



ATTACHMENT A

**ORDINARY MEETING
OF COUNCIL**

**AGENDA
OPEN MEETING
21 JANUARY 2019**

**Item 10.1
Supporting Documents
Cradle Coast Waste Governance Project Final Report**

Cradle Coast Waste Governance Project

**Final Report
October 2018**

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Abbreviations	
CEO	Chief Executive Officer
CCA	Cradle Coast Authority
CCGMG	Cradle Coast General Managers Group
CCWMG	Cradle Coast Waste Management Group
CCI	Council Cost Index
CPI	Consumer Price Index
DWM	Dulverton Waste Management
FOGO	Food Organic Garden Organic
GM	General Manager
TOR	Terms of Reference
WGPC	Waste Governance Project Coordinator

Executive Summary

The Cradle Coast Waste Management Group (CCWMG) is a local government skills based group, who provide an integrated regional approach to waste management. CCWMG is hosted by the Cradle Coast Authority (CCA).

The current Cradle Coast Regional Waste Management Strategy 2017-2022 was prepared by CCWMG and guides the development and implementation of actions for the Annual Plan and budget each year.

The CCWMG is an advisory group empowered to manage the funds that are received from a voluntary levy paid by councils and companies, of \$5/tonne of waste deposited at the Ulverstone Resource Recovery Centre, Port Latta and Dulverton landfills. Each year levy funds of approximately \$380,000 are expended on programs to achieve the activities outlined in the Annual Plan.

In April 2013 the CCWMG engaged MRA Consulting Group to undertake a three part study to deliver the following:

- Part 1 – a review of the CCWMG structure and functions, waste infrastructure service delivery arrangements and identifying where achievement of the Strategy objectives are constrained by existing arrangements of ownership and operation
- Part 2 and 3 – undertook an examination of alternative governance and management models and a business case analysis of a preferred governance model.

The MRA Report concluded a self standing joint authority governance model is suited to the objectives of the CCWMG and recommended a thorough Asset Valuation Study be undertaken of the financial, commercial, staffing, services and liability risks prior to forming a joint authority.

In September 2017 all seven councils considered the governance models recommended by MRA Consulting Group and CCWMG regarding establishment of a self-standing joint authority. All councils provided in principle support for the establishment of a self-standing joint authority subject to a more detailed report on the staging of the implementation.

The CCWMG received approval from the Cradle Coast General Managers Group (CCGMG) to progress the establishment of self-standing joint authority, by creating a part time position to coordinate the project. The Waste Governance Project Coordinator (WGPC) was advertised and Mr Greg Preece was appointed to the position.

The task of the WGPC was to assess the governance model of three options these being:

- Option A – a committee structure under the CCA
- Option B – a new regional Cradle Coast Waste Management Joint Authority
- Option C – an expanded Dulverton Waste Management Joint Authority.

The project began with the options being discussed with all seven councils at workshops during May, June and July, plus workshops and meetings with the Dulverton Waste Management Board, the Cradle Coast Authority (CCA) and council officers.

The outcome of these meetings and workshops resulted in almost no support of Option A and limited support for Option B. Most of the support was for Option C, an expanded Dulverton Waste Management Joint Authority, and this option has been proposed to be adopted as the waste management governance model.

During the process several issues were identified, these being:

- Name Change
- Operations of Expanded DWM Joint Authority
- CCWWMG Operations
- Service Charges
- Data Collection
- Project Delivery.

Each issue was examined, and the proposed actions have been developed to eliminate, mitigate or manage the associated risks.

The following recommendations are provided for councils to consider a preferred option for a waste management governance model.

R 1 – That the preferred option to be adopted as the waste management governance model is an expanded Dulverton Waste Management Joint Authority.

R 2 – That consideration be given to establish a new consulting and project management unit within the Dulverton Waste Management Joint Authority, to provide consulting services to the Cradle Coast councils and the entire state.

R 3 – That a two stage approach be adopted where:

- Stage 1 would deliver the existing regional waste services plus administration and financial services. That the rules of the DWM Joint Authority be amended to allow Burnie City Council, Waratah Wynyard Council and Circular Head to become members and a members representative group be formed. This group would be responsible for the oversight of the consulting and project managements operations.
- Stage 2 would progress with the consent of the owner councils and if Stage 1 delivered improved services and outcomes for all councils. This stage would require an extensive asset revaluation, consultation with all stakeholders, owners and users and finally a transfer of assets to DWM.

R 4 – It is proposed that the CCWWMG be dissolved when the transfer of responsibility for the delivery of programs and projects to the DWM Joint Authority is complete.

R 5 – That the proposed indicative pricing structure as listed below, be accepted.

The proposal is while the levy remains stable at \$5.00 per tonne, DWM would provide the current pricing structure:

- Fixed project management charge for levy projects of \$94,245
- Would undertake administration and financial services and absorb the costs currently undertaken by the CCA (currently \$6,300)

- Continue to contract manage the regional contracts under the existing arrangements for:
 - Kerbside recycling – no charge
 - Green waste recycling – 3% on charge
- The fixed project management fee to increase by Hobart CPI or CCI each 1 July, commencing on 1 July 2019 with CPI or CCI determined at the start of the agreement by the members representative group
- A change in the levy rate would necessitate a review of the fee structure.

R 6 – It is proposed that the General Manager will be responsible to ensure the timely, accurate and consistent delivery of data on the operation of their council’s transfer stations, and this data is provided to DWM.

R 7 – It is proposed that the budget include some discretionary allocation of monies for projects that fall within or meet agreed criteria, then approval of these projects can be authorised by the DWM CEO. Any authorisation would be reported at the next meeting of the members representative group.

R 8 – It is proposed that DWM be engaged to undertake a follow up safety audit of the transfer stations and to prepare an action plan and costing for each facility.

R 9 – It is proposed that a qualified risk management consultant or DWM conduct a risk assessment of the operations at all transfer stations and develop a risk management plan or upgrade the plan if one exists.

R 10 – It is proposed that all councils adopt the DWM transfer station operational policies, practices and procedure documents as soon as practicable, along with the training to support these documents.

R 11 – It is proposed that a customer awareness campaign focusing on the true cost of disposal of waste at a transfer station be implemented.

