

**That the recommendation be adopted.**

(CARRIED UNANIMOUSLY 4/0)

## 8.2 AUDIT COMPLETION REPORT 2020/2021

The Auditor's audit completion report is included in **Attachment 3** to this agenda. The final exit brief document provided by OAG can be seen as **Attachment 3a**, the Interim audit results for the year ended 30 June 2021 are at **Attachment 3b** and the representation letter at **Attachment 3c**.

### RESPONSIBLE OFFICER RECOMMENDATION

**That the Audit Committee note the Audit Completion Report for year ended 30 June 2021 issued by the Auditors.**

**That the Audit Committee note the final exit brief for year ended 30 June 2021 issued by the Auditors.**

**That the Audit Committee note the interim audit results for year ended 30 June 2021 issued by the Auditors.**

**That the Audit Committee note the representation letter for the year ended 30 June 2021 issued by the Auditors.**

**Cr Miles moved, Cr Cvitan seconded**

The Chair invited officers from the Office of the Auditor General (OAG) to provide a verbal report of the Annual Financial Audit Exit brief.

Mr Neoh (OAG) provided a verbal report.

The Chair thanked OAG Officers for their time working with the MRC.

6.16 pm OAG officers and Cr Re left the meeting.

6.22 pm Cr Re re-entered the meeting.

### PROPOSED AMENDMENT

**Moved Cr Vernon, seconded Cr Cvitan**

That the recommendation be amended as follows:

- 1) Number each points in the recommendation 1 to 4.
- 2) Point 2, 3 and 4 be amended to insert the following words after committee "recommends that council":
- 3) Points 2, 3 and 4 of the recommendation and the attachments be confidential pursuant to section 5.23 of the Local Government Act.

### Rationale for Amendment

To ensure that appropriate audit documents are presented confidentially to Council rather than as unconfidential attachments to the minutes of the Audit Committee.

(CARRIED UNANIMOUSLY 4/0)

**SUBSTANTIVE RECOMMENDATION AS AMENDED**

- 1. That the Audit Committee note the Audit Completion Report for year ended 30 June 2021 issued by the Auditors.**
- 2. That the Audit Committee recommends that Council note the final exit brief for year ended 30 June 2021 issued by the Auditors.**
- 3. That the Audit Committee recommends that Council note the interim audit results for year ended 30 June 2021 issued by the Auditors.**
- 4. That the Audit Committee recommends that Council note the representation letter for the year ended 30 June 2021 issued by the Auditors.**
- 5. Points 2, 3 and 4 of the recommendation and the attachments be confidential pursuant to section 5.23 of the Local Government Act.**

**(CARRIED UNANIMOUSLY 4/0)**

### 8.3 EXTERNAL AUDIT COMMITTEE MEMBER

The MRC has historically appointed an external audit committee member to the MRC audit committee in line with good governance practice.

The incumbent external member's appointment expired on 16 October 2021. As a result, a recruitment process was conducted for a replacement member.

The MRC placed adverts in the West Australian and on the Australian Institute of Company Directors (AICD) website, with three compliant responses received. After initial contact with the applicants one withdrew their application.

The remaining two applicants' details can be found at **Attachment 4**.

#### RESPONSIBLE OFFICER RECOMMENDATION

**That the Audit Committee recommend to Council that \_\_\_\_\_ be appointed as an external audit committee member, subject to their acceptance of the appointment, for the period ending June 2024.**

**Cr Vernon moved, Cr Miles seconded**

A ballot was conducted for the position of External Audit Committee Member. 4 votes were received in total.

The votes were counted by Ms Toward and verified by Mr Cairns.

The Chair declared Mr Kumar as the successful candidate.

#### PROPOSED AMENDMENT

**Moved Cr Vernon, seconded Cr Cvitan**

To amend the recommendation as follows to insert Aswin Kumar being appointed as Audit Committee member for the period ending 14 October 2023.

(CARRIED UNANIMOUSLY 4/0)

#### SUBSTANTIVE RECOMMENDATION AS AMENDED

**That the Audit Committee recommend to Council that Aswin Kumar be appointed as an external audit committee member, subject to their acceptance of the appointment, for the period ending 14 October 2023.**

(CARRIED UNANIMOUSLY 4/0)

#### 8.4 PENETRATION TESTING

The MRC engaged InfoTrust to perform a security assessment of their external network infrastructure presence. The overall test was conducted as a black box testing approach, where the testing team were only provided with the in-scope domains and no login credentials were supplied.

InfoTrust team tried to compromise the in-scope item from an external threat actor's perspective. The assessment was undertaken to test the exposure of the MRC from a malicious party's perspective; trying to breach the applications defences from an external perimeter by simulating multitude of attacks.

The report can be found at **Attachment 5**, page 10 of the report showing the status of identified vulnerabilities found.

#### RESPONSIBLE OFFICER RECOMMENDATION

**That the Audit Committee note the Penetration Testing Report.**

**Moved Cr Re, seconded Cr Cvitan**

**RESOLVED**

**That the recommendation be adopted.**

**(CARRIED UNANIMOUSLY 4/0)**



## 8.5 RISK REGISTER – FULL

### SUMMARY

The MRC's initial Risk Register summary was tabled at the Audit Committee meeting held on 1 March 2018.

At the meeting it was agreed that a summarised risk register would be tabled with the Audit Committee twice ever financial year and a full risk register would be tabled at least once a year.

A full risk register is included as **Attachment 6** to this agenda. The risk criteria tables can be found at **Attachment 6a**.

Management have prepared management plans for each of the risks included in this register.

Management conducted a risk register review on 24 November 2021 and the following risks have been changed, removed from or added to the full risk register since it was last presented to the Audit Committee:

<b>STRAT-04</b>	Risk decreased from 12 to 9 due to EDL Investments in wells.
<b>STRAT-08</b>	Risk increase from 5 to 15 due to end of life plan requirement for the landfill.
<b>STRAT-10</b>	Minor comments added.
<b>STRAT-18</b>	Minor comments added.
<b>CEO-04</b>	Minor comments added.
<b>COR-01</b>	Minor comments added.
<b>COR-10</b>	Minor comments added.
<b>COR-11</b>	Minor comments added.
<b>COR-14</b>	Risk removed due to RRFA exit.
<b>COR-15</b>	Risk added due to MRC taking ownership of RRF.
<b>OPS-02</b>	Minor comments added.
<b>OPS-11</b>	Minor comments added.
<b>OPS-12</b>	Minor comments added.
<b>OPS-17</b>	Minor comments added.
<b>OPS-21</b>	Reclassification of risk to "significant quantities". Minor comments added.
<b>OPS-28</b>	Minor comments added.
<b>OPS-32</b>	Minor comments added.

### RESPONSIBLE OFFICER RECOMMENDATION

That the Audit Committee note the Full Risk Register presented.

Moved Cr Vernon, seconded Cr Miles

### RESOLVED

That the amended recommendation be adopted.

(CARRIED UNANIMOUSLY 4/0)

<b>9</b>	<b>NEW BUSINESS</b>
----------	---------------------

Nil

<b>10</b>	<b>NEXT MEETING</b>
-----------	---------------------

09 March 2022, 4.30pm at the City of Stirling.

<b>11</b>	<b>CLOSURE</b>
-----------	----------------

The Chair closed the meeting at 6.57 pm.

These minutes were confirmed by the Audit Committee as a true and accurate record of the Audit Committee held on 13 January 2022.

Signed ..... Chair

Dated..... day of .....2022

**ATTACHMENT 2**  
**TO ITEM 6.1**  
**AUDIT COMMITTEE MEETING**

**9 MARCH 2022**

**COMPLIANCE AUDIT REPORT 2021**



Department of  
**Local Government, Sport  
and Cultural Industries**

## Mindarie Regional Council - Compliance Audit Return Regional Local Government 2021

### Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government, Sport and Cultural Industries together with a copy of the relevant minutes.

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
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 2021?	Yes		Sonia Cherico
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 2021?	Yes		Deborah Toward
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 2021?	Yes		Deborah Toward
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 2021?	Yes		Sonia Cherico
5	s3.59(5)	During 2021, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	Yes		Sonia Cherico



Delegation of Power/Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16	Were all delegations to committees resolved by absolute majority?	N/A		Sonia Cherico
2	s5.16	Were all delegations to committees in writing?	N/A		Sonia Cherico
3	s5.17	Were all delegations to committees within the limits specified in section 5.17?	N/A		Sonia Cherico
4	s5.18	Were all delegations to committees recorded in a register of delegations?	N/A		Sonia Cherico
5	s5.18	Has council reviewed delegations to its committees in the 2020/2021 financial year?	Yes		Sonia Cherico
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 Act?	Yes		Sonia Cherico
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes		Sonia Cherico
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes		Sonia Cherico
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes		Sonia Cherico
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		Sonia Cherico
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		Sonia Cherico
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2020/2021 financial year?	Yes		Sonia Cherico
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 Admin Reg 19?	Yes		Sonia Cherico

Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
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, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	N/A		Sonia Cherico



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
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 by Admin Reg 21A, recorded in the minutes of the relevant council or committee meeting?	Yes		Sonia Cherico
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) recorded in the minutes of the meeting at which the disclosures were made?	Yes		Sonia Cherico
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		Sonia Cherico
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2021?	Yes		Sonia Cherico
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		Sonia Cherico
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?	Yes		Sonia Cherico
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, in the form prescribed in Admin Reg 28?	Yes		Sonia Cherico
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76, did the CEO remove from the register all returns relating to that person?	Yes		Sonia Cherico
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) 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		Sonia Cherico
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, in the form prescribed in Admin Reg 28A?	Yes		Sonia Cherico
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		Sonia Cherico
13	s5.89A(6)	When a person ceases to be a person who is required to make a disclosure under section 5.87A or 5.87B, did the CEO remove from the register all records relating to that person?	Yes		Sonia Cherico



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A (6) been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes		Sonia Cherico
15	Rules of Conduct Reg 11(1), (2) & (4)	Where a council member had an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person, did they disclose the interest in accordance with Rules of Conduct Reg 11(2)?*  *Question not applicable after 2 Feb 2021	Yes		Sonia Cherico
16	Rules of Conduct Reg 11(6)	Where a council member disclosed an interest under Rules of Conduct Reg 11(2) was the nature of the interest recorded in the minutes?*	Yes		Sonia Cherico
		*Question not applicable after 2 Feb 2021			
17	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?	Yes		Sonia Cherico
18	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) 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		Sonia Cherico
19	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) recorded in the minutes of the council meeting at which the decision was considered?	N/A		Sonia Cherico
20	s5.103 Admin Regs 34B & 34C	Has the local government adopted a code of conduct in accordance with Admin Regs 34B and 34C to be observed by council members, committee members and employees?*	N/A		Sonia Cherico
		*Question not applicable after 2 Feb 2021			
21	Admin Reg 34B(5)	Has the CEO kept a register of notifiable gifts in accordance with Admin Reg 34B(5)?*	N/A		Sonia Cherico
		*Question not applicable after 2 Feb 2021			



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
22	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		Sonia Cherico
23	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)?	No		Sonia Cherico
24	s5.104(7)	Did the CEO publish an up-to-date version of the adopted code of conduct on the local government's website?	Yes		Sonia Cherico
25	s5.51A(1) & (3)	Did the CEO prepare, and implement and publish an up-to-date version on the local government's website, a code of conduct to be observed by employees of the local government?	Yes		Sonia Cherico

### Disposal of Property

No	Reference	Question	Response	Comments	Respondent
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) (unless section 3.58(5) applies)?	N/A		Sonia Cherico
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	N/A		Sonia Cherico





Department of  
**Local Government, Sport  
and Cultural Industries**

Finance					
No	Reference	Question	Response	Comments	Respondent
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 Act?	Yes		Sonia Cherico
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	N/A		Sonia Cherico
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2021 received by the local government by 31 December 2021?	No	Auditors Report for FY ended 30 June 2021 was received on 14 January 2022	Deborah Toward
4	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	Yes	Audit Report pertaining to FY2020 received 8 March 2021 - Yes.	ANDREA SLATER
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	Audit Report pertaining to FY2020 received 8 March 2021 - no significant items.	ANDREA SLATER
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	N/A	Audit Report pertaining to FY2020 received 8 March 2021 - no significant items.	ANDREA SLATER
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June received by the local government within 30 days of completion of the audit?	Yes	Audit Report pertaining to FY2020 received 8 March 2021.  Lodged with Government 26 March 2021.	ANDREA SLATER



Department of  
**Local Government, Sport  
and Cultural Industries**

### Integrated Planning and Reporting

No	Reference	Question	Response	Comments	Respondent
1	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 6 April 2017	Sonia Cherico
2	Admin Reg 19DA (2) & (3)	Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)?	Yes		Sonia Cherico
3	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 6 April 2017	Sonia Cherico

### Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve a process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	Yes		Sonia Cherico
2	s5.36(4) & s5.37 (3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Admin Reg 18A?	Yes		Sonia Cherico
3	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	Yes		Sonia Cherico
4	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)?	Yes		Sonia Cherico
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	N/A		Sonia Cherico
6	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		Sonia Cherico



Department of  
**Local Government, Sport  
and Cultural Industries**

Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Has the local government designated a senior employee as defined by section 5.37 to be its complaints officer?	Yes		Sonia Cherico
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)? Does the complaints register include all information required by section 5.121 (2)?	N/A	No complaints received to record	Sonia Cherico
3	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?	N/A	No complaints received to publish	Sonia Cherico

Optional Questions					
No	Reference	Question	Response	Comments	Respondent
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 Financial Management Reg 5(2)(c) within the three years prior to 31 December 2021? If yes, please provide the date of council's resolution to accept the report.	Yes	Report to the Audit Committee on 22.07.2021, and presented to the Council via the Members Information Bulletin on 12.08.2021.	Sonia Cherico
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 Audit Reg 17 within the three years prior to 31 December 2021? If yes, please provide date of council's resolution to accept the report.	Yes	Reviewed in January 2020 reference D/20/88. Report to Audit Committee on 30.1.2020 and presented to the Council via the Members Information Bulletin on 27.2.2020. No resolution required as per 2.17 LG (Audit) Regulations.	Sonia Cherico
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C?	N/A		Sonia Cherico
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 ?	No	The MRC will develop "Attendance at Events" policy and take to Council in September 2022, this will align with the review of existing MRC policies.	Deborah Toward



