



MINUTES

ORDINARY COUNCIL MEETING

TIME: 6.30 PM

16 SEPTEMBER 2021

CITY OF VINCENT

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



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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chair declared the meeting open at 6.43 pm

2 ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Councillor Attendance

Cr K Vernon (Chair)	Town of Victoria Park
Cr F Cvitan, JP (Deputy Chair)	City of Wanneroo
Cr A Jacob, JP	City of Joondalup
Cr R Fishwick, JP	City of Joondalup
Cr R Gordon	City of Perth
Cr S Proud, JP	City of Stirling
Cr K Sargent	City of Stirling
Cr L Thornton	City of Stirling
Cr A Castle	City of Vincent
Cr D Newton, JP	City of Wanneroo
Cr K Shannon	Town of Cambridge

Apologies

Cr J Ferrante	City of Stirling
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Leave of Absence

Nil

Absent

Nil

MRC Officers

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

Member Council Observers

Mr N Claassen (City of Joondalup)
Mr M MacPherson (City of Joondalup)
Mr M Littleton (City of Stirling)
Mr A Murphy (City of Vincent)
Mr H Singh (City of Wanneroo)
Mr S Cairns (City of Wanneroo)
Mr J Wong (Town of Victoria Park)

MRC Observers

Mr A Griffiths
Mr J Shepherd

Visitors

Nil

3 DECLARATION OF INTERESTS

Nil

4 PUBLIC QUESTION TIME

Nil

5 ANNOUNCEMENTS BY THE PRESIDING PERSON

The Chair acknowledged that this would be Cr Dot Newton's last MRC meeting and thanked Cr Newton for her time on the MRC and wished her well with her future endeavours.

The Chair also acknowledged Cr's Jacob, Fishwick and Castle who are seeking re-election at their respective councils and wished them well.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

8 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 ORDINARY COUNCIL MEETING – 12 August 2021

The Minutes of the Ordinary Council Meeting held on 12 August 2021 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Ordinary Meeting of Council held on 12 August 2021 be confirmed as a true record of the proceedings.

Moved Cr Proud, seconded Cr Sargent

RESOLVED

**That the recommendation be adopted
(CARRIED UNANIMOUSLY 11/0)**

8.2 SPECIAL COUNCIL MEETING – 19 August 2021

The Minutes of the Special Council Meeting held on 19 August 2021 have been printed and circulated to members of the Council.

RESPONSIBLE OFFICER RECOMMENDATION

That the Minutes of the Special Meeting of Council held on 19 August 2021 be confirmed as a true record of the proceedings.

Moved Cr Newton, seconded Cr Cvitan

RESOLVED

**That the recommendation be adopted
(CARRIED UNANIMOUSLY 11/0)**

9.1 CHIEF EXECUTIVE OFFICER REPORTS

9.1	FINANCIAL STATEMENTS FOR THE MONTH ENDED 31 JULY 2021
File No:	FIN/5-09
Appendix(s):	Appendix No. 1 Appendix No. 2
Date:	16 AUGUST 2021
Responsible Officer:	DIRECTOR CORPORATE SERVICES

SUMMARY

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

BACKGROUND

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

The financial statements presented for each month consist of:

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

DETAIL

The Financial Statements for the month ended 31 July 2021 are attached at **Appendix No. 1** to this Item. The Tonnage Report for the 1 month to 31 July 2021 is attached at **Appendix No. 2**.

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

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

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

Summary of results for the year to date period ended 31 July 2021

	Actual	Budget	Variance
	t	t	t
Tonnes – Members	19,748	19,612	136
Tonnes – Others	2,882	1,172	1,710
TOTAL TONNES	22,630	20,784	1,846
	\$	\$	\$
Revenue – Members	4,206,779	4,177,400	29,379
Revenue – Other	900,231	654,990	245,241
TOTAL REVENUE	5,107,010	4,832,390	274,620
Expenses	4,798,661	4,623,159	(175,502)
Profit on sale of assets	-	-	-
Loss on sale of assets	-	-	-
Impairment of assets	-	-	-
NET SURPLUS/(DEFICIT)	308,349	209,231	99,118

Members

Members tonnages for the month ended 31 July 2021 were 136 tonnes more than phased budget.