It is proposed that councils who issue free transfer station tickets review this practice to ensure the correct fees for waste disposal are being charged and collected.

1 Introduction

1.1 Background of the Project

The Cradle Coast Waste Management Group (CCWMG) is a local government skills based group, hosted by the Cradle Coast Authority (CCA) and created in 2007 to provide an integrated regional approach to waste management. The current Cradle Coast Regional Waste Management Strategy 2017-2022 was prepared by the group and guides the development and implementation of actions for the Annual Plan and Budget each year. The Strategy and Annual Plan is endorsed by the seven participating councils, as West Coast and King Island are not part of the CCWMG.

The Strategy has an over arching objective of diverting fifty per cent of all municipal solid waste from landfill by 2022.

The CCWMG is an advisory group empowered to manage the funds that are received from a voluntary levy paid by councils and companies of \$5/tonne of waste disposed at the Ulverstone Resource Recovery Centre, Port Latta and Dulverton landfills, and relies significantly on voluntary collaboration and coordination across the region.

The CCWMG entered a Memorandum of Understanding in July 2013 between the CCA and Dulverton Waste Management (DWM) in which:

- CCA provides executive, administrative, financial and communication support to the group
- DWM project manage actions arising from the Strategy, allocated by the CCWMG within agreed budget and timeframes.

Each year levy funds of approximately \$380,000 are expended on programs to achieve the activities outlined in the CCWMG Annual Plan, which in turn are derived from the Strategy.

In April 2013, the CCWMG commissioned a part study into the governance and management arrangements of waste management services in the region with clear objectives to:

- Achieve the goals and objectives in the Cradle Coast Regional Waste Management Strategy 2017-2022
- Provide best practice in both governance, management and cost effectiveness
- Position the region to participate strongly in a future statewide waste management framework.

MRA Consulting Group undertook the three part study with the following outcomes:

- Report Part 1 which included a review of the current CCWMG structure and functions, waste infrastructure services delivery arrangements, identifying where achievement of the Strategy objectives are constrained by existing arrangements of ownership and operations of waste assets, and investigating the drivers of change to the CCWMG structure

- Report Parts 2 and 3 undertook an examination of alternative governance and management modes (Part 2) and a Business Case Analysis (Part 3) evaluating cost benefit and risks of a preferred governance model including a transition to a proposed model.

A summary of the MRA Consulting Group report conclusions were:

- Part 1
The report finds a priority for reform in many areas of the CCWMG role and function, in particular policy development, administration and the accountability of the voluntary levy expenditure and procurement, economies of scales including capital expenditure of \$8.5 million required over the next 5 years to meet the Strategy goals.
- Part 2 and 3
Several alternative models of Governance were identified for discussion and further exploration. As a result of further workshopping the models determined of further assessment included:
 - the current status quo
 - a self-standing joint authority of seven member councils established under Section 30-39 of the Local Government Act 1993
 - a self-standing joint authority of nine member councils established under Section 30-39 of the Local Government Act 1993
 - a committee of the Cradle Coast Authority established in accordance with CCA's Partnership Agreement with the State Government.

The MRA report concluded a self-standing joint authority governance model is most suited to the objectives of the CCWMG and recommended a thorough Assets Valuation Study be undertaken to understand the financial, commercial, staffing, services and liability risks prior to forming a joint authority and that to mitigate those potential risks, transitional arrangements should be staged, first by transferring primary programs and secondly assets be transferred when a joint authority is fully operational and success in delivery of goals has been demonstrated.

The CCWMG broadly endorsed the reports and recommendations but noted there are several issues to highlight that need to be considered further prior to committing to the establishment of a joint authority. There are concerns that many of the arguments or drivers of change identified in the Part 1 report are not examined in sufficient detail to support the information contained in Part 2 and 3 reports that provide a recommendation for a joint authority, particularly in relation to the current CCWMG decision making function and implementation arrangements.

During September 2017 all seven councils considered the governance model recommended by the MRA Consulting Group reports and CCWMG regarding the establishment of a self-standing joint authority. In general terms all councils resolved to "provide in principle support for the establishment of a self-standing joint authority subject to a more detailed report on the staging of the implementation, ie transferring of primary programs and decision making; and secondly when a joint authority is fully operational and proven to be successful in delivery of the goals of the Cradle Coast Regional Waste Management Strategy. That consideration by councils be given to the transfer of assets to that authority."

1.2 The Project

The CCWMG received approval from the Cradle Coast General Managers Group (CCGMG) to progress the establishment of a self-standing joint authority, by creating a part time position to coordinate the project.

The Waste Governance Project Coordinator (WGPC) is a dedicated resource to work with participating councils to assist with a decision on the way forward regarding regional waste governance through a joint authority model.

Earlier this year the CCWMG, through a Governance Sub Committee called for expression of interests to fill the part time position of the WGPC.

In May 2018 the Sub Committee appointed Mr Greg Preece to the role of WGPC. Greg is now retired but was previously the General Manager of Meander Valley and Dorset Councils

During an inception meeting with the Sub Committee three options for the self-standing joint authority were identified, these being:

- a committee structure under the existing Cradle Coast Authority
- establishment of a new regional Cradle Coast Waste Management Joint Authority
- an expanded DWM Joint Authority.

Also discussed at this meeting was the timelines for the delivery of the project, a project plan and the key stakeholders.

Given that local government elections will be held in October 2018, it was agreed to make October 2018 Council meetings the date for a final decision on the joint authority model. This timeline would avoid any further delays in delivering the project so that current councils could consider the matter.

A copy of the Project plan is included at Attachment A.

1.3 The Process

Information provided by the Sub-Committee included a document which showed the motions passed by each council at their meetings in September 2017. See Attachment B.

Research of each Council agenda and minutes showed there were underlying issues and concerns for some elected members.

The Project Plan included a workshop with all seven councils with the aim of collecting the thoughts and comments from elected members on the following matters:

- the pros and cons for
 - Option A – a committee structure under the existing Cradle Coast Joint Authority
 - Option B – a self-standing Cradle Coast Waste Management Joint Authority
 - Option C – an expanded DWM Joint Authority
- Any issues, matters or concerns arising from the establishment of any of the above
- What activities and programs should the new authority manage and implement
 - How might these be delivered
 - Funding for these activities and programs
 - Any other matters.