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
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)?	Yes	note that 5.96A(1)(a) does not apply to Regional Councils.	Deborah Toward
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		Sonia Cherico
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2020/2021 financial year and publish it on the local government's official website by 31 July 2021?	No	The policy, training and reporting requirements of the MRC Councillors, as required under the Act, are fulfilled by their respective councils. Specific training required by the MRC is published on the MRC website.	Deborah Toward
8	s6.4(3)	By 30 September 2021, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2021?	Yes		Sonia Cherico
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	Yes		Sonia Cherico

### Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondent
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy [adopted under F&G Reg 11A(1) & (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		Sonia Cherico
2	s3.57 F&G Reg 11	Subject to F&G Reg 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 F&G Reg 11(1)?	Yes	Note: The MRC procure insurance services from LGIS, a member benefit scheme without going to tender.	Sonia Cherico
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with F&G Reg 14(3) and (4)?	Yes		Sonia Cherico
4	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than a single contract?	Yes		Sonia Cherico



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
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		Sonia Cherico
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Regs 15 and 16?	Yes		Sonia Cherico
7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes		Sonia Cherico
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?	Yes	Tender 13/151 - one tender was rejected as not received within the time specified in the tender.	Deborah Toward
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		Sonia Cherico
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		Sonia Cherico
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of F&G Regs 21 and 22?	N/A	The MRC did not seek expression of interest in 2021.	Sonia Cherico
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 expression of interest in 2021.	Sonia Cherico
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under F&G Reg 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 expression of interest in 2021.	Sonia Cherico
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 F&G Reg 24?	N/A	The MRC did not seek expression of interest in 2021.	Sonia Cherico
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 F&G Reg 24AD(4) and 24AE?	N/A	The MRC did not seek establish a panel of pre-qualified suppliers in 2021.	Sonia Cherico



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
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 establish a panel of pre-qualified suppliers in 2021.	Sonia Cherico
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 F&G Reg 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 establish a panel of pre-qualified suppliers in 2021.	Sonia Cherico
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 F&G Reg 24AG?	N/A	The MRC did not seek establish a panel of pre-qualified suppliers in 2021.	Sonia Cherico
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 establish a panel of pre-qualified suppliers in 2021.	Sonia Cherico
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 establish a panel of pre-qualified suppliers in 2021.	Sonia Cherico
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 establish a panel of pre-qualified suppliers in 2021.	Sonia Cherico
22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of F&G Regs 24E and 24F?	N/A	No regional price preference given in 2021.	Sonia Cherico

I certify this Compliance Audit Return has been adopted by council at its meeting on \_\_\_\_\_

\_\_\_\_\_  
Signed Mayor/President, Mindarie Regional Council

\_\_\_\_\_  
Signed CEO, Mindarie Regional Council

**ATTACHMENT 3**  
**TO ITEM 4**  
**AUDIT COMMITTEE MEETING**

**9 MARCH 2022**

**DECLARATION OF INTERESTS FORM**



## Mindarie Regional Council

### DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

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

<b>Name &amp; Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	
<b>Extent of Interest</b>	.
<b>Signature</b>	
<b>Date</b>	

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



**MINUTES – MUNICIPAL WASTE ADVISORY COUNCIL (MWAC)**



# Municipal Waste Advisory Council

## Minutes

4.00pm Wednesday  
16 February 2022  
Online

## CONTENTS

<b>1</b>	<b>PROCEDURAL MATTERS .....</b>	<b>4</b>
1.1	Election of MWAC Chair and Deputy Chair .....	4
1.2	MWAC Minutes tabled at WALGA State Council .....	4
<b>2</b>	<b>MINUTES OF PREVIOUS MEETING .....</b>	<b>4</b>
2.1	Confirmation of the Previous MWAC Minutes .....	4
2.2	Business Arising from the Previous MWAC Minutes .....	4
<b>3</b>	<b>DECISION ITEMS .....</b>	<b>5</b>
3.1	COVID-19 Contingency Planning*** .....	5
3.2	CDS Minimum Network Standards – Second Review*** .....	6
3.3	Stewardship for Consumer and Other Electrical and Electronic Products – Discussion Paper*** .....	6
<b>4</b>	<b>INFORMATION ITEMS .....</b>	<b>8</b>
4.1	Program Update .....	8
4.2	DWER New category checklists for works approvals and licences for waste facilities .....	8
<b>5</b>	<b>REPORTS .....</b>	<b>9</b>
5.1	Working Groups/Committee Reports .....	9
<b>6</b>	<b>OTHER GENERAL BUSINESS .....</b>	<b>10</b>
<b>7</b>	<b>NEXT MEETING .....</b>	<b>10</b>

**ATTENDANCE**

Cr Doug Thompson (Fremantle)  
 Cr Giorgia Johnson (City of Bayswater)  
 Cr Les Price (Cue)  
 Mayor Ruth Butterfield (Armadale)  
 Cr Peter Abetz  
 Cr Karen Vernon (Victoria Park)  
 Cr Karen Wheatland (Melville)  
 Cr Andrew Maurice (Mosman Park)  
 Mr Tim Youé  
 Mr Andrew Murphy (Vincent)  
 Mr Peter Keane  
 Mr Marcus Geisler  
 Mr Scott Cairns  
 Mr Stefan Frodsham  
 Mr Chris Hoskisson (Joondalup)  
 Mr James Trail (Coolgardie)  
 Ms Ruth March (Albany)  
 Ms Rebecca Brown  
 Ms Tazra Hawkins  
 Ms Gráinne Whelan  
 Cr Karen Chapple

WALGA State Council  
 Eastern Metropolitan Regional Council  
 WALGA State Council  
 WALGA State Council  
 City of Gosnells  
 Mindarie Regional Council  
 Resource Recovery Group  
 Western Metropolitan Regional Council  
 Resource Recovery Group  
 Metropolitan Local Government  
 Bunbury Harvey Regional Council  
 Eastern Metropolitan Regional Council  
 Mindarie Regional Council  
 Western Metropolitan Regional Council  
 Metropolitan Local Government  
 Non-Metropolitan Local Government  
 Non-Metropolitan Local Government  
 Municipal Waste Advisory Council  
 Municipal Waste Advisory Council  
 Municipal Waste Advisory Council  
 WA Local Government Association

*Chair*  
*Deputy Chair*

*OAG Chair*  
*OAG Deputy*

*President*

**APOLOGIES**

Cr Tresslyn Smith (Bunbury)  
 Ms Nicole Matthews  
 Ms Candy Wong  
 Ms Hayley Williamson  
 Cr Bob Hall

Bunbury Harvey Regional Council  
 WA Local Government Association  
 Municipal Waste Advisory Council  
 City of Greater Geraldton  
 City of Greater Geraldton

# 1 PROCEDURAL MATTERS

## 1.1 Election of MWAC Chair and Deputy Chair

Cr Doug Thompson was elected unopposed as MWAC Chair, Cr Giorgia Johnson was elected as MWAC Deputy Chair.

## 1.2 MWAC Minutes tabled at WALGA State Council

A summary of the Minutes of the Municipal Waste Advisory Council meeting held Wednesday, 8 December 2022 will be noted at the next WA Local Government Association State Council meeting.

# 2 MINUTES OF PREVIOUS MEETING

## 2.1 Confirmation of the Previous MWAC Minutes

### MUNICIPAL WASTE ADVISORY COUNCIL MOTION (CR JOHNSON/CR PRICE)

That the Minutes of the meeting of the Municipal Waste Advisory Council held on Wednesday, 8 December 2022 be confirmed as a true and accurate record of the proceedings.

## 2.2 Business Arising from the Previous MWAC Minutes

A	Issue	June 2021 MWAC Item 5.8 FOGO in MUDS		
	Action	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>		
	Timeframe		Status	<ol style="list-style-type: none"> <li>Examples are requested from Members regarding this issue.</li> <li>To be completed</li> </ol>

B	Issue	August 2021 MWAC Item 7 General Business		
	Action	That the Municipal Waste Advisory Council undertake a workshop with the Goldfields Esperance Country Zone at their earliest convenience to identify ways that MWAC can further represent and assist the Zone.		
	Timeframe		Status	The Zone have requested that MWAC hold a Waste Summit in the Regional. Expressions of Interest will be sought from Local Governments to host the next three Waste Summits.

### 3 DECISION ITEMS

#### 3.1 COVID-19 Contingency Planning\*\*\*

##### **MUNICIPAL WASTE ADVISORY COUNCIL MOTION (CR JOHNSON/CR PRICE)**

**That the Municipal Waste Advisory Council:**

- 1. Note the following:**
  - a. Omicron Planning Paper**
  - b. Mutual Assistance Memorandum of Understanding.**
- 2. Provide a copy of the Omicron Planning Paper and Mutual Assistance MoU to the Environment Minister.**

##### **In Brief**

- The WALGA Team are taking a coordinated approach to Omicron Planning, based on issues that have arisen and queries from the sector. An Omicron Planning Paper has been developed to capture this information and provide guidance.
- The Mutual Assistance Memorandum of Understanding (MoU) developed in 2020 to provide continuity of service for waste collections has been updated.

##### **Background**

On 14 January, the Association held an online meeting with Local Governments and waste companies to seek feedback on any additional considerations for the Mutual Assistance MoU and to discuss the new challenges for Local Governments and waste companies in managing COVID-19.

##### **Comment**

Discussions included:

- Managing ongoing operations
- Contingency planning
- Extension to hours of operation
- Vaccination mandates
- WALGA Rapid Antigen Test Procurement
- Consistent Communication.

The Officers Advisory Group discussed the MoU and the Planning Paper. Both are being updated to include additional information on Rapid Antigen Tests, Vaccination, Essential Worker definitions and Department of Health information regarding exposure sites. The discussion highlighted the particular challenges for Local Governments in regional areas where there may be only one service provider. The Omicron Planning Paper and MoU are attached **(p. 1 and 10 respectively)**.

##### **Discussion at the Municipal Waste Advisory Council**

An overview was given in relation to Rapid Antigen Testing for critical workers and new isolation requirements. An issue was raised at the Officers Advisory Group as one of the challenges in regional areas is when there is only one waste collector providing a service and how they implement contingency measures in that circumstance. At one of the Material Recovery Facilities an employee tested COVID-19 positive and all staff were considered casual/close contacts. The definitions have now changed and casual contacts are no longer used.

A member highlighted issues in relation to staffing at MRFs where staff are specialised in their role and there may not be other staff on standby to step into the role. Training and induction of standby staff takes time and is also an additional cost. A query was raised in relation to the definition of a close contact under the health direction. WALGA will seek clarification and report back to the group. The definition of a high case load versus a very high case load environment was queried and at what stage does that come into effect. Currently the definitions are set by the State Government and WALGA is awaiting confirmation as to when the very high case load environment would

come into effect. The Chair recommended that the Omicron Planning Paper be sent to the Minister for Environment for information.

### **3.2 CDS Minimum Network Standards – Second Review\*\*\***

#### **MUNICIPAL WASTE ADVISORY COUNCIL MOTION (CR JOHNSON/CR PRICE)**

**That the Municipal Waste Advisory Council endorse the Draft Submission on the CDS Minimum Network Standards – Second Review.**

#### **In Brief**

- On 6 December 2021 the Department of Water and Environmental Regulation (DWER) released the second review of the Container Deposit Scheme (CDS) Minimum Network Standards with submissions due by 14 January.
- The main focus of this review was on the definitions of seasonal, pop-up and mobile refund points, with the review suggesting that standard opening hours were not required for these types of refund point.
- The Draft Submission identifies the need for standard opening hours to be defined and maintained.

#### **Background**

This is the second review of the CDS Minimum Network Standards and focused on:

- Application of maximum travel distances
- Refund point requirements for Laverton, Ngaanyatjarra-Giles, Telfer
- Definitions of seasonal, pop-up and mobile refund points.

Comment on the review was due in January.

#### **Comment**

In the Draft Submission the Association supported clarifying that the maximum travel distances are only used to calculate the state-wide coverage of the Scheme whilst also ensuring that if refund point operators are not available the Scheme Coordinator needs to provide the service.

The new definition of seasonal refund point was supported, as it is in line with ensuring some flexibility for areas with seasonal populations based on tourism. The Draft Submission also supported refund points in regional and remote locations to self-identify as seasonal due to their location.

The Draft Submission did not support 'pop-up' refund points, with only nominal opening hours, being part of the Minimum Network Standards.

For all the new definitions, the Draft Submission requested that there be justification provided to DWER for the number of operating hours to ensure community interest is protected. The Draft Submission was attached (**p. 12**).

#### **Discussion at the Municipal Waste Advisory Council**

The item was passed with minimal discussion.

### **3.3 Stewardship for Consumer and Other Electrical and Electronic Products – Discussion Paper\*\*\***

#### **MUNICIPAL WASTE ADVISORY COUNCIL MOTION (CR JOHNSON/CR PRICE)**

**That the Municipal Waste Advisory Council endorse the Draft Submission on Stewardship for Consumer and Other Electrical and Electronic Products – Discussion Paper.**

### In Brief

- The Department of Agriculture, Water and Environment released the [discussion paper](#) on 14 December 2021 which contains a significant number of questions for consideration, covering the National Television and Computer Recycling Scheme (NTCRS) and a range of other electric and electronic materials
- The Draft Submission focuses on the key issues for Local Government in WA, regarding the NTCRS and the longer-term requirements for Product Stewardship Schemes.

### Background

The Department of Agriculture, Water and Environment released a Stewardship for consumer and other electrical and electronic products in late 2021, which included discussion and consultation with various stakeholders that took place in August to November 2021. In the last 10 years the rate of e-waste generated each year by Australians has more than doubled and the Discussion Paper identifies a range of different products that need to be considered. The Discussion Paper is divided into:

1. Introduction – overview of the context, evidence and key concepts
2. Product categories – data and issues divided into categories
3. Key issues – issues identified through early consultation across all product categories.

Consultation closes on 25 February 2022.

### Comment

The Discussion Paper contains a significant number of questions relating to electrical and electronic waste and its management. Some of the matters included in the Discussion Paper are outside the scope of Local Government expertise and experience, therefore not every section of the Paper has been commented on.