RRF

The Resource Recovery Facility residue tonnes have delivered 4,903 tonnes in total to Tamala Park in the month.

Trade & Casuals

The Casual and Trade tonnages are 1,710 tonnes higher than forecast for the month, 1,560 tonnes attributable to the discounted rate waste tender.

Overall tonnages for the month ended 31 July 2021 were 1,846 tonnes more than budgeted.

The net result variance against budget of \$99,118 is mainly attributable to the unbudgeted tonnages received in the commercial waste tenders.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Receive the Financial Statements set out in Appendix No. 1 for the month ended 31 July 2021.

Moved Cr Sargent, seconded Cr Gordon

RESOLVED

That the recommendation be adopted

(CARRIED UNANIMOUSLY 11/0)

9.2	LIST OF PAYMENTS MADE FOR THE MONTH ENDED 31 JULY 2021
File No:	FIN/5-09
Appendix(s):	Appendix No. 3
Date:	16 August 2021
Responsible Officer:	Director Corporate Services

SUMMARY

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

COMMENT

The lists of payments for the month ended 31 July 2021 are at **Appendix 3** to this Item and are presented to Council for noting. Payments have been made in accordance with the delegated authority to the CEO which allows payments to be made between meetings. At the Ordinary Council Meeting held on 24 September 2020, the Council delegated to the CEO the exercise of its power to make payments from the Municipal Fund. In order to satisfy the requirements of Clause 13(2) of the Local Government (Financial Management) Regulations, a list of payments made must be submitted to the next Council meeting following such payments.

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

Months Ended	Account	Vouchers	Amount
31 July 2021	General Municipal	Cheques	\$1,190.05
		EFT	\$7,288,072.56
		DP	\$97,772.45
		Inter account transfers	\$0.00
		Total	\$7,387,035.06

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That Council:

Note the list of payments made under delegated authority to the Chief Executive Officer, for the month ended 31 July 2021.

Moved Cr Sargent, seconded Cr Cvitan

RESOLVED

**That the recommendation be adopted
(CARRIED UNANIMOUSLY 11/0)**

9.3	REVIEW OF COUNCIL POLICIES AND DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER
File No:	D-21-0000056
Appendix(s):	Appendix 4 - Council Policies – with tracked changes Appendix 5 - Council Policies – clean copy
Attachment(s):	Attachment 1 - Register of Delegations
Date:	23 August 2021
Responsible Officer:	Chief Executive Officer

SUMMARY

The report seeks endorsement of the review undertaken by the Chief Executive Officer (CEO) on the current Council Policies and delegations to the CEO.

BACKGROUND

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

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

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

DETAIL

The 2021 annual review of the Register of Delegations of Authority and Council Policies and was undertaken to determine the appropriateness of existing delegations and Council Policies.

The Chief Executive Officer's review of the Register of Delegations and Council Policies identified a number minor changes.

Proposed amendments/additions to the Register of Delegations and Council Policies are submitted in Attachment 1 (Register of Delegations) and Appendices 4 and 5 (Council Policies).

The Register of Delegations identified a minor change to item 2.2, the addition of conditions as per the regulations, tracked changes at Attachment 1.

A summary of the changes for the Council Policies is as follows:

CP01 – Annual Fees, Allowances and Expenses for Councillors
No change.

CP02 – Affixing of the Common Seal
No change

CP03 – Councillor Arrangements when attending an Overseas/Interstate/Intrastate Conference
Minor changes, item 3, a rate increase for cash advances, \$75 per day increase to \$100 per day, due to rising costs associated with travel and meal expenditures and item 7, to align with relevant conferences.

CP04 – Employee Arrangements when attending an Overseas/Interstate/Intrastate Conference
Minor change, item 3, a rate increase for cash advances, \$75 per day increased to \$100 per day, due to rising costs associated with travel and meal expenditures.

CP06 - Purchase of Goods and Services

Minor change, items 2, 3 and 4, the result of recommendations from the Auditors Report May 2021 and item 5 (c) due to the LG Amendment Regulations gazetted 6 November 2020.