In addition to these workshops, meetings were also planned with the DWM Board and the CEO, the CCGMG, the CCWMG, the CCA Chief Executive Officer, some general managers and their staff.

2 Project Implementation

2.1 Council Workshops

Table 2.1 below shows which councils were visited and the date of their visits. The workshop with Waratah Wynyard Council was moved from 18 June to 9 July due to unavailability of councillors.

Table 2.1 – Council Workshops

Council	Date
Circular Head	14 June
Latrobe	25 June
Burnie	26 June
Devonport	2 July
Central Coast	2 July
Kentish	3 July
Waratah Wynyard	9 July

The workshops enabled the WGPC to engage with the elected member and to work through the concerns and ideas they had. In several workshops the initial focus was on the purpose of the project and trying to separate service delivery from asset transfer. Understandably elected members expressed their views around the ownership and operation of their respective waste management assets.

With this matter resolved, elected members focused on the future governance issue with the following being a summary of the matters and issues raised by each council:

Circular Head

- Saw the existing staff at DWM as a pro, however saw Circular Head as a small brother and concerned the community would not support Option C
- Under Option B saw having own people with knowledge, Cradle Coast based, new policies and procedures, as a pro, but conceded the need to build a new structure as a con
- Little support for Option A with concerns that the directors do not have the skills and overheads being high
- A key issue was any change should not increase costs to the ratepayers.

Latrobe

- Saw DWM as a well known and awarded organisation with the ability to add other members, has skilled employees and could be renamed or branded. There could be a reluctance by existing owners to hand over the DWM assets
- There were no comments on Option B and the only pro comment regarding Option A was the existing Board could provide an oversight role, however a con was not having another committee under the CCA
- Saw an opportunity for integration of transfer station operation, waste collection and recycling while aligning costs and charges.

Burnie

- Supported Option C only with no support for the other two options. DWM already exists and there is no need to reinvent the organisation
- New structure should focus on one large project such as aggregation of operations. Suggested the organisation could be named as the Cradle Coast Waste Management Joint Authority and there should be a visit to Dulverton Landfill Site for elected members.

Devonport

- Supported Option C because it is a well recognised and sound performing operation
- Saw education programs involving schools as critical.

Central Coast

- Believes DWM operates very effectively and could not see why there was a need to set up another organisation. Also saw better opportunities for DWM staff to improve their skills
- Concerned by the lack of leadership from the State Government with no state strategy or support for a container deposit legislation.

Kentish

- Supported Option C because the organisation has trained staff and runs on the board
- There was frustration with the operation of CCWVG and the lack of opportunity to provide input into its activities, with irregular attendance by members. The question was asked if General Managers or Councillors could be included in the CCWVG as part of a revamp of the CCWVG.
- It was suggested that there should be no profit margins for DWM in providing waste management programs, only for project or consulting work.

Waratah Wynyard

- Cons for Option C is Council does not have any “skin in the game” and would want some ownership and dividends
- Do not want to reinvent the wheel with a new authority
- Saw a pro in the CCA model as all Councils would be in it together
- Wanted consistency with size of wheelie bins and collection frequency and a new charging regime for transfer stations that is consistent.

2.2 Other Workshops and Meetings

Table 2.2 below shows which organisation and individuals were visited and the date of their visit.

Table 2.2 – Other Workshops and Visits

Name	Date
Mat Greskie, DWM CEO	25 May
Sandra Ayton, Central Coast GM	25 May
Shane Crawford, Waratah Wynyard GM	4 June
Rowan Sharman, Burnie City	14 June
CCGMG	22 June
CCWMG	25 June
DWM Board	27 June
Paul West, Devonport City GM	27 June
Brett Smith, CCA CEO	2 July
Mat Greskie, DWM CEO	13 July

The following is a summary of matters discussed and issues raised at each meeting:

Mat Greskie

- A FOGO collection service would have delivered a 19% saving by tendering as a region rather than individuals. Tender did not proceed due to decision by councils based on cost
- Dividend back to owner councils is split on a ratio original based on population
- The Dulverton landfill has capacity until 2108
- Believes there would be staff issues and costs incurred if staff were to transfer to a new entity, plus the cost to establish a new organisation
- Currently operates landfill and composting facilities at Dulverton and recycling contract for seven councils
- Opportunities to improve transfer station infrastructure, operating systems and operation. Sell recyclables as a region rather than individual
- Explained the operation of household waste collection service at the councils and the variation that exist between councils
- There is still an issue of consistency and accuracy of data collection required for reporting on waste. Could be resolved if managed by Dulverton.

Sandra Ayton

- Clarified further details of the project
- Sees potential issues around the development of a state-wide waste body, however state guidance and a strategy are needed
- Explained the operation of the CCA and concerned that no one on the current Board has any technical knowledge of waste.

Shane Crawford and Daniel Summers

- A preworkshop meeting to outline their views on the project and waste management in general
- Council is a customer of Port Latta
- Currently only urban household waste collection with councillors wanting rural collection. The transfer station at Waratah is unmanned and open 24 hours a day
- Household waste collection is weekly in urban area of Wynyard and fortnightly in Waratah. Would prefer to see one system of fortnightly collection
- Council would like to see certainty about pricing and services gaps with adjoining councils. Not keen on any increase in the waste levy.

Rowan Sharman and Gary Neil

- Want to see value for ratepayer and not costing more for same services
- Contractor operates the waste transfer station and Council operates own trucks for household waste collection
- Outlined concerns regarding the figures in the MRA reports.

CCGMG

- A general overview on progress and emerging issues were discussed
- Paul West outlined the process for Kingborough Council joining the Copping Refuse Disposal Site Joint Authority
- Discussion on the operation of the Port Latta landfill site and the management of the rehabilitation of the site
- Support for Option C because of the existing structure and staff, good name and brand. Can benefit from expertise of the organisation
- Concern about increasing compliance cost due to changing EPA standards and licensing requirements
- Option to consider a subregional model
- Owner council concerned about DWM taking liability for another landfill site.

CCWMG

- Meeting provided an opportunity to update the members on the progress of the project.