In providing comment on the Discussion Paper, some of the issues identified include the:

- Design of products without hazardous substances to make them easier to manage at end of life
- Need for a national Product Stewardship Scheme to manage solar PV and battery storage
- Potential to recover more mobile phones by expanding the NTCRS to accept mobile phones
- Need for manufactures of goods to design for durability to ensure that electrical and electronic devices are kept in circulation longer
- Requirement of supporting measures to accompany landfill bans on e-waste
- Collection, treatment, recovery and environmental disposal of products being the legal responsibility of producers regardless of the type of scheme introduced (mandatory, co-regulatory, voluntary)
- Design of future Schemes in such a way that ensures manufacturers, importers and distributors and organisations tasked with delivering Schemes, are financially or physically responsible for managing actual end-of-life impacts, as opposed to projected end-of-life impacts.

The Draft Submission was attached **(p. 16)**.

### Discussion at the Municipal Waste Advisory Council

A number of participants attended the e-waste industry breakfast seminar which outlined the range of research taking place in relation to recycling e-waste. Solar Panels are captured in the Draft Submission under a priority waste stream but packaging from e-waste is not. This is best covered by the Australian Packaging Covenant Organisation. Members highlighted that e-waste is an issue at aged care facilities and residential lifestyle villages where people stockpile until verge collection.



## 4 INFORMATION ITEMS

### 4.1 Program Update

- Bin Tagging Program
  - The Bin Tagging App is being tested in February
  - WALGA is working with Resource Recovery Group, Western Metropolitan Regional Council, Town of Bassendean, City of Wanneroo and City of Vincent
  - As part of the Program, waste audits will be conducted prior to and post bin tagging of approximately 200 households.
- Better Practice Guidelines for Multiple Dwelling Developments (MDDs)
  - Talis Consulting have developed a Draft Better Practice Guideline for new MDDs
  - WALGA are working to update the Better Practice Guideline for existing MDDs
  - Talis will be working with several Local Governments in 2022, to undertake pilot projects to test the various communications/infrastructure approaches to reduce contamination and increase resource recovery from MDDs.
- E-waste Recycling Program
  - Collection events were held at the following locations:

Date	Location	Tonnage e-waste collected
27 November 2021	Geraldton	3.45
14 November – 5 December	Denmark	1.71
	Jerramungup	0.74
	Plantagenet	1.66
- Community Sharps Program
  - WALGA has placed an order for 277 sharps containers, to be provided to 24 Local Governments across WA
  - Delivery of the containers and signage will occur over the next few months.

### 4.2 DWER New category checklists for works approvals and licences for waste facilities

- The Department of Water and Environmental Regulation's Industry Regulation division is developing a series of category checklists that will assist those applying for works approvals and licences under Part V of the Environmental Protection Act 1986. These new checklists are anticipated to help improve the overall quality of applications and their supporting information, thereby streamlining the overall assessment process.
- The first of these new category checklists relates to landfills. This checklist is optional for applications for solid waste landfill sites associated with mining operations or for category 89 rural landfill sites. It is mandatory for all other new landfill applications that include one or more of categories 63, 64, 65, and/or 66, and for prescribed premises with any of those categories that seek to amend their instrument(s) to expand existing landfill operations, for example through the construction of new landfill cells.
- A minor update to the main works approval, licence, and amendment application form has also been published to support this and future category checklists. The new category checklist and updated main application form are available on the [DWER website](#). The main application form is 25 pages long and the category checklist is 14 pages long, so it is not clear how useful the check lists will be.

## 5 REPORTS

### 5.1 Working Groups/Committee Reports

#### 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. **Reducing Illegal Dumping Working Group**  
Delegates/Nominees: n/a  
This Group has not met since the previous MWAC Meeting.
3. **Vergeside Collection Working Group**  
Delegates/Nominees: n/a  
This Group has not met since the previous MWAC Meeting. However it anticipated that the DWER Better Practice Guideline for Vergeside Collection and Drop off will be released in early 2022.
4. **Consistent Communications Collective**  
Delegates/Nominees: n/a  
This Group met on Wednesday 9 February to discuss COVID communications and other matters.
5. **Industry Training Reference Group**  
Delegates/Nominees: n/a  
This Group has not met since the previous MWAC Meeting.
6. **Household Hazardous Waste Advisory Group / Operators Meeting**  
This Group has not met since the previous MWAC Meeting.

#### External Committees and Working Groups

1. **DWER Waste Reform Advisory Group**  
Representative: MWAC Chair, MWAC Executive Officer and CEO of SMRC  
This Group has several meetings scheduled for 16 February (to discuss the State Waste Infrastructure Plan (SWIP)) and 17 February (to discuss COVID Planning).

#### Discussion at the Municipal Waste Advisory Council

The Chair gave an overview of the Scope, Objectives and Principles of the SWIP. A member queried if the document discussed the number of Regional Councils in the Metropolitan area. The document does not deal with this level of detail. A member stated that a SWIP was previously developed in 2014 and is still available to view. It was noted that in the current draft SWIP transfer stations were not quantified within the scope of the plan. Members who attended the meeting raised concerns that transfer stations are part of the key waste infrastructure particularly in regional areas. The current SWIP will be available for public consultation for 12 weeks from April-June with the final document published in August /September.

2. **DWER Regulatory Reference Group**  
Representative: WALGA Executive Manager, Strategy Policy and Planning  
This Group has not met since the previous MWAC Meeting.

**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.

**5. WARRRL Local Government Reference Group**

Representative: MWAC Executive Officer  
This Group has not met since the previous MWAC Meeting.

**6. Australasian Packaging Label Marketing and Communications Working Group**

Representative: MWAC Executive Officer  
This Group has not met since the previous MWAC Meeting.

**7. Hazard Coordinating Committee**

Representative: MWAC Executive Officer  
This Group has not met since the previous MWAC Meeting.

**8. Across Agency Asbestos Group**

Representative: MWAC Executive Officer  
This Group has not met since the previous MWAC Meeting.

**9. Main Roads Waste Forum**

Representative: MWAC Executive Officer / Waste Management Specialist  
This Group met in early 2022, however will not meet again as it has been superseded by a Waste Authority chaired C&D group.

**10. Waste Management and Resource Recovery Association**

Representative: MWAC Executive Officer, CEO of SMRC  
This Group has not met since the previous MWAC Meeting.

**11. Charitable Recyclers Australia**

Representative: MWAC Executive Officer  
This Group has not met since the previous MWAC Meeting.

**6 OTHER GENERAL BUSINESS**

The meeting closed at 4:45pm.

**7 NEXT MEETING**

The next meeting of the Municipal Waste Advisory Council will be held online at **4:00pm on Wednesday, 27 April 2022.**



## COVID-19 Omicron Planning February 2022

### Background – Essential Service and Waste Definitions

Waste Management is an essential service, provided by Local Government and a range of private contractors across Western Australia. An essential service is defined as:

*“a service formally recognised by government to be a basic right for its citizens and the failure to deliver this service would result in potential risks to the public. Therefore, the government will ensure that this service is considered a priority in strategic planning and is ultimately protected from disruption from outside sources such as natural and man-made disasters, market failure, economic pressures, community complaint and mismanagement” (WALGA, 2020).*

To define what waste management encompasses, the most relevant reference is the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act). The terms of particular relevance are the definitions of waste, waste facilities and waste services:

**waste** includes matter —

- a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or
- b) prescribed by the regulations to be waste;

**waste facility** means premises used for the storage, treatment, processing, sorting, recycling or disposal of waste;

**waste service** means —

- a) the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste; or
- b) the provision of receptacles for the temporary deposit of waste; or
- c) the provision and management of waste facilities, machinery for the disposal of waste and processes for dealing with waste.

In looking closely at the services that Local Government provides, or provides for, there may be some additional measures that are required. This document outlines current practice and protections and makes suggestions about a common approach to facilities.

### Waste Management – COVID Directions

#### Mandatory Vaccination

Waste management is captured under the [Critical Infrastructure Worker \(Restriction on Access\) Directions](#). Consequently waste management is also captured under the [Booster Vaccinations \(Restrictions on Access\) Directions](#).

The relevant definitions under the Directions are:

- 47. Waste has the same meaning that it has in the Waste Avoidance and Resource Recovery Act 2007 (WA) and includes controlled waste.
- 48. Waste infrastructure site means premises used for the predominant purpose of collection, transport, receipt, sorting, treatment, recycling, recovery (including energy recovery),

processing or disposing of domestic or commercial waste and includes licensed or unlicensed waste management premises where one or more waste service is provided.

49. Waste infrastructure worker means:

- a) a person of the kind set out in Row 6, Column 1 of the table in Schedule 1; or
  - b) any other person specified in writing to be a waste infrastructure worker by the Chief Health Officer or any person authorised by Chief Health Officer for that purpose, but does not include:
  - c) a person covered by Row 6, Column 2 of this Schedule.
50. Waste service has the same meaning that it has in section 3 of the Waste Avoidance and Resource Recovery Act 2007 (WA)

Waste Management workers are also identified under the State Governments current definitions of critical workers – which has an impact in a very high case load environment (with a reduction in the requirements for isolation/quarantine).

## Preparedness - Local Government Contingency Planning

### Collection Contingency

Local Government, working with WALGA Preferred Suppliers, have put in place a Memorandum of Understanding which allows an organisation to utilise fleet and workers from other organisations for waste collection. This provides some contingency in case the workers are affected by the virus. There are some key insurance considerations for Local Governments in this situation:

- Inductions for third party operators of the Local Government vehicles. Ensuring they know how to properly operate the vehicle; that personnel are fit and capable of undertaking the prescribed activity; and ensuring compliance with incident response/reporting procedures.
- Inspection of vehicle pre and post engagement to avoid any disputes over when damaged occurred and whose insurance applies.
- Utilising/following the WALGA Preferred Supplier Arrangement on labour hire. There should be specific protections in there for the member if the labour hire personnel is injured whilst under the supervision of the member.

### Business Continuity Planning

Local Governments are already undertaking business continuity plans. In the waste context, it is useful to look at prioritising waste services and deciding what services are most important whilst also considering workforce skills and adaptability.

Priority	Service
1	Kerbside waste/FOGO collection
2	Dead animals/Hazardous waste/Putrid waste
3	Kerbside recycling/GO collection
4	MGB deliveries
5	Park/bus stop bin collection
6	Verge litter collection
7	MGB household repairs
8	Bulk verge collection
9	Illegal dumping not included in (2)
10	Recycling centre drop off

## Response

Each Local Government may have a different waste service priority list. The following example from the City of Wanneroo is part of their business continuity planning process and shows what waste services will be impacted, if a certain proportion of the workforce is impacted. Other considerations in relation to workforce include pre-existing health conditions or whether they need to care for people in the home.

Staff Reduction	Impact
10%	None (short term)
20%	None (short term)
30%	Some disruption to verge/illegal dumping. Commence sourcing of temporary staff/contacting other Local Governments
40%	Verge litter/illegal dumping and greens drop-off ceased. Some reduction in bulk waste collection staff (service slow down)
50%	Verge/illegal dumping, greens drop-off and bulk collection ceased. Reduced capacity for park bins, et
60%	Verge litter/illegal dumping, greens drop off, bulk collection, park bins and delivery of MGBs suspended
70%	Verge litter/illegal dumping, greens drop-off, bulk collection, park bins, delivery of MGBs ceased. All available staff (internal and external) to concentrate on kerbside collections.
80%	Verge litter/illegal dumping, greens drop-off, bulk collection, park bins MGB delivery and kerbside recycling collection ceased. Consider a fortnightly waste collection
90%	Major impact on domestic collection

Staged phases of reduced services are included in Appendix 1, noting however the Government has expressed a preference to avoid lock down.

## Waste Collection – Kerbside

**Contamination of household bins** – advice from the Department of Health PHEOC is:

*It is possible that someone with COVID-19 may contaminate the surface of a bin and this could lead to transmission onto the next person to touch the bin. The bin is acting as a fomite- i.e., an inanimate object which can spread a pathogen on when touched. The risk of this occurring is no higher than any other object that people may touch throughout the course of their day. Thus, the risk mitigation strategy for this occurrence is to ensure that all staff handling bins wear gloves and wash their hands effectively after handling bins and regularly throughout the course of the day. It may also be an idea for Local Governments to remind consumers to wash their hands regularly throughout the day, including when handling bins.*

**Collection Vehicles** – a large proportion of waste collection vehicles, for kerbside collections, are side arm trucks. This means that a person does not physically touch the bin, instead the side arm of the truck collects the bin. The contents of the bin are tipped into the sealed body of the truck. This system is set up to minimise any contact between the driver and the bin or its contents, thereby minimising risk. It is recommended that workers keep the same truck where possible, or the truck is sanitised between uses.

For those organisations using rear lift trucks, where workers are required to manoeuvre bins to be picked up by the trucks, it is recommended that the workers follow the Department of Health advice regarding hygiene. The Local Government may also want to encourage



residents to wash their hands after handling bins. For workers sharing vehicles – it is suggested that waste collection vehicles are thoroughly sanitised between shifts.

**Collection / Processing Contracts** - Local Governments who have outsourced collection may need to consider some flexibility in their contracts, should the workforce undertaking collections be severely impacted. For example, the collection time (earlier or later) and the destination of the material. In regard to destination, it may be quicker for a vehicle to go to another landfill / transfer station than the one contracted. The main message is, consider this as an option and Local Government discuss this with your contractors.

## **Waste Facilities**

### **Sharing vehicles**

As for collection workers, it is suggested that vehicles are thoroughly sanitised between shifts/users. This can include forklifts, front end loaders and compactors.

### **Material Recovery Facilities**

The workers at these facilities wear full PPE – masks, glasses and gloves – as the nature and condition of the material received at these facilities is also quite variable and Material Recovery Facilities do have issues with the type of material they receive at times (for example nappies and sharps). Rapid Antigen Testing could form a key part of ensuring that exposure of workforce is limited.

### **Composting facilities**

At composting facilities, for example processing FOGO, workers would wear full PPE, practice good hygiene and utilise litter pick grabs to remove all contamination. That means tissues can continue to be disposed of in the FOGO bin. Rapid Antigen Testing could form a key part of ensuring that exposure of workforce is limited.

### **Transfer Stations/Drop off centres/Landfills**

The current approach used by these facilities is to minimise staff contact with the community who are dropping off recyclables or waste. This includes social distancing processes and additional PPE where appropriate. Currently, these sites are still open and taking 'self-haul' material. Disposing of waste is necessary and people may be taking the opportunity, while self-isolating, to have a good clear out. While transfer stations/drop off centres and landfills can remain open to allow people to dispose of self-haul material – while minimising staff exposure – it is encouraged that this occur, rather than the material remaining in people's homes or being illegally disposed of. However, if Government was to put in place more stringent recommendations regarding people not leaving their homes – except to get essentials – then it is suggested that transfer stations/drop off centres / landfills close their self-haul facilities. In this case the community would be encouraged to store material at home until such time as the restrictions were lifted.