CP08 - Provision and Use of Council Vehicles

Minor change, items 1 and 2, an increase to vehicle values of 20%, due to high demand, low stocks of new vehicles and global supply delays (COVID-19) inflating prices.
The financial component of this policy was last amended in 2013.

CP09 - Investments

No change

CP10 – Donations – Financial Assistance/Support

No change

CP11 – Use of Corporate Credit Cards

No change

CP12 – Gate Fee Setting

No change

CP13 – Budget Variance Reporting Threshold

No change

CP14 – Acting Chief Executive Officer Appointment

Minor change, item 3 add ICEO, remove Acting CEO.

CP15 – Employer/Employee Matching Community Contributions

No change

CP16 – Legal Representation for Mindarie Regional Council Elected Members, Committee Members, Committee Members and Employees

No Change

CP17 – Continuing professional development for Council Members

No change

CP18 - IT Policy

No change

EP01 – Environmental Policy

No change

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

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

“2.7. Role of Council

(1) The Council —

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

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

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

5.42. Delegation of some powers and duties to CEO

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

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

** Absolute majority required.*

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

5.43. Limits on delegations to CEO

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

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The 20% rate increase totalling \$32,600 to CP08 Provision and Use of Council Vehicles, will be adjusted in the midyear budget.

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

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

COMMENT

The MRC is to keep a register of the delegations made and review the delegations at least once every financial year.

VOTING REQUIREMENT

Absolute Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. **Endorses the minor changes to Council Policies as contained in Appendix 4 of this report.**
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.**
(absolute majority required)

Moved Cr Newton, seconded Cr Cvitan

PROPOSED AMENDMENT

Moved Cr Vernon, seconded Cr Fishwick

1. Amend paragraph 1 to add the following words at the end of the recommendation:

“save for Policy No. CP14 which is to be referred to the CEO for detailed review to be completed by November 2021.”
2. Amend paragraph 3 to add the following words at the end of the recommendation:

“subject to the deletion of Condition 1 in No 2.8.”

Reason:

1. Policy 14 refers to interim CEO and the *Local Government Act 1995* refers to CEO and Acting CEO and not an interim CEO, as this impacts on this policy it is appropriate to send it back to CEO for a more detailed review.
2. Condition 1 in No 2.8 refers to variations to the RRFA, however, the RRFA is now at an end rendering this condition redundant.

(CARRIED UNANIMOUSLY 11/0)

SUBSTANTIVE RECOMMENDATION AS AMENDED

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.**

(CARRIED UNANIMOUSLY 11/0)

Attachment 1. Mindarie Regional Council – Delegations of Authority Register				
1. GOVERNANCE				
No.	Reference	Delegation	Condition(s)	Assignee(s)?
1.1	LG Act 1995 s.9.10	Appoint persons or classes of persons to be authorised for the purpose of performing a particular function.	Each authorised person to be issued with a certificate of authorisation.	No
1.2	LG Act 1995 s.5.42	Appoint an employee of the MRC to the position of Acting CEO where the CEO is unable or expected to be unable by reason of illness, temporary absence from WA, or any other reason, to perform the function of the position.	Not exceeding 3 months in any period of 12 months	No
1. FINANCE				
2.1	LG (Functions and General) Regulations 1996 Reg. 11A	Approve requisitions and purchase orders for the supply of goods and services	Requisitions and purchase orders to be within the budget allocation as reviewed from time to time	Yes
2.2	LG (Finance Management Regulations) 1996 Reg. 8	Open and close bank accounts, access accounts electronically and transfer funds electronically	Separate accounts are to be held for municipal funds, trust funds and reserve accounts	Yes
2.3	LG (Financial Management Regulations) 1996. Reg. 11, 12 and 13.	Approved and make payment of accounts	<ol style="list-style-type: none"> 1. In accordance with approved procedure set out in Reg. 11; 2. Where funds have been provided in the budget and the accounts are acquitted prior to payment; 3. List of accounts paid to be reported to Council as required by Reg. 13 	Yes
2.4	LG (Financial Management Regulations) 1996. Reg. 34 (1) (a)	Prepare monthly financial reports	In accordance with Reg. 34	Yes
2.5	LG Act s.6.14	Invest funds surplus to the immediate needs of the Council	Subject to the internal control procedures set out in Reg.19	Yes
2.6	LG Act s.6.12	Waive fees and write off debts	<ol style="list-style-type: none"> 1. Not exceeding a total of \$10,000 for any one debtor and any financial year; 2. Ensure all reasonable effort has been made to recover the debt; 3. Where fee or debts have been waived, or concessions granted, they are to be reported in the mid-year review. 	No
2.7	LG Act s.3.57	Seek Expressions of Interest and/or call tenders for goods or services	For items listed on the budget and subsequently approved for proceeding by Council	Yes