DWM Board

- The Chairman provided the history and background to the formation of Dulverton landfill site
- It would be up to the owner councils to decide on the governance role to be undertaken by DWM
- DWM has a very strong Board and skills based organisation with capacity and capability
- Excellent relationship with owner councils and dividends are paid to these councils.

Paul West and Matthew Atkins

- A preworkshop meeting to outline their views on the project and waste management in general
- Council would support Option C and Council receives dividends from DWM
- Would like to see the Project completed as one project rather than two
- The Spreyton Transfer Station is outdated and in need of an upgrade. 17% of the operating cost is paid by Latrobe Council.

Brett Smith

- Believes Option A would avoid the cost of setting up another joint authority. Economy of scales achieved by sharing “back end” services, policies and procedures
- Explained the operation of the current organisation and the struggle with the function of the subcommittees
- Could provide the program services by either employing staff or engaging DWM to deliver. Would need to review the program to source out the best delivery method, but not adverse to either options.

Mat Greskie

- Discussed what functions and activities Dulverton could undertake. Suggested financial services, report accurately the categorisation of waste
- There is a need to improve the data collection system by working closer with CCGMG rather than the CCWMG. Information on activities and progress should flow back through the CCGMG and then to the elected members. This information could be provided monthly and meeting with the CCGMG quarterly or as required. CCWMG assist in developing Annual Plan program and budget, with both the program and budget approved by the CCGMG.

2.3 Other Research

2.3.1 Terms of Reference – CCWMG

The Terms of Reference (TOR) for CCWMG is included as Attachment C. The TOR are effective from 25th June 2018 and are reviewed every three years.

Key sections of the TOR document are:

- Section 3, Membership which describes the composition of the CCWMG and how members are nominated and approved by the CCA Board
- Section 5, Reporting responsibilities for the creation, adaption and delivery of the Strategic Plan, Annual Plan and Budget and Annual Report
- Section 7, Meeting details, meeting processes, responsibilities and timelines
- Section 11, Procurement details and the process
- Attachment 1, Roles and responsibilities
- Attachment 2, Procurement Policy
- Attachment 4, Financial Management Protocols and processes.

2.3.2 Copping Refuse Disposal Site Joint Authority

The Copping Refuse Disposal Site Joint Authority, trading as Southern Waste Solutions, was established as a joint authority in 2001 under the Local Government Act 1993.

The Authority consists of four Members appointed by Participating Councils, who may be either elected Councillors or Council Officers. Participating Councils are:

- Clarence City; one member entitled to exercise four votes
- Kingborough; one member entitled to exercise two votes
- Sorell; one member entitled to exercise two votes
- Tasman; one member entitled to exercise two votes

A participating Council may also appoint a Councillor or Council employee as a Deputy Member to act in place of any Councillor appointed by the Participating Council.

The Participating Councils have a share or interest in the equity of the Authority on the following basis:

- Clarence City Council: 48%
- Sorell Council: 24%
- Kingborough Council: 20%
- Tasman Council: 8%

In its governance, the Authority concentrates on:

- The periodic review of the performance of the Board and of individual directors
- The settings of the terms of office and the remuneration of directors
- Setting the goals and objectives of the Authority, reflected in the Strategic Plan
- The approval of the Strategic Plan, the Business Plan and the budget
- Representing the best interests of all Participating Councils.

For day to day operations of the enterprise, the Authority is assisted by a Board, trading as Southern Waste Solutions and appointed by the Authority at a general meeting.

The Board is responsible for ensuring that the business and affairs of the Authority are carried out in accordance with sound commercial practice, in a manner consistent with the approved Strategic and Business Plans of the Authority.

The rules of the Authority are available on its website at www.swstas.com.au

The following relevant extracts from these rules are included in Attachment D:

- Part 3 – Composition of the Authority and of the Board
- Membership of the Authority – Representatives
- Membership of the Board
- Committees of the Authority or of the board
- Schedule 1: Proportionate Payments and Shares.

3 Governance Model Options

The purpose of the WGPC is to work with the participating councils to assist with reaching a decision on the way forward regarding regional waste governance through a joint authority model.

Three options have been proposed, these being:

- Option A – committee structure under the existing Cradle Coast Joint Authority
- Option B – new self-standing Cradle Coast Waste Management Joint Authority
- Option C – an expanded DWM Joint Authority.

To gauge feedback on the three options, the WGPC met at workshops with all seven councils, with the DWM Board, CCGMG, CCWVG, the CEO of the CCA and some general managers and council officers.

3.1 Option A

Feedback from the workshops and meetings showed very little support for Option A, a committee structure under the existing Cradle Coast Joint Authority. The CCA CEO advised there were benefits to auspicing the proposal within the CCA. Issues raised against using this option were:

- concerns that the Directors do not have any technical knowledge of waste management
- overheads being high
- did not want to see another committee under the CCA.

In support of this model there was a suggestion that all councils would be in it together.

The CCA CEO said a benefit of this option was that it would avoid the cost of setting up another joint authority and economy of scale could be achieved by sharing “back end” services, policies and procedures.

He suggested that the program could be delivered by either employing staff or engaging DWM.

The reality is this option is similar in some ways to the existing operation of CCWVG, so it is hard to envisage any change in governance operations.

Due to the lack of support for this option it will not be considered any further.

3.2 Option B

There was some support for this option from the Circular Head councillors, as it addressed their concerns about how their community would feel about the governance authority being positioned on the eastern end of the region. The new authority would be Cradle Coast based, have its own people with knowledge, new policies and procedures.

However, the councillors saw the need to build a new organisation as a negative. This view was also shared by other councils, who were concerned about reinventing the wheel, time and cost in establishing a new authority.

It was also suggested that to find the staff for a new authority, staff may leave DWM, affecting DWM's ability to continue with its current activities. Ultimately this could lead to competition for the people with skills in the waste management area.

The biggest issue identified with this option was the time and cost associated with the establishment of a new joint authority, which would be seen by the community as a duplication.

For this reason, this option will not be considered any further.