Where the community has a clear pathway to dispose of the waste that they are usually generating (through kerbside/verge collection) then the restriction on self-haul should not prove too onerous. If these services are not in place in a Local Government – or are only in place for a proportion of the population – there is a rationale for self-haul to remain in operation, as it is the only waste disposal option for the community. Depending on the size of the community being serviced, arrangements could be put in place for pre-booking of waste drop off and electronic transactions.

### **Cash handling**

It is suggested that sites minimise cash handling from an Occupational Health and Safety point of view. If your Local Government has not yet instituted a 'no cash' policy, then it is suggested

that this be referred to those responsible for dealing with COVID-19 issues within your Local Government and a whole of organisation policy be put in place.

### **Staffing**

Considering options to reduce risks, there could be the option for multiple shifts, with smaller numbers of staff, as a way of social distancing and reducing risk.

### **Key Community Messages**

Through the Associations Consistent Communications Collective, the following key messages for the community were discussed, and there are some resources available to promote these messages:

- Do not place tissues or kitchen paper towels in your recycling bin – these materials are usually considered contamination in the recycling bin but now with concerns about COVID-19 this behaviour is not acceptable. Place used tissues or kitchen paper towels in your general waste bin.
- Rapid Antigen Tests are not recyclable, please place them in your waste bin.
- Takeaway containers – clean and empty plastic containers in the recycling bin. Compostable packaging goes in the general waste bin.
- If there is a 'stay at home Direction' from Government, kerbside and verge collection services will continue. Waste management is an essential service. However, drop off centres – such as transfer stations and landfills – may limit community access during this time (to encourage people to stay home).



## Appendix 1

In developing the document, considerations include the need to ensure that the community can dispose of waste generated in an effective and efficient way which minimises the risk of COVID-19 transmission and facilitates adherence to Government Directions. Waste is an essential service, however the specific elements of the waste services which are required at all times needs further discussion. If this consistent approach is to work, there will need to be widespread adoption – or a Government requirement – because if one site is open when others are closed it is likely to be overwhelmed.

### Planning for Local Government Services during an Emergency Event

Stage of Emergency	Local Government Waste Services
<p><b><i>Complete Lock Down / Very High Caseload Environment</i></b></p> <p>Significant community transmission and multiple outbreaks across wider geographic area.</p> <p>Restrictions:</p> <ul style="list-style-type: none"> <li>• Limited movement of people between geographic areas (within and outside metropolitan area, including regional travel restrictions)</li> <li>• Severely restricted community movement – shopping, exercise, emergency only</li> <li>• Social distancing/ masks for anyone outside</li> <li>• Work from home, unless absolutely essential</li> <li>• Non-essential businesses close</li> <li>• Take away only from restaurants /café</li> </ul>	<p><b>Kerbside:</b> Continue as normal</p> <p><b>Vergeside:</b> Continue as normal, unless concerns about ability of service provider to collect.</p> <p><b>Drop off</b>  Reuse shops closed  Public drop off – closed  Household Hazardous Waste drop off – closed</p> <p><b>Note</b></p> <ul style="list-style-type: none"> <li>• Although closed, there is the potential for it to be open by appointment, for urgent waste disposal.</li> <li>• For some Local Governments drop off is the only waste disposal option for residents (or a portion of residents), for these Local Governments they would need to continue providing a drop off option, with increased precaution for workers (if present at the site).</li> </ul> <p><b>Container Deposit Scheme</b>  Bag drop, in certain shops (e.g., charity shops) are likely to be impacted.</p> <p><b>Communications – community facing</b>  Wash hands after you take the bin in /out  Reduction of waste messaging  Do not put tissues in the recycling bin</p> <p><b>Worker considerations</b>  Waste management services workers need to have permits to cross borders / boundaries.  Workers will need to have social distancing and wear masks, ensure that exposure risks are minimised – for example no congregating of workers, same people working together, split shifts etc. to make sure if one section of the workforce falls sick or are required to self-isolate, there are sufficient workers to cover those shifts. PPE and hand sanitiser must be provided to workers.</p>

	<p>Have labour hire company or casual workforce on standby to provide labour if insufficient workers due to sickness and self-isolation requirements.</p> <p>Increase hygiene requirements – frequency of hand washing if not wearing PPE.</p> <p>Cashless system.</p> <p>Workers should be encouraged to self-isolate and get tested if they are feeling unwell. Identify workers who are at high risk of serious illness/death if they contract COVID-19. Seek advice on alternative work arrangements.</p>
<p><b>Very high case load environment</b></p> <p>Community transmission, across a range of geographic areas.</p> <p>Restrictions:</p> <ul style="list-style-type: none"> <li>Limited movement of people between geographic areas (within and outside metropolitan area, including regional travel restrictions)</li> <li>Social distancing in public spaces</li> <li>Gatherings allowed</li> <li>Work from home if you can</li> <li>Non-essential businesses close</li> <li>Take away only from restaurants /cafés</li> </ul>	<p><b>Kerbside</b> – Continue as normal</p> <p><b>Vergeside</b> – Continue as normal, unless concerns about ability of service provider.</p> <p><b>Drop off</b></p> <p>Reuse shops closed</p> <p>Public drop off – open</p> <p>Household Hazardous Waste drop off – open</p> <p><b>Container Deposit Scheme</b></p> <p>Bag drop, in certain shops (e.g. charity shops) are likely to be impacted.</p> <p><b>Communications – community facing</b></p> <p>Wash hands after you take the bin in /out</p> <p>Reduction of waste messaging</p> <p>Do not put tissues in the recycling bin</p> <p><b>Worker considerations</b></p> <p>Waste management services workers need to have permits to cross borders / boundaries.</p> <p>Workers will need to have social distancing and wear masks, ensure that exposure risks are minimised – for example no congregating of workers, same people working together, split shifts etc. to make sure if one section of the workforce falls sick or are required to self-isolate, there are sufficient workers to cover those shifts. PPE and hand sanitiser must be provided to workers.</p> <p>Have labour hire company or casual workforce on standby to provide labour if insufficient workers due to sickness and self-isolation requirements.</p> <p>Increase hygiene requirements – frequency of hand washing if not wearing PPE.</p> <p>Cashless system.</p> <p>Workers should be encouraged to self-isolate and get tested if they are feeling unwell.</p> <p>Identify workers who are at high risk of serious illness/death if they contract COVID-19. Seek advice on alternative work arrangements.</p>

<p><b>High case load environment</b> Some community transmission</p> <p>Restrictions:</p> <ul style="list-style-type: none"> <li>• 1.5 square metre social distancing</li> <li>• Travel restrictions relaxed across majority of WA</li> <li>• Gatherings allowed</li> <li>• Café &amp; restaurants open – for food only</li> <li>• COVID Safety plans for businesses</li> </ul>	<p><b>Kerbside</b> – Continue as normal</p> <p><b>Vergeside</b> – Continue as normal, unless concerns about ability of service provider.</p> <p><b>Drop off</b> <i>Reuse shops closed</i> Public drop off – open Household Hazardous Waste drop off – open</p> <p><b>Communications – community facing</b> Wash hands after you take the bin in /out Reduction of waste messaging Do not put tissues in the recycling bin</p> <p><b>Worker considerations</b> Workers will need to have social distancing and wear masks, ensure that exposure risks are minimised – for example no congregating of workers, same people working together, split shifts etc. to make sure if one section of the workforce falls sick or are required to self-isolate, there are sufficient workers to cover those shifts. PPE and hand sanitiser must be provided to workers. Have labour hire company or casual workforce on standby to provide labour if insufficient workers due to sickness and self-isolation requirements. Increase hygiene requirements – frequency of hand washing if not wearing PPE. Cashless system. Workers should be encouraged to self-isolate and get tested if they are feeling unwell.</p>
---	---

## Risk of transmission relating to Waste Services

Services	Risk	Likelihood of occurrence	Mitigation
<b>Kerbside</b>	Transmission of virus from bin to bin, if workers are touching multiple bins during the collection process	Low – feedback from Dept of Health indicated that bin to bin transmission was relatively low likelihood of occurring and straightforward to mitigate	Community messaging – wash hands after taking the bin out.
	People with the virus at home placing items which have the virus on them (e.g., tissues etc) in the waste, recycling, GO or FOGO bin	High – material is likely to be placed in the bin that does carry the virus, however there are a range of mitigation options and current procedures which reduce the risk.	Community messaging – don't put tissues in your recycling bin. Double bag your waste. Operational – No one is touching the material in the bin. Recycling, GO or FOGO sorting workers already wearing full PPE, as nasty stuff frequently in the waste.
<b>Vergeside</b>	People going through the piles of waste on the verge, which may have the virus on them	Medium/low – feedback from Dept of Health indicated that transmission was relatively low likelihood of occurring and straightforward to mitigate	Community messaging / enforcement – do not go through the bulk verge collection material.
<b>Drop off</b>	Virus infected waste being in contact with workers – directly or indirectly	Medium – waste could be infected with the virus.	Community messaging – if you have the virus double bag your waste. Operational – PPE for those working closely with waste. Ensure that the filters on vehicles sufficient. Limit the number of cars allowed on site at any one time to allow social distancing – ensure additional staff to undertake traffic control.
<b>All</b>	Worker concern regarding the potential impact of COVID.  If an employee contracts COVID at work, the employer could be at risk of receiving a workers' compensation claim.	High – workers are rightly concerned about any potential impact of COVID through exposure in their workplace.	Ensure that workers have the most contemporary health advice from the Department of Health. Ensure workers have relevant PPE and training in how to use the PPE. Check in regularly with workers to understand any concerns or facilitate improvements to how work is being undertaken.



**Mutual Assistance Memorandum of Understanding**  
**Waste Collection and Transport**  
**2022**

**Purpose**

The Purpose of this Memorandum of Understanding (MoU) is to facilitate agreement between all parties and identify how all parties will work together in case the need arises to use staff or vehicles/equipment from other organisations to ensure the collection of waste continues in an emergency situation.

**Parties to the MoU**

WALGA Preferred Suppliers and Local Governments.

**Background**

This MoU has been developed in response to COVID-19 and the need to ensure that contingency planning is place for worse case scenarios relating to waste management collection. The scenario considered is that a significant proportion of the waste collection truck drivers were affected by COVID-19 or required to self-isolate.

**Definitions**

Requester of support – the organisation seeking assistance under the terms of this MoU.

Provider of support – the organisation providing assistance under the terms of this MoU.

**Prioritising Collection**

The agreed approach is that collections of putrescible waste will be prioritised.

**Staffing**

- Any staff being put forward need to have some experience in waste truck driving and the Supplier of support provide to the Requester of support the drivers CV/Drivers licence on their relevant experience.
- Any staff will need to undertake the relevant inductions for the Requester of support. Sufficient time needs to be given to the Supplier of support to organise the induction.
- Any staff being put forward will provide confirmation of vaccination.
- Staff may have to undertake Rapid Antigen Tests.

**Insurance**

- There are three potential scenarios in relation to insurance
  - Vehicle and driver – Provider of support to cover insurance
  - Vehicle only – Requester of support to temporarily note vehicle on their insurance policy
  - Driver only – Provider of support to cover insurance.
- From an insurance point of view there are varying degrees of exposure to the Provider or Requestor of support, which could suggest one approach is preferred over another.
- Provider of support to ensure personnel and equipment covered by their insurance.

**Labour Hire Companies**

- Labour Hire Companies potential have staffing available.

**Funding**

- The Supplier of support will charge out any vehicles, staff or combination thereof at their usual rate to the Requester of support.

- The Requester of support will be responsible for all incidental costs associated with the Provider of support personnel and equipment such as catering, accommodation, Occupational Health & Safety (OHS) issues, transport, fuel and storage.

**Process**

- Parties to the MoU are encouraged to engage with each other now to determine specific requirements and how the process work for them (Contact Details – Appendix 1), this includes identifying rates for charge out of vehicles, staff or combination thereof and the insurance considerations.
- WALGA, through this MoU, are facilitating the process.

**Duration of the MoU**

This MoU is intended to continue until January 2023 and will be reviewed as required during that time.

**Termination**

This MoU may be terminated by agreement of all parties.

**Withdrawal**

Parties may withdraw from this MoU at any time by providing written notice to WALGA (during usual business hours).

**Contact Details****Primary Contact**

**Name**

**Position**

**Email**

**Mobile**

**Secondary contact**

**Name**

**Position**

**Email**

**Mobile**



## Submission on the Review of the Container Deposit Scheme Minimum Network Standards Second Review

January 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.

Due to the timeframe for consultation, this Submission has not yet been considered by MWAC. It will be put before the Council at the upcoming meeting on Wednesday, 16 February 2022. The Department will be informed of any changes to this Submission following consideration by MWAC.

### Introduction

The Western Australian Local Government Association (the Association) welcomes the opportunity to comment on the Second Review of the *Container Deposit Scheme Minimum Network Standards*. In contributing to the development of the Scheme, the Association made [comment](#) on the Customer Service Standards which informed the Minimum Network Standards. WALGA acknowledges that many of the recommendations made in this Submission have been included, such as the increase in allocation of refund points within the metropolitan area. In October 2021, the Association made a Submission on the first Review of the CDS Minimum Network Standards.

The Container Deposit Scheme (CDS) was established under the *Waste Avoidance and Resource Recovery Act 2007* on 1 October 2020. As part of the regulations, the Minimum Network Standards are to be reviewed as soon as practicable after the six-month anniversary of the Scheme commencing and after that, at intervals of not more than six months for the first three years.

As part of the Scheme a scheduled review process was included for the Minimum Network Standards. The first review occurred in October 2021 with this second review focusing on issues identified in Appendix 4 of the Issues Paper.

The second review identifies the following key points:

- Application of maximum travel distances used for modelling network coverage, which were based on an approximation of maximum shopping distances customers travel in different areas of the State
- Application of sites identified in Minimum Network Standards Consultation Summary (Laverton, Ngaanyatjarra-Giles, Telfer)
- Definition of seasonal refund point
- Definition of pop-up refund point
- Definition of mobile refund point.

This Submission comments on the key points which have been identified as part of the Second Review process.