2.8	LG (Functions and General) Reg. 14 (2a) and 20	Vary contracts up to \$50,000 or 10% of the contract value, whichever is the lesser.	<ol style="list-style-type: none">1. For the RRFA only if it incurs no additional risk or liability to the MRC;2. Variations approved for significant contracts, including all contracts awarded following public tenders, to be reported to the next following Council meeting.	No
2.9	LG Act s.3.58 (5) and LG Functions and General) Reg. 30(3)	Dispose, which includes writing off, of property (assets)	<ol style="list-style-type: none">1. The value of the property (assets) is less than \$20,000.2. Ensure all reasonable effort has been made to secure current market prices for the item or material.	No

9.4	MINDARIE REGIONAL COUNCIL WASTE FACILITY SITE LOCAL LAW 2020
File No:	GF-21-0000550
Appendix(s):	Appendix No. 6
Date:	20 August 2021
Responsible Officer:	Chief Executive Officer

SUMMARY

The purpose of this report is to seek Council's approval to implement the Joint Standing Committee (JSC) on Delegated Legislation's undertakings for the Mindarie Regional Council (MRC) Waste Facility Site Amendment Local Law 2020.

BACKGROUND

The MRC Waste Facility Site Amendment Local Law 2020 ("the Local Law") was adopted by Council on 17 December 2020. Section 3.16 of the Local Government Act 1995 ("the Act") requires a periodic review of the Local Law.

On 25 February 2021, the MRC administration submitted the Local Law with the required Explanatory Memorandum and supporting materials to the JSC which provided proof of process to part C of the Explanatory Memorandum for Local Governments for making a local law.

On 15 June 2021, a letter was received from the JSC in response to the Local Law submission, the JSC required the MRC to respond to compliance with the Waste Avoidance and Resource Recovery Act, ss61, ss64 and ss3.12 (3) (b) and (5) of the Local Government Act and was seeking undertakings.

On 12 August 2021, the Council resolved the following:

That Council:

1. *Resolves to provide an undertaking to the Joint Standing Committee on Delegated Legislation that:*
 - i. *Within six months, the MRC will remove either item 18 or 20 in Schedule 1 of the Local Law or combine them to the same item.*
 - ii. *The MRC will not enforce the local law contrary to the undertaking in i. above.*
 - iii. *The MRC will ensure all consequential amendments arising from the undertaking will be made.*
 - iv. *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 these undertakings.*

Approves the Chair to write to the Joint Standing Committee on Delegated Legislation requesting the Committee to give further consideration to allow the Mindarie Regional Council Amendment Local Law 2020, on the basis that clauses 27 and 27A are deleted

DETAIL

On 18 August 2021, a letter was received from the JSC in response to the Chair's letter dated 16 August 2021.

The JSC at its meeting on 16 August 2021, resolved to discharge the notice of motion to disallow the local law, and to take no further statutory action. However, this resolution is dependent on the acceptance of four undertakings and the MRC agreement to delete clauses 27 and 27A as outlined in the Chairs letter.