3.3 Option C

This was the most popular option, strongly supported by five of the seven councils. Reasons for this support were:

- well known and awarded organisation with strong branding
- has skilled and knowledgeable employees
- well developed policies and procedures for operating in the waste management space
- it already exists and there is no need to reinvent the wheel
- is a sound performing organisation
- an opportunity for the DWM staff to further improve their skills
- no cost associated with expanding the operation and additional functions
- DWM currently supplies services and staff to support CCWVG and the activities could begin immediately.

As mentioned previously the Circular Head councillors believe their community would not support this option and Waratah Wynyard want some equity in the organisation. An issue with this option is the four owner councils of DWM must agree to the model and to potentially allowing other councils to become owners or members.

Due to the level of support the preferred option to be adopted as the waste management governance model is Option C, an expanded DWM Joint Authority.

Recommendation 1

That the preferred option to be adopted as the waste management governance model is an expanded Dulverton Waste Management Joint Authority.

4 Transition

While the expanded DWM Joint Authority is the preferred option for the waste management governance model, several issues were identified during the workshops with councils and at meetings with organisations and individuals. These issues potentially pose a risk to the acceptance and operation of the preferred governance model and need to be addressed.

4.1 Issues

These issues are listed below:

- Name Change – a change of name to something like the Cradle Coast Waste Management Joint Authority, which may help address the Circular Head Council's view that their community would not support Option C
- Operation of Proposed Expanded DWM Joint Authority – would the existing owners agree to allow other councils to become members of DWM Joint Authority and how would it operate
- CCWMG Operation – some councillors were frustrated with the operation of the CCWMG because of the lack of opportunity to provide input into the Group's activities plus a lack of regular attendance at meetings by members
- Service Charges – the charge regime for services delivered
- Data Collection – ongoing issues with timely response and accuracy of data collection
- Project Delivery – simplified and quicker approval and delivery of some programs.

4.2 Response to Issues

The following proposed actions have been developed to eliminate, mitigate or manage the risks.

4.2.1 Name Change

One council suggested any new organisation could be named the Cradle Coast Waste Management Joint Authority.

This was a means of representing the entire region and addresses Circular Head councillors concerns about the organisation being based on the eastern area of the region.

A DWM Joint Authority Council Representative advised at their workshop that the rules of the DWM Joint Authority would allow for a name change if necessary.

While a name change is possible owner councils were very strong in opposing a name change. They believe that the Dulverton brand was very strong, well known and publicised and recognised by the community.

There should be no change to the name of the DWM Joint Authority, however an alternative could be to establish a new consulting and project management unit within the DWM Joint

Authority and give it a new trading name. This consulting and project management unit currently provides project and contract management services to the CCWVG. The current Dulverton branding and name would remain for the land fill and composting operations, as these are the core activities of DWM Joint Authority.

This consulting and project management unit would provide many services to local government in the Cradle Coast region and in the future to all areas of the state. There would be no change to the staff or the structure of DWM to create this unit and it would be in recognition of the skills and expertise within DWM.

While the name for a new organisation has been suggested as the Cradle Coast Waste Management Joint Authority, it may well be appropriate to drop Cradle Coast from the name. This has only been suggested because the words Cradle Coast implicitly links the organisation to the existing Cradle Coast Joint Authority, and the new organisation needs to be given every chance of working.

In deciding on a new trading name for the consulting and project management unit consideration should be given to the future possibility that it could operate throughout the state.

Creation of this consulting unit and trading name would need the approval of the owner councils and the DWM Board.

Recommendation 2

That consideration be given to establish a new consulting and project management unit within the Dulverton Waste Management Joint Authority, to provide consulting services to the Cradle Coast councils and the entire state. That the unit be given its own trading name.

4.2.2 Operation of Proposed Expanded DWM Joint Authority

Critical to the successful implementation of the preferred model is whether the existing four owner councils would allow other councils to become an owner or a member of the DWM Joint Authority.

A suggested approach to implement the preferred option of the DWM Joint Authority is to use a two staged approach.

Stage 1 – would begin immediately with the transfer of responsibility for delivery of programs and projects from the CCWVG to DWM Joint Authority. This would involve delivering the current services, programs and projects plus also providing administration and financial services, which would deliver immediate efficiencies and savings.

It could also include procurement, policy development, planning, education, market development and project management. There would be an opportunity for all councils or individual councils to transfer services to DWM. This would be by mutual agreement of all parties and would not involve any asset transfers. Such services could be the operation of transfer stations using existing staff or contract operations, managing FOGO or household waste collection services contracts.

The progression to Stage 1 of the governance model would occur as follows:

- The consulting and project management unit of the DWM Joint Authority would be created and given a trading name
- The existing DWM Board would remain
- Create a second group of representatives by taking the existing owners representatives and adding a further two members from the Burnie City Council, Waratah Wynyard Council and Circular Head Council and call this group the members representatives.

The existing owners representative group would be responsible for the oversight of the Board, the landfill and composting operations.

The members representative group would be responsible for the oversight of the consulting and project management operations.

It is envisaged that these two groups would have two representatives from each council with one representative being the General Manager. The second member can be a councillor or alderman or a council officer.

It is proposed that at a regular owners representative meeting with the Board, normal business regarding the operation of the landfill and composting would be held. When complete the owners representative members would be joined by the members representatives and the meeting would change to a members representative meeting and deal with matters relating to the consulting and project management unit.

- The rules of DWM Joint Authority would need to be ammended to cater for the member representatives and operation of the members representative group. The rules of the Copping Refuse Disposal Site Joint Authority, trading as Southern Waste Solutions, allows for new members to join the authority, and these rules could be used to assist in ammending the DWM Joint Authority rules.
- DWM would be responsible for preparing the Strategic Plan and updates, the Annual Plan and the Budget. DWM would seek input from all councils by asking them for ideas on new or existing programs and projects to be included in the Annual Plan or the Budget.
- The member representative group would be responsible for approving the Strategic Plan, the Annual Plan and the Budget.

Progression to stage 2, asset transfer could occur when regular and consistent service delivery is being delivered by DWM.

This action will require detailed and accurate valuation of any waste management assets, along with liabilities from past waste management activities. The rules of the DWM Joint Authority would need to be further amended, subject to the agreement by existing owner councils, to allow all seven councils to become equity owners of the DWM Joint Authority. Member councils would change to owner councils, have equity in the authority, have full voting rights and possibly receive dividends.