Key Issue Identified	Options: The Minimum network standards could be updated to:			
<p>a) Application of maximum travel distances* were used for modelling network coverage and were based on an approximation of maximum shopping distances customers travel in different areas of the state</p> <p>b) Application of sites identified in Minimum Network Standards Consultation Summary (Laverton, Ngaanyatjarra-Giles, Telfer)</p>	1. Insert additional text applied to section 1.3 of the minimum network standards to clarify that maximum travel distances are only used to calculate the state-wide coverage of the scheme	2. Remove section 1.3	3. Remove reference to Telfer as an indicative refund point location	4. Scheme coordinator to investigate regular or occasional mobile service for the Ngaanyatjarra-Giles community
WALGA Comment	<p>1. <b>Support</b></p> <p>2. <b>Don't support:</b> These distances are important to ensure there is adequate access to refund points.</p> <p>3. <b>No comment</b></p> <p>4. <b>Support:</b> The Scheme requires that if a refund point operator is not available the Scheme Coordinator needs to provide the service.</p>			
Key Issue	Options for consideration:			
Definition of seasonal refund point	1. Define seasonal refund points as those that serve a town with less than 500 people and only operate for part of the year when tourism assists economic viability	2. Exempt seasonal refund points from specified minimum hours required for flexible refund points	3. Allow refund points in addition to those listed in the minimum network standards to self-identify as 'seasonal'.	4. Establish (if required) date ranges applicable for individual seasonal refund points



WALGA Comment	<p>1. <b>Support:</b> In certain parts of WA seasonal refund points can potentially benefit local communities.</p> <p>2. <b>Conditional support:</b> The Association understands that stipulating minimum hours for seasonal refund points may attribute additional costs and overheads which could potentially be cost prohibitive to the operation and viability of the seasonal refund point. However, there needs to be some level of minimum hours required to ensure the community can access the service. For example, in some areas there may be a need for seasonal refund points to be opened more than the minimum hours for a flexible refund point and in areas few hours, depending on seasonal populations. WALGA agrees that seasonal refund points have some flexibility regarding hours of operation, but the refund point would need to provide some form of justification to DWER for the opening hours.</p> <p>3. <b>Support:</b> In some instances, it may be appropriate for some refund points in regional and remote locations to self-identify as seasonal due to their location and therefore have different minimum hours of operation. However, the refund point would need to provide some form of justification to DWER for self-identifying as seasonal.</p> <p>4. <b>Don't support:</b> COVID-19 has had a significant impact on tourism in certain parts of WA, showing a substantial increase in many regions. This has meant visitors outside of the seasonal dates or times which were once considered usual. If date ranges were established based on seasonal activities, it could potentially reduce the number of containers that could potentially be captured through refund points in these locations.</p>		
Key Issue	Options for consideration:		
Definition of pop-up refund point	1. Define pop-up refund points as servicing temporary social events that exist outside regular business hours such as markets, music festivals, agricultural shows, sporting carnivals	2. Clarify that event-based refund points or 'pop-up' refund points do not form part of the minimum network standards in terms of minimum hours of operation	
WALGA Comment	1 and 2. <b>Support:</b> Pop-up refund points have the potential to capture a large number of containers from events. It is unlikely they can adhere to the minimum hours of operation as required under the CDS Minimum Network Standards and as such should be exempt. WALGA would also suggest that pop-up refund points should also be excluded from the minimum network standards count of refund points required as they cannot meet these requirements.		
Key Issue	Options for consideration:		
Definition of mobile refund point	1. Define a mobile refund point as being a refund point that can be easily moved from location to location as part of a vehicle, connected to a vehicle or carried in a vehicle	2. Mobile refund points are not required to meet the minimum hours of operation designated for flexible refund points	3. Refund point locations nominated in the minimum network standards that are reasonably considered by the scheme coordinator to not be economically viable as stationary refund points can be serviced as mobile refund points.

WALGA Comment	<ol style="list-style-type: none"> <li>1. <b>Support</b></li> <li>2. <b>Conditional Support:</b> A definition of a mobile refund point needs to be included in the Glossary section indicating it is not required to meet the minimum network standard hours of operation for flexible refund points (16 ordinary business hours per fortnight at least eight of which must be weekend hours). Where a stationary refund point is not economically viable but produces a high container return this should be treated as mobile refund points.</li> <li>3. <b>Conditional Support:</b> Mobile refund points would still need to meet some form of minimum servicing standard/operating hours, approved by the DWER.</li> </ol>
---------------	--

\*

### 1.3 Maximum travel distances

On and from 12 months from the date of commencement, the Coordinator must ensure that the travel distances to a refund point for those persons identified in column 1 of the table in Part 1.3 are no more than those distances specified in column 2 of the table in Part 1.3.

*Travel distance to refund point for regional category*

Column 1 Regional category	Column 2 Maximum travel distance to refund point
Perth metropolitan area	5 km
Inner regional area	50 km
Outer regional area	100 km
Remote and very remote area	200 km

## Submission on the Stewardship for consumer and Other Electrical and Electronic Products – Discussion paper February 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.

*This Submission will be put before the Council at the upcoming meeting on Wednesday, 16 February 2022.*

### Introduction

The Association welcomes the opportunity to comment on the Stewardship for Consumer and Other Electrical and Electronic Products Discussion paper (the Discussion paper) and considers the outcomes of this consultation will be essential to address issues with shared responsibility, cost recovery and consistent service delivery. Product Stewardship Schemes in Australia are diverse in their approaches, including the legislation that is relevant to their implementation, the focus of the schemes, the governance structure, approach to targets and funding model.

Local Government has actively engaged in the development and implementation of Product Stewardship Schemes where there is a clear opportunity to reduce costs and improve access for the community. Through the process of engaging with the Schemes, Local Government has seen positive outcomes, innovative solutions and developed important learnings. There have also been negative outcomes, where Local Governments have incurred considerable costs.

There has been considerable national developments and actions in relation to Product Stewardship such as the Federal Government, through the National Product Stewardship Investment Fund, investing in 20 projects to establish/enhance Product Stewardship Schemes. The Centre of Excellence for Product Stewardship represents an opportunity to ensure that Schemes are developed consistently and to maximise access, however the Centre does not have a regulatory role. The Productivity Commission Right to Repair Report identified that built-in obsolescence and Right to Repair, could be incorporated into Product Stewardship Schemes, but has not been to date. Right to Repair legislation in other countries exists alongside, and is complementary to, Product Stewardship.

This Submission highlights key reforms which are necessary for the National TV and Computer Recycling Scheme (NTCRS) immediately and provides comments on the questions posed in the Discussion Paper.

## Key Reforms

The Department has developed a comprehensive Discussion Paper which covers a range of matters. To ensure what is essential for Local Government is identified the Association is making the following recommendations:

	Recommendations
<b>Short term</b>	1. That the Federal Government, before the end of the 2021/22 Financial year, enhance the National TV and Computer Recycling Scheme to: <ol style="list-style-type: none"> <li>Ensure the Scheme covers all of the costs associated with the recycling of Scheme products</li> <li>Expand the scope of the Scheme to cover out of scope products such as small kitchen appliances, radios, CDs, DVDs, vacuums</li> <li>Increase Targets for the Scheme</li> <li>Make Targets State/Territory based, to ensure equitable coverage.</li> </ol>
	2. That the Federal Government does not support the collection of material through the kerbside recycling system, which is flammable, hazardous and undermines consistent messages.
	3. That the Federal Government develop a national Product Stewardship Scheme to manage solar PV and battery storage, to be implemented in the 2022/23 financial year.
	4. That the Federal Government by 2023/24 amend laws to give consumers more rights to repair products instead of being obliged to keep on buying branded products. This was highlighted in the Productivity Commission Inquiry Right to Repair Report
<b>Medium term</b>	5. The Association does not support a landfill ban for e-waste, in the absence of an effective Product Stewardship Scheme for e-waste.
	6. Within the next five years manufacturers need to embrace a circular economy which aims to design out waste and pollution whilst also incorporating durable designs to ensure that electronic devices and materials are kept in circulation for longer.
	7. That the Federal Government put in place an effective Product Stewardship Scheme for fluorescent lighting which covers the cost of collection, transport and recycling of these products.
<b>Long term</b>	8. That the Federal Government put in place a labelling scheme which provides consumers with information about the longevity of the products they are purchasing.
	9. That the Federal Government prohibit the sale or distributing new products, where there is no clear pathway to manage end-of-life impacts in an environmentally sound manner.

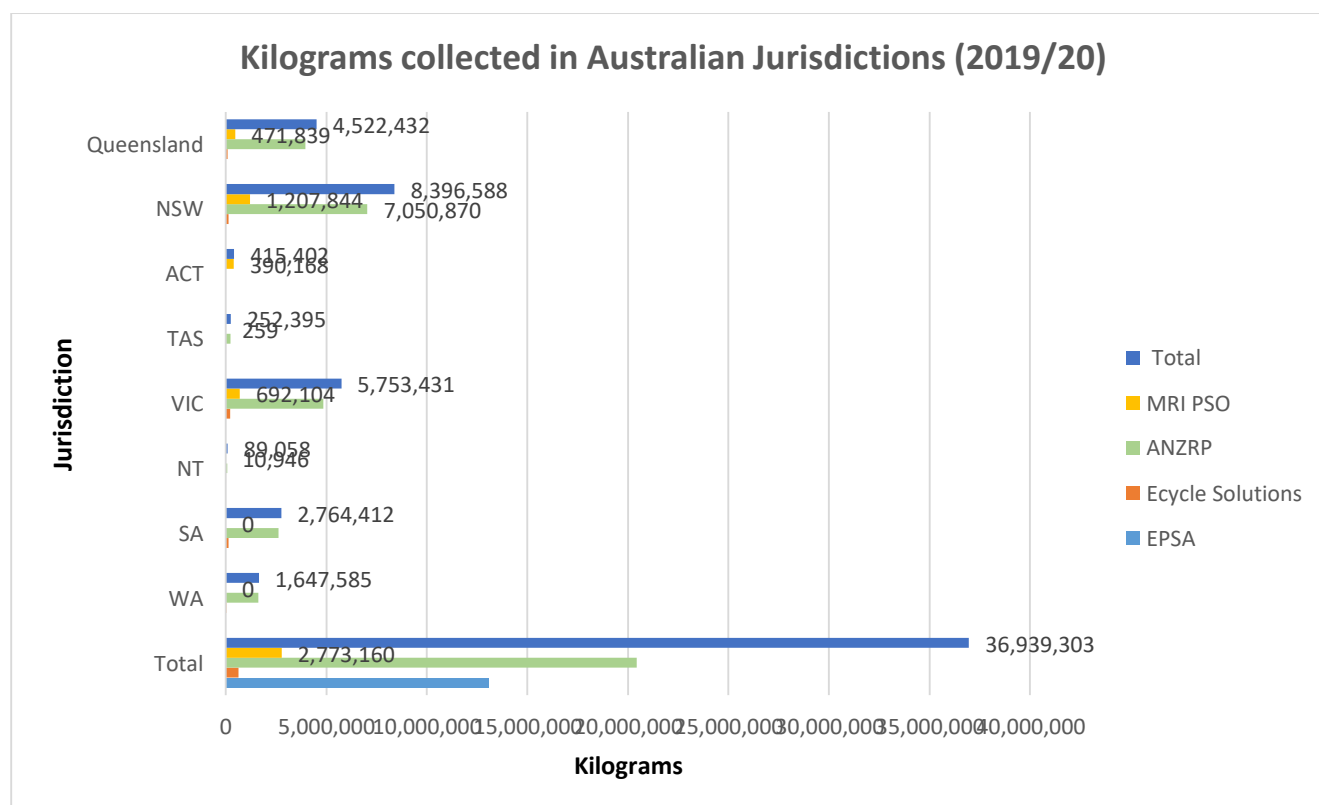
## Background

The NTCRS has delivered significant improvements in the Australian recycling rate for TV and Computers. Local Governments initial experience with the Scheme was positive, with the cost of recycling TVs and Computers reduced. Unfortunately, Local Government confidence in the Scheme was undermined by the actions taken by certain Arrangements in late 2014 - to limit their involvement to the minimum legislated requirements for collected tonnes and number of access points provided. Contracts to host permanent collection sites were either terminated or reduced, with no prior warning or offer to negotiate. Regional/remote sites across Australia were most likely to have their services terminated or reduced. Western Australia has many sites within this classification, due to the dispersed nature of its population.

**Figure 1** provides a comparison of the kilograms collected by Arrangements in each jurisdiction, as reported by the Arrangements for the 2019/20 Financial Year<sup>1</sup>. In viewing this information, it should be noted that:

- The requirements for reasonable access (i.e., number of collection sites) differ between jurisdictions related to population,
- The minimum amount of material that must be collected by Arrangements differs and relates to the number of liability parties who are members of that Arrangement.

From the data available it appears not all Arrangements are providing similar levels of service. While the requirements for reasonable access may technically be met by Arrangements, the effectiveness of some collection sites is debatable - given the amount of material collected. Nationally, ANZRP collected 55% of material, followed by EPASA (35%), MRIPSO (8%) and Ecycle Solution (2%). As EPASA did not provide a State by State, or regional breakdown of the services they provided, kilograms collected are recorded as N/A in **Figure 1**.



**Figure 1: Comparison of kilograms collected by Arrangements in each Australian Jurisdiction (2019/20)**

The parameters used to design the Scheme have resulted in a situation where material is most likely to be collected in populated areas. A comparison of the amount of material collected by the four Arrangements, that provided jurisdictional data for the 2019/20 Financial Year, shows that only 4% of material came from Western Australia. Western Australia accounts for approximately 10% of Australians<sup>2</sup>, therefore it is clear that although the Arrangements are meeting the national recycling target, the service provision nationally is not equitable. There is an urgent need for the recycling target to be applied on a state-by-state basis. In Western Australia, Arrangements have predominantly concentrated their efforts in the metropolitan area - with 86% of material collected in this region.

<sup>1</sup> [Waste publications and data - DAWE](#)

<sup>2</sup> [National, state and territory population, June 2021 | Australian Bureau of Statistics \(abs.gov.au\)](#)

### Questions

- Q1.1** What market and regulatory failures make it challenging for you to safely reduce the accumulation of e-waste in Australia?
- Q1.2:** Under what circumstances is voluntary product stewardship more appropriate and why? What are the advantages and disadvantages of voluntary product stewardship?
- Q1.3:** Under what circumstances is co-regulatory product stewardship more appropriate and why? What are the advantages and disadvantages of co-regulatory product stewardship?
- Q1.4:** Under what circumstances is mandatory product stewardship more appropriate and why? What are the advantages and disadvantages of mandatory product stewardship?