To formalise this position, the JSC requests that the following amended undertakings:

1. Mindarie Regional Council, within six months, undertakes to removed 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;
2. Mindarie Regional Council undertakes not to enforce the Mindarie Regional Council Waste Facility Site Local Law 2013 (as amended) contrary to undertaking 1;
3. Mindarie Regional Council undertakes to ensure that all consequential amendments arising from undertaking 1 will be made; and
4. 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.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

“1.7. Local public notice

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

1.8. Statewide public notice

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

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

“3.12 Procedure for making local laws

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

** Absolute majority required.*

- (5) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
 - (6) After the local law has been published in the Gazette the local government is to give local public notice —*
 - (a) stating the title of the local law; and*
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
-

(7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*

(8) *In this section —
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13. *Procedure where significant change in proposal*

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

3.14. *Commencement of local laws*

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

(2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

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

3.15. *Local laws to be publicised*

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

3.16. *Periodic review of local laws*

(1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*

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

(3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*

(4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required."*

STRATEGIC/COMMUNITY AND CORPORATE/BUSINESS PLAN IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMENT

Nil

VOTING REQUIREMENT

Simply majority

RESPONSIBLE OFFICER RECOMMENDATION

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.**

Moved Cr Jacob, seconded Cr Cvitan

RESOLVED

**That the recommendation be adopted
(CARRIED UNANIMOUSLY 11/0)**

9.5	MINDARIE REGIONAL COUNCIL ORDINARY COUNCIL MEETING AND STRATEGY WORKSHOP DATES FOR 2022
File No:	GF-20-0000072
Appendix(s):	Nil
Date:	31 August 2021
Responsible Officer:	Director Corporate Services

SUMMARY

The purpose of this report is to provide notice of the dates, times and locations for the Mindarie Regional Council's (MRC) Ordinary Council Meetings (OCM) and Strategy Workshops (SW) for 2022.

BACKGROUND

The MRC is required to schedule OCM's for the forthcoming calendar year and provide public notice of their dates, times and locations. In addition, the dates are set for two SW's.

DETAIL

In setting the dates for the 2022 OCM's consideration is given to the following:

- The Tamala Park Regional Council meeting dates for 2022
- The WALGA Metropolitan Zone meeting dates for 2022
- Availability of Member Councils' Chambers.

To achieve compliance and present financial reports within 2 months after the end of the month to which the statement of financial activity relates in accordance with *s.6.4 of the Local Government Act 1995* and *s.34(4) of the Local Government (Financial Management) Regulations 1996*, the MRC are required to meet 8 times in the year.

With a view to trying to achieve compliance, and at the same time being mindful of conflicting priorities, the following meeting dates are proposed for consideration:

27 January 2022	6.30pm	City of Joondalup	OCM	
24 March 2022	6.30pm	City of Wanneroo	OCM	
26 May 2022	6.30pm	City of Stirling	OCM	Strategic Workshop
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 Workshop
24 November 2022	6.30pm	Town of Victoria Park	OCM	
15 December 2022	6.30pm	City of Perth	OCM	

Traditionally the MRC also holds two strategic workshops which are included in the meeting schedule. These workshops are important as they provide Councillors, member council CEOs and representatives on the Strategic Working Group and MRC management an opportunity to review and discuss the MRC's strategic direction.

STATUTORY ENVIRONMENT

Part 12 (1) and (2) of the Local Government (Administration) Regulations 1996 requires local government to issue public notice of its meeting dates at least once per year stating:

“12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and*
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*are to be held in the next 12 months.*
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*

S.1.7 of the Local Government Act 1995 prescribes local public notice as:

“1.7. Local public notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
 - (a) published in a newspaper circulating generally throughout the district; and*
 - (b) exhibited to the public on a notice board at the local government’s offices; and*
 - (c) exhibited to the public on a notice board at every local government library in the district.**
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
 - (a) published under subsection (1)(a) on at least one occasion; and*
 - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
 - (i) the time prescribed for the purposes of this paragraph; or*
 - (ii) if no time is prescribed, 7 days.”***

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

COMMENT

The proposed schedule for OCM’s for 2022 is submitted for approval.