It could include household waste collection services, landfill and transfer station ownership.

This phase of the transition needs further work and modelling for consideration by all councils.

Recommendation 3

That a two stage approach be adopted where:

- Stage 1 would deliver the existing regional waste services plus administration and financial services. That the rules of the DWM Joint Authority be amended to allow Burnie City Council, Waratah Wynyard Council and Circular Head to become members and a members representative group be formed. This group would be responsible for the oversight of the consulting and project managements operations.
- Stage 2 would progress with the consent of the owner councils and if Stage 1 delivered improved services and outcomes for all councils. This stage would require an extensive asset revaluation, consultation with all stakeholders, owners and users and finally a transfer of assets to DWM.

4.2.3 CCWMG Operation

Some councillors were frustrated with the operation of the CCWMG on two fronts. The first is the lack of opportunity to provide input into the Group's activities and secondly a lack of regular attendance at meetings by members.

The second matter concerns the lack of commitment from members attending meetings. Research reveals that in general there is only enough for a quorum and in one case a meeting could not go ahead due to a lack of a quorum. A secondary issue in this matter is that under the Terms of Reference each council is required to nominate their own member, and one member cannot represent two councils. Given the current resource sharing between Latrobe and Kentish and Waratah Wynyard and Circular Head this rule does not seem logical as the most appropriately qualified and skilled representative can only represent one council, with the second council needing to send a less qualified member.

The preferred model will transfer the responsibility for delivery of programs and projects from the CCWMG to the DWM Joint Authority. This process will begin immediately and when complete there will be no role for the CCWMG.

It is proposed that when the transfer is complete then the CCWMG should be dissolved as the group will no longer have any roles or activities.

Recommendation 4

It is proposed that the CCWMG be dissolved when the transfer of responsibility for the delivery of programs and projects to the DWM Joint Authority is complete.

4.2.4 Service charges

During the Council Workshops the question was raised about the cost of providing the governance model to ensure a fair return for DWM, while at the same time avoiding any increase in costs to the participating councils.

This question was put to DWM and the following response was provided. It is important to clearly note this is indicative costing only and subject to the final detail of any revised structure. The proposal is while the levy remains stable at \$5.00 per tonne, DWM would provide the current pricing structure:

- Fixed project management charge for levy projects of \$94,245
- Would undertake administration and financial services and would absorb the costs currently undertaken by the CCA (currently \$6,300)
- Continue to contract manage the regional contracts under the existing arrangements for:
 - Kerbside recycling – no charge
 - Green waste recycling – 3% on charge
- The fixed project management fee to increase by Hobart CPI or CCI each 1 July, commencing on 1 July 2019 with CPI or CCI determined at the start of the agreement by the members representative group
- A change in the levy rate would necessitate a review of the fee structure.

The pricing assumptions are:

- CCA or a council to provide meeting rooms as required
- The greatest risk to DWM is scope creep so this would need to be managed in any agreement

This proposal will deliver all services to councils at a reduced cost.

Recommendation 5

That the proposed indicative pricing structure as listed below, be accepted.

The proposal is while the levy remains stable at \$5.00 per tonne, DWM would provide the current pricing structure:

- Fixed project management charge for levy projects of \$94,245
- Would undertake administration and financial services and absorb the costs currently undertaken by the CCA (currently \$6,300)
- Continue to contract manage the regional contracts under the existing arrangements for:
 - Kerbside recycling – no charge
 - Green waste recycling – 3% on charge
- The fixed project management fee to increase by Hobart CPI or CCI each 1 July, commencing on 1 July 2019 with CPI or CCI determined at the start of the agreement by the member representative group
- A change in the levy rate would necessitate a review of the fee structure.

4.2.5 Data Collection

There is an issue with the timely response and accuracy of data collection information for the operation of transfer stations, which is needed by DWM to provide quarterly reports to councils. This issue is a concern for DWM as the information gathering requires constant follow up with councils because of delays in the provision of the data. DWM believes they have reviewed and reworked the data template to make the data entry as easy as possible, however there are inconsistencies with the collection from within councils and across councils.

Under the recommended model issues such as the above can be relayed directly to the General Manager out of session or at meetings of the members representative group. It will then be the General Manager's responsibility, to ensure the timely, accurate and consistent delivery of the information.

Recommendation 6

It is proposed that the General Manager will be responsible to ensure the timely, accurate and consistent delivery of data on the operation of their council's transfer stations, and this data is provided to DWM.

4.2.6 Project Delivery

At the meeting with the CCGMG there was a request to simplify and improve the approval process for projects. An example was cited where a request for surveillance cameras took a matter of months to be approved and the time delay resulted in a lost opportunity to act on the matter.

This issue could be addressed if the budget included some discretionary allocation of monies for projects that fall within or meet certain criteria. Councils would be aware of these allocations and could quickly make an application to DWM for an allocation from these funds.

Providing the application meet the criteria, as assessed by the DWM CEO, the funds could be approved at his discretion and then reported at the next meeting of the members representative group.

The members representative group would need to provide appropriate delegation to the DWM CEO along with developing the criteria for these projects.

Recommendation 7

It is proposed that the budget include some discretionary allocation of monies for projects that fall within or meet agreed criteria, then approval of these projects can be authorised by the DWM CEO. Any authorisation would be reported at the next meeting of the members representative group.

5 Opportunities

This chapter examines and raises the possibilities and discussions about improving existing operations and systems, to improve performance, reduce risk and provide savings. These matters were raised at council workshops and meetings or from observation at various waste management sites.

5.1 Transfer Station

Most transfer stations provide an acceptable level of service for the users however these facilities pose a high level of risk to their owner councils.

5.1.1 Infrastructure Deficiencies

In the recent past DWM conducted an audit of the regions transfer stations and found deficiencies in the build of the facility, which meant these facilities failed to meet best practice guidelines. It could also be argued that these facilities also failed to meet workplace health and safety standards.

Councils were advised of the audit outcomes and informed that funding through the waste levy was available to assist. There was a limited response and uptake from councils.

This poses a high risk to the council in the event of an accident, because of the deficiency was identified and possibly no corrective action was taken.