### Association Response

The high cost of electronic waste recycling has a significant impact on Local Governments' ability to reduce accumulated electronic waste. The National TV and Computer Product Stewardship Scheme (NTCRS) is a Co-Regulatory Scheme under the national Product Stewardship Legislation, which has been successful but is now costing the WA community \$300 a tonne to recycle products included in the Scheme and does not cover the \$700 a tonne to recycle other electronic waste. National targets do not provide an equitable outcome for WA. WA is 10% of the national population but is only collecting 4% (data from 2019/20) of the material through the Scheme. In the past collections from Local Government have been ceased when Scheme Targets have been met.

The Association supports the timely implementation of national Product Stewardship Schemes that deliver outcomes that benefit the entire country. The Association supports equal provision of services and the development of Schemes that take into account local conditions across Australia. The Association considers that the Commonwealth Government has a responsibility to ensure that all States and Territories have access to effective product stewardship arrangements, whether the Schemes they are mandatory, co-regulatory or voluntary.

Local Government has been an important stakeholder in the implementation of the two Voluntary Product Stewardship Schemes (Fluorocycle and Mobilemuster) currently accredited under the Act. The Association sees limited benefit in the accreditation process, as there is no requirement that Product Stewardship Schemes demonstrate their effectiveness against pre-determined criteria, such as a level and type of service offering.

FluoroCycle is a voluntary scheme that aims to increase the recycling of lamps that contain mercury and reduce the amount of mercury entering the environment. To achieve this, FluoroCycle provides a national, voluntary scheme which businesses, government agencies and other organisations can join as Signatories. The scheme gives public recognition to Signatories for their commitment to recycling. The Association considers that Fluorocycle is an ineffective Product Stewardship Scheme. The lack of requirements for data capture, management and reporting does not clarify what impact, if any, this scheme has had on tonnes collected for recovery, or reduction in cost to State and Local Government recycling programs. The 2015/16 annual report is the most current on the Departments website.

It must be noted that the majority of Voluntary Schemes operate outside the accreditation process established by the Act. While there are examples where Voluntary Schemes have arisen from a genuine industry commitment to reduce the entire lifecycle impact of a product, these are outweighed by examples where the key driver has been industry resistance to Government intervention and/or a lack of political will or Government resources to intervene.

Paintback is a voluntary scheme that has complete coverage across all of Australia. Since it was established in 2016, Paintback through collaborating with Local Government and other stakeholders has established a collection network of 160 sites nationally, and when combined with the mobile collection events, provides a responsible disposal pathway to 88% of the population.



Bcycle which is due to launch in early 2022 is a voluntary scheme targeting battery importers, manufactures, retailers, consumers and recyclers. The scheme has taken at least 10 years to come to fruition.

#### Questions

**Q2.1:** How can the data be improved?

- a) Is there data on local manufacturing?
- b) Is it reasonable to keep using the international parameters for product lifetimes?
- c) How can repair, reuse and resale be measured?
- d) Is there data on recycling outside the NTCRS and Mobile Muster?
- e) What can be done to measure the type and amounts of hazardous substances?
- f) Are there better estimates on the type and amounts of 'unknown' materials?
- g) Are the eight product categories suitable for the Australian context?

#### Association Response

No comment

#### Questions

##### Small Equipment

**Q2.2:** Can and, if so, how should product stewardship be implemented for small equipment?

**Q2.3:** Would an approach similar to a container deposit scheme be a feasible option to safely reduce the volume and rate of small appliances becoming e-waste? Why, or why not?

**Q2.4:** Would providing households with an easily identifiable bag to place small appliances into before placing in kerbside bins be a feasible option for safely reducing the volume and rate of small appliances to e-waste? Why, or why not?

**Q2.5:** What are the other opportunities and challenges for improving the stewardship of small equipment in Australia?

#### Association Response

The Association strongly opposes the use of the kerbside recycling bin as means of collecting electronic waste, for the following reasons:

**Potential increased fire risk for kerbside recycling and recycling facilities:** In August 2021 the Association carried out a survey on fires in waste collection vehicles and waste facilities. 56 organisations responded comprising of 82% Local Government/Regional Council, 14% waste industry and 4% unknown. 64% of fires occurred in waste collection vehicles, 50% in recycling collection vehicles and 7% in garden organics collection vehicles 43% of fires was caused by lithium batteries. The cost of the fires ranged from \$500 - \$200,000. Placing small appliances, which contain lithium batteries, in identifiable bags will only increase the number of fires in waste collection vehicles.

**Contradicts existing messaging and is a Work Health and Safety risk:** In WA all Local Governments and Material Recovery Facility operators have agreed to exclude flexible plastics from the kerbside recycling bin as it contaminates the paper stream and is a low value product which is difficult to recover. Another cause for concern is the potential for inconsistent messaging, State and Local Government have consistently promoted - leave material loose in the bins messaging. There are also considerable Work Health and Safety concerns regarding opening of bags, as the content is not known.

An option for improving the stewardship of small equipment could potentially be to implement a scheme similar to the container deposit scheme (CDS) for small, short lived electronic products. It may not be suitable for older electronic products. The WA CDS scheme commenced in October 2020 and has been extremely successful. Given that the infrastructure is already in place the Scheme could potentially be expanded to cater for small equipment however this would require further exploration. Another potential option and a longer-term solution would be for all CDS Refund points to include Op Shops or to donate working electronic goods to Op Shops/Social enterprises. This would facilitate electronic items being dropped off for free whilst also capturing any electronic items that are still working and would allow them to be tag/tested and reuse/sold, thus extending the lifecycle of the products.

### Questions

#### Televisions and Computers

- Q2.6:** Aside from lifting NTCRS targets, does anything else need to be in place to drive increased recycling and recovery rates for televisions and computers?
- Q2.7:** Would collection targets based on convenience rather than volume improve the environmental, social, and economic outcomes of the NTCRS?
- Q2.8:** Is the payment of levies by importers and manufacturers to co-regulators an effective and efficient way to fund high-efficiency recycling activities? Why or why not?
- Q2.9:** Is there a role for the Australian Government in setting a levy that importers and manufacturers pay to co-regulators? Why or why not?
- Q2.10:** Should the true cost of recycling be a consideration in setting a levy for importers and manufacturers? What outcomes would be realised by considering this?
- Q2.11:** Should recycling (or refurbishment and repair if counted) that occurs overseas contribute to material recovery targets in Australia?

### Association Response

There is a need to apply the recycling target on a jurisdictional basis and specify the material that Arrangements must collect from individual sites to fulfil reasonable access requirements. The current approach to reasonable access has not delivered equitable access to services in WA with the bulk of collections occurring in the Perth metropolitan area. In May 2021, the State and Territory Local Government Associations in conjunction with the Australian Local Government Association, sought Local Government feedback on the NTCRS to determine the current costs to Local Government and the community.

From Western Australia, thirty-three Local Governments responded with twenty-nine Local Governments (88%) offering e-waste drop-off/collection to their residents and four Local Governments not offering e-waste collection services. The four Local Governments not offering an e-waste service stated that they were too expensive, Local Government could not afford it, no suitable location was available for drop off and their Department of Water and Environmental Regulation licence needed amendment before they could collect e-waste.

Of the twenty-nine Local Governments which offer e-waste collection services to the community. Each Local Government provides staffing, infrastructure and sites which contribute to the in-kind costs of recycling e-waste. The amount of financial in-kind costs varies from \$1,000 - \$150,000 per year per Local Government.

For 2022 many Local Governments are now faced with additional financial burden due to the provider charging a rate per tonne for a service that was previously free. The anticipated costs per tonne for NTCRS and non-NTCRS e-waste are varied. For NTCRS e-waste the cost varies from \$200 to \$1,000 per tonne and for non-NTCRS e-waste the cost varies from \$500 to \$1,000 per tonne. This is a significant financial impost on the community which makes it difficult for Local Governments to accurately budget, as the amount and type of e-waste that may be collected is demand driven and changes year to year.



### Questions

#### Large Appliances

- Q2.12:** What feasible interventions need to be made so that Australia can shift from 90 per cent low-efficiency recycling of large appliances to a greater proportion of high-efficiency recycling? Would it be a short, medium or long-term intervention?
- Q2.13:** What are the opportunities for better data-collection at the point of recycling and recovery?

### Association Response

The Association suggests that a free take back system similar to what operates in Europe under the waste Electrical and Electronic Equipment Directive (WEEE) would be useful. The purpose of the WEEE directive is to minimise the impact of electrical and electronic goods on the environment, by increasing re-use and recycling and reduce the amount of WEEE going to landfill. It seeks to achieve this by making producers responsible for financing the collection, treatment and recovery of waste electrical equipment and by obliging distributors to allow consumers to return their waste equipment free of charge. Also designing products without hazardous components which are easier to manage at their end of life.

### Questions

#### Temperature exchange equipment

- Q2.14:** Would extending the *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989* to include equipment as well as ozone depleting substances and synthetic greenhouse gases be a feasible option for increasing high-efficiency recycling of temperature exchange equipment?
- Q2.15:** What other feasible interventions need to be made so that Australia can shift from 90 per cent low-efficiency recycling of temperature exchange equipment to a greater proportion of high-efficiency recycling? Would it be a short, medium or long-term intervention?
- Q2.16:** What are the opportunities and challenges in recycling and recovering polyurethane and polystyrene plastics from fridges, freezers, and other equipment?

### Association Response

The Association suggests that it is more efficient to include all Product Stewardship Schemes under one legislative instrument, rather than using other legislation which was not established for Product Stewardship purposes. The challenge with recycling plastics from these types of equipment is if products such as Brominated Flame Retardants have been used, as these products are persistent organic pollutants and therefore mean that recycling of this plastic is not possible.

### Questions

#### Other large equipment

- Q2.17:** Would strengthening commercial leasing arrangements to include high-efficiency recycling for end-of-life management of other large equipment improve environmental and social outcomes? How could this be done, and would it be a short, medium or long-term intervention?
- Q2.18:** Could leasing options for consumer products in this category be promoted? How could this be done, and would it be a short, medium or long-term intervention?
- Q2.19:** What other feasible interventions need to be made so that Australia can shift from 90 per cent low-efficiency recycling of other large appliances to a greater proportion of high-efficiency recycling? Would it be a short, medium or long-term intervention?

### Association Response

In relation to other feasible interventions for commercial leasing arrangements it is unlikely that there are any. In the most recent report from the Productivity Commission's Inquiry on 'Right to Repair' (October 2021) it was stated that 'At present, copyright laws inhibit the reproduction of copyrighted materials - including repair information such as manuals and schematics which may inhibit the repair and reuse of high-end professional products. In the Commission's

view, 'this does not strike the right balance between the interest of rights holders and of others seeking to access and use those materials for the purpose of undertaking repairs - and thus unnecessarily limits the ways in which repair information can be used'. To address this, the Copyright Act 1968 should be amended to include a new 'use' exception that allows for the reproduction and sharing of repair information under certain circumstances. That would assist in increasing the reuse and repair options for the more complex machinery.

### Questions

#### Solar PV and battery storage

- Q2.20:** Should product stewardship aim to promote repair and reuse of second-hand solar panels (including in overseas markets)? What state and territory electrical safety laws and regulations, and other energy market considerations, are relevant to promoting a second-hand PV panel market?
- Q2.21:** How can existing measures promoting and regulating domestic and utility PV systems be leveraged to accelerate solar panel stewardship in Australia?
- Q2.22:** Who should be responsible for paying the costs of transporting solar panel waste for processing and recycling, and what are measures could be implemented to promote equitable and efficient transport and logistics for solar panel waste?
- Q2.23:** What measures can be adopted to cover the cost of managing waste from legacy/orphan panels, and what measures can be implemented to assure the integrity of a stewardship scheme from 'phoenixing', risks arising from export of second-hand panels and dumping?
- Q2.24:** How do recycling processes and e-waste recovery options differ between panel technology sub-types and what different technology is required to manage for these differences?

### Association Response

A national approach to manage solar PV and battery storage is required. This involves producers, retailers and consumers taking responsibility for the environmental and health related impacts of solar infrastructure across its lifecycle. PV systems were first listed in the Ministers Priority List in 2016-17. The following actions were recommended:

- **Action 1:** The Photovoltaic industry must demonstrate that it will manage photovoltaic waste through an industry-led product stewardship arrangement.
- *An industry agreed nationwide scheme design must be finalised by June 2022.*
- *The nationwide scheme must be operational by June 2023 and include an approach to deal with legacy panels.*
- Government will consult industry over the next 6 months on how to meet these two objectives.

Depending on the outcome of the consultation process if industry indicates that it has no intention of operating a voluntary scheme then Government must intervene to implement either a mandatory or co-regulatory scheme.

### Questions

#### Lighting

- Q2.25:** What needs to be in place to divert the 82 per cent of lighting from landfill? Why and would it be a short, medium, or long-term intervention?
- Q2.26:** Would an approach similar to container deposit schemes be a feasible option for safely reducing the volume and rate of lighting to e-waste? Why and would it be a short, medium or long-term intervention?

### Association Response

As noted in this Submission, the Association does not consider that FluoroCycle is an effective product stewardship scheme. Through the Household Hazardous Waste Program, 162.8 tonnes of this material was recycled over the last 10 years at a cost of \$520,998.

The Association does not support the collection of these materials through the kerbside recycling system. With these particular products, mercury contamination is a potential issue as the material would be broken through collection.

#### Questions

##### Mobile phones

**Q2.29:** What needs to be in place to divert the 96 per cent of mobiles from people's drawers? Why and would it be a short, medium, or long-term intervention?

#### Association Response

MobileMuster, a mobile phone recycling program, is a not-for-profit program voluntarily funded by mobile phone industry groups. It is not governed by regulation or enforced by mandatory laws, but it is accredited under the Australia's Product Stewardship Act (2011). The program collects mobile phones, accessories and batteries through a comprehensive collection network, dismantles and recovers over 95% of their components for use in new products.

Mobile phones are estimated to represent a little over 1 per cent of all e-waste in Australia. A potential opportunity to recover more mobile phones would be to expand the NTCRS to accept mobile phones free of charge. Potential opportunity may include:

- offering discounts for new phones when the old one is returned or providing other forms of financial compensation

Another way to encourage collection is to introduce requirements for any retailer of mobile phones to accept and ensure the proper handling of an old device.