VOTING REQUIREMENT

Simple Majority

RESPONSIBLE OFFICER RECOMMENDATION

That the Council:

1. Adopt the meeting dates as follows:

27 January 2022	6.30pm	City of Joondalup	OCM	
24 March 2022	6.30pm	City of Wanneroo	OCM	
26 May 2022	6.30pm	City of Stirling	OCM	Strategic Workshop
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 Workshop
24 November 2022	6.30pm	Town of Victoria Park	OCM	
15 December 2022	6.30pm	City of Perth	OCM	

2. Issue a Public Notice on the meeting locations, dates and times as detailed in (1) above in accordance with Part 12 (1) of the *Local Government (Administration) Regulations 1996* and the *Local Government Act 1995*.

3. Adopt two Strategy Workshops for 2022, following the Ordinary Council meeting on the following dates:

- **26 May 2022**
- **29 September 2022**

Moved Cr Proud, seconded Cr Thornton

AMENDMENT

Moved Cr Vernon, seconded Cr Thornton

Amend paragraphs 1 and 3 of the recommendation to change the date of the strategy workshop from 26 May 2022 to 24 March 2022.

Reason: It makes more sense to have a strategy workshop closer to the beginning of the calendar year, then the next one about 6 months later, which in this case is the September strategy workshop date.

(CARRIED 10/1)

For: Cr's Castle, Cvitan, Fishwick, Jacob, Newton, Proud, Sargent, Shannon, Thornton, Vernon
Against: Cr Gordon

SUBSTANTIVE RECOMMENDATION AS AMENDED

1. Adopt the meeting dates as follows:

27 January 2022	6.30pm	City of Joondalup	OCM	
24 March 2022	6.30pm	City of Wanneroo	OCM	Strategic Workshop
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 Workshop
24 November 2022	6.30pm	Town of Victoria Park	OCM	
15 December 2022	6.30pm	City of Perth	OCM	

2. Issue a Public Notice on the meeting locations, dates and times as detailed in (1) above in accordance with Part 12 (1) of the *Local Government (Administration) Regulations 1996* and the *Local Government Act 1995*.

3. Adopt two Strategy Workshops for 2022, following the Ordinary Council meeting on the following dates:

- **24 March 2022**
- **29 September 2022**

(CARRIED 10/1)

For: Cr's Castle, Cvitan, Fishwick, Jacob, Newton, Proud, Sargent, Shannon, Thornton, Vernon
Against: Cr Gordon

10 MEMBERS INFORMATION BULLETIN – ISSUE NO. 63

RESPONSIBLE OFFICER RECOMMENDATION

That the Members Information Bulletin Issue No. 63 be received.

Moved Cr Proud, seconded Cr Sargent

RESOLVED

That the Members Information Bulletin Issue No. 63 be received.

(CARRIED UNANIMOUSLY 11/0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS

Nil

13 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

The Chair advised Council that Cr Newton had previously submitted questions on notice. The Chair invited Cr Newton to read out the questions and invited the Interim Chief Executive Officer to respond.

Q1. What was the overall weight of the document package?

A1. Inclusive of the cover letter, the document package weighed approximately 6kg.

Q2. What was the accosted MRC staff time spent preparing and delivering these packages?

A2. 24 hours of MRC staff time was spent preparing and delivering these packages.

Cr Newton asked an additional question Q3 that had not been previously submitted. The Chair allowed the question and invited the I/CEO to respond.

Q3: Why was the decision made to grant access to these documents?

A3. I don't have an answer to that question.

The Chair provided an additional response as follows:

The previous CEO, Mr Hoppe, sought advice from the Chair on the matter. Mr Hoppe made a decision that the documents should be made available in hard copy to all councillors.

Q4. Does the MRC intend to bring an item back to Council regarding the matter to which the packages refer?

A4. No.

Q5. How many elected members accepted their document package?

A5. Six elected members accepted their document package, and six were returned to the MRC officer at the time of issue.

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

Nil

15 NEXT MEETING

The next Ordinary Council meeting to be held on Thursday 11 November 2021 at the Town of Victoria Park commencing at 6.30 pm.

16 CLOSURE

The Chair closed the meeting at 7.20 pm and thanked the City of Vincent for their hospitality and use of their meeting facilities.

Signed.....Chair

Datedday of2021