It is proposed that DWM be engaged to undertake a follow up safety audit of the transfer stations and to prepare an action plan and costing for each facility. Councils are then encouraged to apply for levy funding to assist with the cost of the works.

Recommendation 8

It is proposed that DWM be engaged to undertake a follow up safety audit of the transfer stations and to prepare an action plan and costing for each facility.

5.1.2 Operational Matters

Transfer station operators encourage users of their site to separate their waste into streams to allow for resource recovery, reuse or to reduce the volume going to land fill. This issue is the uncontrolled access by members of the public at these stockpiles of materials.

At one council workshop a councillor asked who is responsible if a member of the public is injured while they are in the skip bin retrieving some treated pine posts. The simple answer is council.

At another transfer station there is a large pile of scrap metal including old home appliances such as stoves, ovens, refrigerators, washing machines and dryers. Members of the public regularly attack these items with battery operated drills and angle grinders, without wearing any safety equipment, to retrieve copper pipe, copper wire and numerous other items.

At this same location is a large and high pile of timber and timber items. Members of the public scramble over and around this pile often pulling pieces from the pile. There is a serious risk of the pile collapsing, people treading on protruding nails or spikes or getting splinters of wood in their hands.

It is proposed that a qualified risk management consultant or DWM conduct a risk assessment of the operations at all transfer stations and develop a risk management plan or upgrade the plan if one exists.

To achieve best value for councils the safety audit and risk assessment should be undertaken jointly to avoid duplication and save costs.

Recommendation 9

It is proposed that a qualified risk management consultant or DWM conduct a risk assessment of the operations at all transfer stations and develop a risk management plan or upgrade the plan if one exists.

5.1.3 Transfer Station Management

Currently throughout the region the operation of transfer station is undertaken by council staff, contractors or the station is unmanned. As can be seen from the above examples there are issues with the operation of these transfer stations, as different standards apply.

To address these issues every manned transfer station should operate using common and consistent policies, practices and work procedures. These should be supported by regular and ongoing training for all operators in applying these policies, practices and procedures.

DWM has developed the policies, practices and procedure documents, as well as the training programs for the operators.

It is proposed that all councils adopt the DWM transfer station operational policies, practices and procedure documents as soon as practicable, along with the training to support these documents.

It is also worth considering as a second step in Stage 1 of this project to have DWM operating and managing the transfer stations. Operation of the site could remain as is using council staff or contractors however, the management of day to day operations, compliance, reporting and training would be undertaken by DWM.

This would guarantee an appropriate and qualified level of management was implemented at each site, significantly reducing the risks to owner councils. The cost for this service by DWM would be negated as councils currently incur management costs and there would be saving from reduced risk management costs.

Over time and with assistance from DWM, councils could work towards the same fees structure for all transfer stations. This would address a common issue raised at several Council Workshops.

Recommendation 10

It is proposed that all councils adopt the DWM transfer station operational policies, practices and procedure documents as soon as practicable, along with the training to support these documents.

5.1.4 Collecting Entry Fees

Some councils are currently foregoing revenue from their waste transfer stations, because of the incorrect charging and application of the appropriate fees. Operators are required to estimate the volume of some loads coming to the site, and these estimates are well below the actual volume.

A similar issue occurs when a customer produces a council issued entry ticket. These tickets are for a small volume of waste, however the expectation from the customer is that one ticket will cover any load of any size. The reality is the operator generally accepts the one ticket rather than requesting additional tickets or a cash charge in addition to the ticket.

The actual extent of this issue is unknown and would require further investigation. It is proposed that a customer awareness campaign focusing on the true cost of disposal of waste at a transfer station be implemented.

In conjunction with this campaign, operator training involving assessment and application of the fees, be provided to the operators.

It is proposed that councils who issue free transfer station tickets should review this practice. While customers enjoy and expect these tickets their removal could be offset by a reduction in the waste management charge on customers rates. An awareness campaign advising the reason why the tickets will no longer be given, should occur at least six months prior to the setting of rates by council. This campaign should continue for an ongoing period after rates are due.

Removal of these tickets means one less issue for the transfer station operators to have to manage.

Recommendation 11

It is proposed that a customer awareness campaign focusing on the true cost of disposal of waste at a transfer station be implemented.

It is proposed that councils who issue free transfer station tickets review this practice to ensure the correct fees for waste disposal are being charged and collected.

6 Recommendations

Based on the information gathered at council workshops and from meetings with organisations and individuals, the following recommendations are provided for councils to consider a preferred option for a waste management governance model.

R 1 – That the preferred option to be adopted as the waste management governance model is an expanded Dulverton Waste Management Joint Authority.

R 2 – That consideration be given to establish a new consulting and project management unit within the Dulverton Waste Management Joint Authority, to provide consulting services to the Cradle Coast councils and the entire state.

R 3 – That a two stage approach be adopted where:

- Stage 1 would deliver the existing regional waste services plus administration and financial services. That the rules of the DWM Joint Authority be amended to allow Burnie City Council, Waratah Wynyard Council and Circular Head to become members and a members representative group be formed. This group would be responsible for the oversight of the consulting and project managements operations.
- Stage 2 would progress with the consent of the owner councils and if Stage 1 delivered improved services and outcomes for all councils. This stage would require an extensive asset revaluation, consultation with all stakeholders, owners and users and finally a transfer of assets to DWM.

R 4 – It is proposed that the CCWVG be dissolved when the transfer of responsibility for the delivery of programs and projects to the DWM Joint Authority is complete.

R 5 – That the proposed indicative pricing structure as listed below, be accepted.

The proposal is while the levy remains stable at \$5.00 per tonne, DWM would provide the current pricing structure:

- Fixed project management charge for levy projects of \$94,245
- Would undertake administration and financial services and would absorb the costs currently undertaken by the CCA (currently \$6,300)
- Continue to contract manage the regional contracts under the existing arrangements for:
 - Kerbside recycling – no charge
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- The fixed project management fee to increase by Hobart CPI or CCI each 1 July, commencing on 1 July 2019 with CPI or CCI determined at the start of the agreement by the members representative group
- A change in the levy rate would necessitate a review of the fee structure.

R 6 – It is proposed that the General Manager will be responsible to ensure the timely, accurate and consistent delivery of data on the operation of their council's transfer stations, is provided to DWM.