#### Questions

##### Key Issues – compliance

**Q3.1:** How can compliance be lifted across the supply chain and across jurisdictions, or for a particular program or compliance issue?

**Q3.2:** What approaches are the most efficient and effective to ensure compliance is properly resourced?

**Q3.3:** What steps can be taken to improve confidence in the electrical and electronic product and recycling industry?

**Q3.4:** Are there international standards that could be adopted and/or more widespread to promote Australia's circular economy?

#### Association Response

To ensure compliance is undertaken for product stewardship schemes, the Federal Government has to assign appropriate resources to this activity. As with other types of regulation cost recovery could be considered, to ensure that the Scheme is funding compliance, and that funding is secure.

#### Questions

##### Key issues – Design and Manufacture

**Q3.5:** What are the most efficient and effective methods for influencing electrical and electronic product design to increase sustainability? Why and would it be a short- medium-, or long-term intervention?

#### Association Response

At present, the electrical and electronic goods industry operates on a traditional linear business model based on high throughput of goods. Much of this waste is not returned to the system, with only 50% recycled (2019). This contrasts to a circular economy which aims to design out waste and pollution, keep products and materials in use, and regenerate natural systems therefore gradually decoupling economic activity from the consumption of finite resources. Many companies have made global commitments to designing waste out of the electronics value chain and others have worked hard to design hazardous materials out of their products. These kinds of experiences must be shared across the industry, creating a pre-competitive, open-source space for collaboration.

Embracing durable designs can ensure that electronic devices are kept in circulation for longer. Configurations should have a product's end-of-life in mind, as well as encouraging disassembly and reuse. Taking a "systems approach" and redesigning the entire electronic device lifecycle for a circular economy could also create more value in the system.

#### Questions

##### Exporting e-waste

- Q3.6:** How do international conventions impact the electrical and electronic products supply chain?
- Q3.7:** Should product stewardship aim to achieve the outcomes of international conventions and why?
- Q3.8:** Does Australia have sufficient recycling capacity to manage the expected 674,000 tonnes each year of e-waste in 2030 without exporting some e-waste?
- Q3.9:** If Australia was to destroy all materials containing POPs, how would industry approach this and what impact would it have on industry?
- Q3.10:** What interventions are required to encourage manufacturers/importers to disclose the hazardous chemicals composition of products to help recyclers and others meet international convention requirements?

#### Association Response

Australia is a signatory to the Basel Convention prohibiting export of hazardous waste (including e-waste) and has enacted these prohibitions domestically via the Hazardous Waste (Regulation of Exports and Imports) Act 1989 and the Recycling and Waste Reduction Act 2020. Currently exporters and importers of hazardous waste require Prior Informed Consent (PIC) for transboundary movement of hazardous waste via a hazardous waste permit. The permit can be issued for up to 12 months and can cover multiple waste shipments.

Feedback from a WA based e-waste recycler has identified they are currently unable to export some plastic fractions from e-waste due to the Recycling and Waste Reduction Act 2020 export ban on plastics. This has reduced the recovery rate for electronic waste, as there are not local recycling options. As it is proposed there will be fees and levies associated with obtaining hazardous permits this will contribute additional costs for exporters and importers of electronic waste components. Obtaining PIC's can also take several months which may lead to delayed shipments.

#### Questions

##### Landfill bans

- Q3.11:** What is your experience of the impacts of e-waste landfill bans and/or mandatory recycling in Australia?
- Q3.12:** Do you expect e-waste landfill bans (or otherwise highly restrictive levies and other policies) to be implemented in other jurisdictions?
- Q3.13:** What are the potential benefits and perverse outcomes of developing a common approach to e-waste landfill bans across Australia?
- Q3.14:** Do other complementary measures need to be in place before or concurrently implemented with landfills and, if so, what are they?

#### Association Response

A landfill ban is an end-of-the-line solution that does not place obligations on those involved in the management of e-waste upstream from a landfill. Without other complementary mechanisms, this would place a disproportionate responsibility on a landfill operator to prevent e-waste from ending up in landfill, with neither incentives nor alternative pathways for upstream parties to support this. Clearly a ban must therefore be accompanied by other supporting measures, which result in others further up the supply chain - households, businesses, Local Governments, waste management companies - supporting the goal of avoiding e-waste reaching the landfill gate.

In WA e-waste will be banned from landfill in 2024. To prepare for this the following complimentary measures need to be adopted:

- expand the existing NTCRS to include out of scope materials as this material which is funded by the Local Governments has increased substantially over the last few years

- provide additional funding to e-waste recyclers to recycle out of scope materials
- upgrade existing e-waste collection and storage facilities
- increase the community's access to drop-off points
- collection infrastructure
- support for development of recycling industries
- develop markets for recycling.

#### Questions

##### Overseas schemes

**Q3.15:** How would the introduction of legislation aligning restrictions on the concentration of chemicals of concern impact on imports of electrical and electronic products? For example, a Restriction on Hazardous Substances, similar to both the European Union and the Republic of Korea.

**Q3.16:** Would the adoption (and likely adaptation) of other overseas schemes be beneficial for Australia's management of electrical and electronic products across the product cycle?

#### Association Response

Many of the chemicals contained within electronic products are toxic including arsenic, beryllium, cadmium, lead and mercury. Flame retardants are also found in waste electronics, though some companies are reducing the amounts they add to newer electronics. These can persist in the environment and in the dust in our homes and can be particularly harmful. This means electronic products need high-quality treatment and recycling infrastructure when they become waste. Australia implements its obligations under the Basel Convention through the Hazardous Waste (Regulation of Exports and Imports) Act 1989. Currently exporters and importers of hazardous waste require Prior Informed Consent (PIC) for transboundary movement of hazardous waste via a hazardous waste permit.

A key element of any scheme is the producers should be legally responsible for the management of their products once they reach end-of-life. Producers are considered organisations that either manufacture and sell; resell; import or supply Electrical and Electronic Equipment.

#### Questions

##### Product labelling

**Q3.17:** Can product labels help consumers make their decisions on what electrical and electronic products to purchase? Do consumers want this information? Are there particular electrical and electronic products for which consumer labels would be more effective than others?

**Q3.18:** Can product labels and other technologies help consumers and recyclers lift the efficiency and recovery rates in recycling end-of-life electrical and electronic products?

**Q3.19:** For both consumer and end-of-life product labels, are the regulatory and financial costs likely to outweigh the benefits? Would alignment with international schemes (now and into the future) reduce the costs?

#### Association Response

Providing information to consumers through labelling is an important step in allowing consumers make informed decisions on the products they purchase. Currently in Australia there are no laws mandating information on product repairability but there are a range of regulations and government funded programs relating to other product qualities such as product safety, energy and water efficiency labelling. However, a product labelling scheme may not necessarily influence a consumer's purchasing habits as many consumers may choose to replace their products with newer ones, rather than the product actually breaking, or replacing a product with a product that better meets their needs.

To date, product stewardship schemes have tried to effect change using loosely defined market development activities, community/industry engagement, voluntary commitments to dispose of materials in an environmentally sound manner, or change which party contributes financially to collection, processing, recycling or disposal costs at end-of-life. These activities have been viewed by industry and regulators as a way to begin addressing the lifecycle impacts of various products, as these approaches do not require a fundamental rethink to manufacturing and consumption. Unfortunately, the current approach has not addressed, or resolved, the complexities of the market forces and costs experienced by the waste management industry. Future Schemes must be designed in such a way that manufacturers, importers and distributors, and organisations tasked with delivering schemes, such as Arrangements, are financially or physically responsible for providing repair options and managing actual end-of-life impacts, as opposed to projected end-of-life impacts.

Alternatively, an approach could be taken where manufacturers, importers and distributors are prohibited from selling or distributing new products, where there is no clear pathway to manage end-of-life impacts in an environmentally sound manner. Reframing Product Stewardship in such a light, would encourage those producing or selling products to consider the lifecycle impacts of their products, and assist with a transition to a circular economy.

#### Questions

##### Regional and remote Australia

**Q3.20:** How could reasonable access in regional and remote Australia be improved? How would this work?

**Q3.21:** Should regional and remote communities have individualised collection targets? If so, how would this work and what perverse outcomes might be realised? If you do not think regional and remote communities should have individualised collection targets, please explain why?

#### Association Response

Reasonable access needs to be better determined, with specific requirements in relation to access. For example, the WA Container Deposit Scheme (CDS) not only specifies the regions and areas where refund points are needed and the number of refund points but opening hours. This means that access is certain. The CDS scheme is an example of a scheme that is operating successfully in regional and remote areas of WA. The Gascoyne region has the highest approximate regional return rate of containers, 88% for the January to March 2021 quarter.

#### Questions

##### Reuse and repair

**Q3.22:** How could repair and reuse be included into the National Television and Computer Recycling Scheme, or any other product stewardship scheme? How could any identified perverse incentives be addressed?

**Q3.23:** What other ways can the Australian Government and others foster reuse and repair in electrical and electronic products in Australia?

#### Association Response

Repair markets include manufacturer or independent repair services, community-led reuse and repair centres, or suitably qualified individuals that engage in activities to restore products - that are damaged, faulty, or worn to a usable condition. Repair markets should be considered for all durable goods, including consumer electronics, sporting goods, household and office appliances and furnishings, vehicles, and machinery. When consumers purchase durable goods, often at higher costs, there is a reasonable expectation that these goods will last for an extended period of time and be repairable - regardless of individual choices to repair, replace, or live without.



Ways to foster reuse and repair include:

- Designing durable goods that can be disassembled with commonly available tools
- Making spare parts and service information available to anyone, including independent service providers and community led repair centres
- Giving consumers the freedom and confidence to have their durable goods repaired by a service provider of their choice at a fair price, or the option to perform their own repairs if suitably qualified
- Phasing in requirements to ensure upgradability of software and hardware, and the ability to replace hardware components such as batteries and screens
- Incorporate reuse and repair into Tender contracts
- Requiring durable goods to be labelled with lifetime expectancy and reparability information.

In December 2020, the Association undertook a short online survey of Local Government seeking feedback on the potential for Right to Repair legislation that could extend the life of products and reduce waste going to landfill. Forty-four Local Governments responded to the survey with 95% indicating that they supported federal action to introduce laws to improve consumers' Right to Repair options. Local Government recognises the value in salvaging usable goods from the waste stream with 75% of survey respondents indicating that they actively facilitate reuse or repair options for their communities. Almost 41% of these Local Governments operate reuse shops to redistribute usable goods. Local Governments provided a range of support to community-led repair services, 25% of Local Governments assist with advertising, 20% of Local Governments provide venues and 18% of Local Governments provide some form of financial support.

### Questions

#### Roles and responsibilities

**Q3.24:** What other roles and responsibilities do different levels of government and the supply chain have in properly managing electrical and electronic products?

**Q3.25:** How can these various roles and responsibilities be made clear and understood across these groups and the broader community?

### Association Response

To date, Product Stewardship Schemes have tried to effect change using loosely defined market development activities, community/industry engagement, voluntary commitments to dispose of materials in an environmentally sound manner, or change which party contributes financially to collection, processing, recycling or disposal costs at end-of-life. These activities have been viewed by industry and regulators as a way to begin addressing the lifecycle impacts of various products, as these approaches do not require a fundamental rethink to manufacturing and consumption. The Schemes that have delivered the best results, have required industry to make an up-front contribution on projected end-of-life management costs.

Unfortunately, the current approach has not addressed, or resolved, the complexities of the market forces and costs experienced by the waste management industry. Future Schemes must be designed in such a way that manufacturers, importers and distributors and organisations tasked with delivering Schemes, financially or physically responsible for managing actual end-of-life impacts, as opposed to projected end-of-life impacts.

Alternatively, an approach could be taken where manufacturers, importers and distributors are prohibited from selling or distributing new products, where there is no clear pathway to manage end-of-life impacts in an environmentally sound manner. Reframing Product Stewardship in such a light, would encourage those producing or selling products to consider the lifecycle impacts of their products, and assist with a transition to a circular economy.

### Questions

### Social enterprises and charities

- Q3.26:** What feasible interventions need to be made so that product stewardship can better support social enterprises? Would it be a short, medium, or long-term intervention?
- Q3.27:** What can be done to ensure that quality, working electrical and electronic products are donated to charitable organisations to support social outcomes while promoting reuse?
- Q3.28:** What solutions would make it more convenient for consumers to take e-waste to recycling collection points and not illegally dump them on charities?
- Q3.29:** Is there a role for government when designing and implementing product stewardship for electrical and electronic products to assist in closing the digital divide?

#### Association Response

The Association, with funding from the State Government through the New Industries Fund that is managed by the Department of Jobs, Tourism, Science and Innovation, has been working with Local Governments to collect electronic waste outside the metropolitan area. At a recent event, the community dropped off approximately 1.5 tonne of electronic waste of this material approximately 500kg was described by the community as 'still working'. WorkPower, the Social Enterprise delivering the collection event, took this material for 'testing and tagging' and approximately 250kg was assessed as working and suitable for resale. A number of residents indicated when dropping off their e-waste that the product was still working, but just needed a minor repair that they were unable to do.

#### Questions

### Urban mining

- Q3.30:** How can governments help develop sustainable urban mining?
- Q3.31:** What are the key challenges in infrastructure and technology that could benefit from greater investment?
- Q3.32:** What are the barriers and challenges in commercialising and deploying urban mining technologies following the research and development stage?

#### Association Response

The Association does not consider this is an immediate priority.

#### Questions

### Waste to Energy

- Q3.33:** Does waste to energy have a role in the management of end-of-life electrical and electronic products in Australia?
- a) If yes, why is waste-to-energy a better option and what is driving community concerns?
- b) If no, what are the alternative options for electrical and electronic products (and in particularly their plastics) that cannot be safely recycled?
- Q3.34:** Should the amount of e-waste sent to waste to energy facilities be limited to avoid building a reliance on incineration? Why?
- Q3.35:** Is it feasible for waste to energy to be seen as a last resort once all other waste management options further up the waste hierarchy have been exhausted.

#### Association Response

Waste to energy does not have a role in the management of end-of-life electrical and electronic products. At concept design stage of products any material that cannot be recycled should be designed out thus eliminating hard to recycled products at the end of a products life. Products which have a higher value use such as repair/reuse should be look at first.



<b>Summary of Council Resolutions</b>
---------------------------------------

List of resolutions for the financial year 2021/22 plus any outstanding resolutions from previous years			
OCM /SCM Date	Item #	Resolution	Status
27.01.2022	8.1	That the Minutes of the Ordinary Meeting of Council held on 16 December 2021 be confirmed as a true record of the proceedings.	for Information for Information
	9.1	That Council: Receive the Financial Statements set out in Appendix No. 1 for the months ended 30/11/2021 and 31/12/2021	
	9.2	That Council: Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 30/11/2021 and 31/12/2021	for Information
	9.3	That Council: 1. Notes the recommendation of the Audit Committee meeting held on 13 January 2022 to adopt the Financial Report for the year ended 30 June 2021; and 2. Adopts the Annual Report for the year ended 30 June 2021, which includes the Financial Report detailed in 1. above.	for Information
	9.4	That Council: 1. Approve by Absolute Majority the forecast deficit position estimated to be \$3,488,806 at 30 June 2022, which includes the following: • A net estimated decrease in total revenue of \$15,612,149; • A net estimated decrease in expenditures of \$12,085,707; • A net estimated decrease in the profit on sale of assets of \$71,494 • A net estimated decrease in capital expenditure of \$3,366,345	for Information
	9.5	1) That Council appoint Mr. Aswin Kumar as the MRC external audit committee member, subject to their acceptance of the appointment, for the period ending 14 October 2023.	COMPLETED for Information for Information
	10	That the Members Information Bulletin Issue No.66 be received.	
	14.1	That Council: • Endorse the MRC's membership of the Green Deal Alliance. • Note that the MRC has applied for funding from the Food Waste for Healthy Soils Fund. • Request the CEO to provide reports to Council about the Green Deal Alliance on a quarterly basis.	
16.12.2021	14.2	That Council: 1. Note the final exit brief for year ended 30 June 2021 issued by the Auditors. 2. Note the interim audit results for year ended 30 June 2021 issued by the Auditors. 3. Note the representation letter for the year ended 30 June 2021 issued by the Auditors. 4. Note the External Penetration Testing Report issued by InfoTrust Assurance.	for Information
	8.1	That the Minutes of the Ordinary Meeting of Council held on 11 November 2021 be confirmed as a true record of the proceedings.	
	9.1	That Council: Receive the Financial Statements set out in Appendix No. 1 for the month ended 31-Oct-21	for Information
	9.2	That Council: Note the list of payments made under delegated authority to the Chief Executive Officer, for the month ended 31 October 2021. Moved Cr Sargent, seconded Cr May	for Information
	10.1	That the Members Information Bulletin Issue No. 65 be received.	for Information
	14.1	That the Council: 1. Notes the steps taken to ensure the Neerabup Resource Recovery Facility (RRF) is adequately insured in the 2021/22 financial year 2. Approves the reallocation of budget to be reflected at Mid-Year Budget Review.	for Information COMPLETED
11.11.2021	14.2	That Council: 1. Endorse the draft Chief Executive Officer Key Performance Indicators for 2021-22 as per Attachment 1.	for Information
	8.1	That the Minutes of the Ordinary Meeting of Council held on 16 September 2021 be confirmed as a true record of the proceedings.	
	9.1	That Council: Receive the Financial Statements set out in Appendix No. 1 and Appendix No. 2 for the months ended 31 August 2021 and 30 September 2021.	for Information
	9.2	That Council: Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 August 2021 and 30 September 2021.	For Information
	9.3	That Council: Endorses the minor changes to Council Policy CP14 Acting Chief Executive Officer Appointment as contained in Appendix 6 of this report.	COMPLETED
	9.4	That Council: Endorses the CEO to extend existing access for Stirling Skills Training to the Tamala Park Waste Management Facility, for an additional 12-month period, for the delivery of not-for-profit training and education programs	For Information
	9.5	That Council:	
		1. To appoint Cr Vernon, Cr Cvitan, Cr Re, and Cr Miles onto the Audit Committee.	For Information
		2. To appoint Cr Hatton, Cr Cvitan, Cr Vernon, Cr Jacob and Cr Sargent onto the CEO Recruitment and Performance Review Committee	For Information
	9.5	3. To appoint Cr Vernon as the member and Cr Re as the deputy member onto the Municipal Waste Advisory Council.	For Information
			For Information

OCM /SCM Date	Item #	Resolution	Status
	<b>10</b>	That the Members Information Bulletin Issue No. 64 be received.	<b>COMPLETED</b>
	<b>14.1</b>	That Council: 1. Authorise the CEO to award the tender for Groundwater Monitoring and Annual Reporting (Tender Number: 13/150) to Talis Consultants Pty Ltd at the prices detailed within the report for a period of 3 years.  2. Authorise the CEO to advise the tenderers of the outcome of the tender process.	<b>COMPLETED</b>
	<b>14.2</b>	That Council: 1. Authorise the CEO to award the tender for Environmental Consultancy (Tender Number: 13/151) to 360 Environmental Pty Ltd at the prices detailed within the report for a period of 3 years.  2. Authorise the CEO to advise the tenderers of the outcome of the tender process.	<b>COMPLETED</b>
	<b>14.3</b>	That Council: 1. Not award the tender for Environmental Drilling (Tender Number: 13/152), and 2. Authorise the CEO to write to the unsuccessful tenderers and advise them of the decision not to award the tender.	<b>For Information</b> <b>COMPLETED</b>
<b>16-Sep-21</b>	<b>8.1</b>	That the Minutes of the Ordinary Meeting of Council held on 12 August 2021 be confirmed as a true record of the proceedings.	<b>For Information</b>
	<b>8.2</b>	That the Minutes of the Special Meeting of Council held on 19 August 2021 be confirmed as a true record of the proceedings.	<b>For Information</b>
	<b>9.1</b>	That Council:  Receive the Financial Statements set out in Appendix No. 1 for the month ended 31 July 2021.	<b>For Information</b>
	<b>9.2</b>	That Council:  Receive the Financial Statements set out in Appendix No. 1 for the month ended 31 July 2021.	<b>For Information</b>
	<b>9.3</b>	That Council: 1. Endorses the minor changes to Council Policies as contained in Appendix 4 of this report save for Policy No. CP14 which is to be referred to the CEO for detailed review to be completed by November 2021. 2. Approves an increase to CAPEX expenses for CP08 Provision and Use of Council Vehicles as detailed in Appendix 4 of this report. 3. Endorses the delegations made to the Chief Executive Officer as detailed in Attachment 1 of this report subject to the deletion of Condition 1 in No 2.8.	<b>COMPLETED</b>
	<b>9.4</b>	That Council:  1. Resolves to provide an undertaking to the Joint Standing Committee on Delegated Legislation that:  i. Mindarie Regional Council, within six months, undertakes to remove clauses 27 and 27A of the Mindarie Regional Council Waste Facility Site Local Law 2013 (as amended) and either item 18 or item 20 in Schedule 1 to the Mindarie Regional Council Waste Facility Site Local Law 2013 (as amended) or combine them into the same item;  ii. Mindarie Regional Council undertakes not to enforce the Mindarie Regional Council Waste Facility Site Local Law 2013 (as amended) contrary to undertaking i;  iii. Mindarie Regional Council undertakes to ensure that all consequential amendments arising from undertaking i will be made; and  iv. Mindarie Regional Council undertakes that, where the Mindarie Regional Council Waste Facility Site Local Law 2013 (as amended) is made publicly available, whether in hard copy or electronic form, it will ensure that it is accompanied by a copy of the undertakings.	<b>COMPLETED</b>

OCM /SCM Date	Item #	Resolution	Status																																													
	9.5	<p>Substantive Recommendation as amended:</p> <p>1. Adopt the meeting dates as follows:</p> <table><tr><td>27 January 2022</td><td>6.30pm</td><td>City of Joondalup</td><td>OCM</td><td></td></tr><tr><td>24 March 2022</td><td>6.30pm</td><td>City of Wanneroo</td><td>OCM</td><td>Strategic Worksho</td></tr><tr><td>26 May 2022</td><td>6.30pm</td><td>City of Stirling</td><td>OCM</td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr><tr><td>7 July 2022</td><td>6.30pm</td><td>City of Stirling</td><td>OCM</td><td></td></tr><tr><td>25 August 2022</td><td>6.30pm</td><td>Town of Cambridge</td><td>OCM</td><td></td></tr><tr><td>29 September 2022</td><td>6.30pm</td><td>City of Vincent</td><td>OCM</td><td>Strategic Worksho</td></tr><tr><td>24 November 2022</td><td>6.30pm</td><td>Town of Victoria Park</td><td>OCM</td><td></td></tr><tr><td>15 December 2022</td><td>6.30pm</td><td>City of Perth</td><td>OCM</td><td></td></tr></table> <p>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.</p> <p>3. Adopt two Strategy Workshops for 2022, following the Ordinary Council meeting on the following dates: 24 March 2022 and 29 September 2022</p>	27 January 2022	6.30pm	City of Joondalup	OCM		24 March 2022	6.30pm	City of Wanneroo	OCM	Strategic Worksho	26 May 2022	6.30pm	City of Stirling	OCM							7 July 2022	6.30pm	City of Stirling	OCM		25 August 2022	6.30pm	Town of Cambridge	OCM		29 September 2022	6.30pm	City of Vincent	OCM	Strategic Worksho	24 November 2022	6.30pm	Town of Victoria Park	OCM		15 December 2022	6.30pm	City of Perth	OCM		COMPLETED
27 January 2022	6.30pm	City of Joondalup	OCM																																													
24 March 2022	6.30pm	City of Wanneroo	OCM	Strategic Worksho																																												
26 May 2022	6.30pm	City of Stirling	OCM																																													
7 July 2022	6.30pm	City of Stirling	OCM																																													
25 August 2022	6.30pm	Town of Cambridge	OCM																																													
29 September 2022	6.30pm	City of Vincent	OCM	Strategic Worksho																																												
24 November 2022	6.30pm	Town of Victoria Park	OCM																																													
15 December 2022	6.30pm	City of Perth	OCM																																													
	10	That the Members Information Bulletin Issue No. 63 be received.	For information																																													
19-Aug-21	6.1	<p>That Council:</p> <p>1. <i>Authorises the Chief Executive Officer and the Chair to execute the Final Draft Deed of Settlement at Appendix 3, subject to:</i></p> <p><i>a. minor drafting changes that may be required, after consultation with the MRC’s legal advisors, and</i></p> <p><i>b. conditions precedent in the deed being met, and</i></p> <p><i>c. Inclusion of a new clause including associated drafting in the Deed of Settlement with the intent to specifically address the Contractor’s release in respect of the local government parties, ensuring that on completion, the Contractor:</i></p> <p><i>i) releases and discharges the Local Government Parties from any claim, action, demand, suit or proceeding for damages, debt, restitution, equitable compensation, account, injunction, specific performance or any other remedy that Contractor has or may have against the Local Government Parties under or in in respect of the Deed of Guarantee or its termination in accordance with this document, whether arising at common law, in equity, or under statute or otherwise (the Local Government Released Matters); and</i></p> <p><i>ii) covenants with the Local Government Parties not to claim, sue or take any action against the Local Government Parties in respect of the Local Government Released Matters, and</i></p> <p>2. Concurrent with the execution of point 1. above, authorises the Chief Executive Officer to proceed with the Major Land Transaction in respect of the re-acquisition of a leasehold interest in the land at 109 (Lot 801) Pederick Road, Neerabup, and</p> <p>3. Subject to execution of point 1. above, authorises the Chief Executive Officer and the Chair to execute the Final Draft Operating Agreement at Appendix 4, subject to any minor drafting changes that may be required, after consultation with the MRC’s legal advisors, with the costs reflected in the ECMS Plan at Appendix 5, being funded in the mid-year budget review, and</p> <p>4. Subject to successful completion of the settlement transaction, approves the reduction in the MRC Members’ Gate Fee from \$213 per tonne to \$162.50 per tonne (both excluding GST), effective from 1 September 2021, with the change to be reflected in the mid-year budget review.</p>	COMPLETED   																																													

OCM /SCM Date	Item #	Resolution	Status
	9.3	<p>That Council:</p> <p>1. Resolves to provide the following undertakings to the Joint Standing Committee on Delegated Legislation that:</p> <p>1. When the Local Law is next reviewed, the MRC will:</p> <p>a) Correct the typographical errors as outlined under point 2 in the Detail section of this report</p> <p>b) Include a definition of 'substantive motion' in the Local Law and the amendments as outlined under point 3 in the Detail section of this report</p> <p>c) Ensure all consequential amendments arising from the undertaking will be made.</p> <p>2. The MRC will not enforce the Local Law contrary to undertaking 1.1.</p> <p>3. Where the Local Law is made publicly available by the MRC, whether in hard copy or electronic form, the MRC will ensure that it is accompanied by a copy of the undertaking.</p> <p>4. The MRC will provide clarification about the removal of clause 16.2, as outlined under point 1 in the Detail section of this report</p> <p>5. The MRC will provide clarification about the interaction between clauses 7.15 (3) and 7.16 (1) (b), as outlined under point 4 in the Detail section of this report.</p> <p>2. Approves the Chair to write to the Joint Standing Committee on Delegated Legislation, providing the required clarification and corrections for the Mindarie Regional Council Meeting Procedures Local Law 2020.</p>	COMPLETED
	9.2	Note the list of payments made under delegated authority to the Chief Executive Officer, for the months ended 31 May 2021 and 30 June 2021.	For information
	9.1	Receive the Financial Statements set out in Appendix No. 1 and Appendix No. 2 for the months ended 31 May 2021 and 30 June 2021.	For information
	8.2	That the Minutes of the Special Meeting of Council held on 08 July 2021 be confirmed as a true record of the proceedings.	For information
	8.1	That the Minutes of the Ordinary Meeting of Council held on 24 June 2021 be confirmed as a true record of the proceedings.	For information
8-Jul-21	8.1	<p>1. That the MRC reconfirms its position from the OCM 24.6.2021 in respect of item 14.1 as a full and final offer.</p> <p>2. Endorses the Chair to accompany the CEO in any further negotiations.</p>	COMPLETED COMPLETED
6-Jul-17	13	That the Chief Executive Officer be requested to conduct a review of the Mindarie Regional Council's (MRC) band classification as determined by the Salaries and Allowances Tribunal (SAT) to ascertain if there is justification for the MRC in making a submission to the SAT to be reclassified from a band 3 Regional Council to a band 2 Regional Council.	OUTSTANDING