R 7 – It is proposed that the budget include some discretionary allocation of monies for projects that fall within or meet agreed criteria, then approval of these projects can be authorised by the DWM CEO. Any authorisation would be reported at the next meeting of the members representative group.

R 8 – It is proposed that DWM be engaged to undertake a follow up safety audit of the transfer stations and to prepare an action plan and costing for each facility.

R 9 – It is proposed that a qualified risk management consultant or DWM conduct a risk assessment of the operations at all transfer stations and develop a risk management plan or upgrade the plan if one exists.

R 10 – It is proposed that all councils adopt the DWM transfer station operational policies, practices and procedure documents as soon as practicable, along with the training to support these documents.

R 11 – It is proposed that a customer awareness campaign focusing on the true cost of disposal of waste at a transfer station be implemented.

It is proposed that councils who issue free transfer station tickets review this practice to ensure the correct fees for waste disposal are being charged and collected.

Attachment A – Project Plan

WASTE MANAGEMENT GOVERNANCE PROJECT Project Plan

Milestone	Timeframes	Commentary	Start	Finish
Project Coordinator appointed		Letter of appointment signed.		25 May 2018
Review all council meeting agendas and minutes	1 week	Read agenda and minutes to identify any issues	25 May 2018	1 June 2018
Prepare project plan	2 weeks	Draft Plan sent to the Chair of Sub Committee.	25 May 2018	8 June 2018
Arrange meetings to attend workshops with all seven councils, General Managers Group, Waste Management Group, Dulverton WM Authority and some council officers.	7 weeks	Attend workshops and meeting to canvas the three options, what should be included and any other matters.	25 May 2018	13 July 2018
Prepare a report on the matters, issues and concerns raised in the council workshop visits.	2 weeks	Issue report to the Waste Management Group and the General Managers Group.	6 July 2018	20 July 2018
Meet with the Waste Management Group and then the General Managers Group.	3 weeks	Meeting to discuss matters, issues and concerns raised during council workshop visits to inform future directions of the project.	27 July 2018	17 August 2018
Research joint authority models.	6 weeks	How do other authorities function and what structure is used.	6 July 2018	17 August 2018
Prepare draft report.	3 weeks	Issue report to the Waste Management Group and General Managers Group for comment and review.	17 August 2018	7 Sept 2018
Meeting with General Managers Group	2 weeks	Meeting to finalise report.	7 Sept 2018	21 Sept 2018
Prepare council agenda report.	1 week	Standard agenda report for use by all councils.	7 Sept 2018	14 Sept 2018
Final report to all councils	1 week		21 Sept 2018	28 Sept 2018
Implement chosen option.	? weeks	Separate project plan required for the chosen option, once known.	Nov 2018	

Please note that actions shown in red are hold points

Attachment B – Council Resolutions

Cradle Coast Waste Management Governance Report

The following are the motions passed by each Council at their Council meetings in September 2017:

Burnie

- . Support in principle the establishment of a Joint Authority consisting of the member Councils of the CCWMG, in regard to waste management, with a view to the Joint Authority ultimately owning and operating the member Councils waste infrastructure and facilitating service delivery;
- . Request that the CCWMG develop an operating structure, financial model and implementation plan for a stand-alone Joint Authority, which addresses the issues, matters and concerns raised in this report and the CCWMG memo to member Councils;
- . Further consider this matter when the requested further work by the CCWMG is complete;
- . Ensure the Joint Authority applies full cost recovery without commercial profit;
- . Request State Treasury to analyse the financial model; and
- . Include provision for independent review of operations after five years.

Central Coast

That the Council provides in principle support for the establishment of a self-standing joint authority subject to a more detailed report on the staging of the implementation i.e. transferring of primary programs and decision making; and

Secondly, once a joint authority is fully operational and proven to be successful in delivery of the goals of the Cradle Coast Regional Waste Management Strategy that consideration by Councils be given to the transfer of assets to that authority.”

Circular Head

Approves the Cradle Coast Waste Management Group seeking a more detailed report on staging and implementation of a proposed self-standing joint authority i.e. transferring of primary programs and decision making.”

Devonport

That the report relating to Cradle Coast Waste Management Governance be received and noted and that Council provide in principle support for the establishment of a new regional joint authority to oversee waste management Page 6 of 21 Minutes of Devonport City Council ordinary meeting held 25 September 2017 for the member councils, subject to a further report addressing outstanding issues, financial modelling and proposed implementation details.

Kentish

That the report concerning the Cradle Coast Waste Management Group Governance Review be received and Council provides in principle support for the establishment of a self-standing joint authority subject to a more detailed report on the staging of the implementation i.e. transferring of primary programs and decision making; and secondly, once a joint authority is fully operational and proven to be successful in delivery of the goals of the Cradle Coast Regional Waste Management Strategy that consideration by Councils be given to the transfer of assets to that authority.

Latrobe

Council provides in principle support for the establishment of a self-standing joint authority subject to a more detailed report on the staging of the implementation i.e. transferring of primary programs and decision making; and secondly, once a joint authority is fully operational and proven to be successful in delivery of the goals of the Cradle Coast Regional Waste Management Strategy that consideration by Councils be given to the transfer of assets to that authority.

Waratah-Wynyard

That the Council approves the Cradle Coast Waste Management Group seeking a more detailed report on staging and implementation of a proposed self-standing joint authority i.e. transferring of primary programs and decision making.

Terms of Reference

Cradle Coast Waste Management Group

1. Overview

1.1 Background

The Cradle Coast Waste Management Group (CCWMG) is a committee of the Cradle Coast Authority (CCA) Board of Directors (the Board). The CCWMG is established under the CCA Rules 2011, Section 36 and is responsible to the Board. The CCA is a joint authority created by nine (9) councils of North West Tasmania to represent and advocate the needs of the region in the areas of Regional Economic Development, Natural Resource Management and visitor economy.

The CCWMG was established to:

- Provide an integrated regional approach to waste management; and
- Implement strategies which minimise waste through increases in waste diversion and recovery.

The CCWMG represents seven (7) northwest Tasmanian municipal councils (the “Participating Councils”) who agreed to participate in a voluntary waste levy scheme.

The Participating Councils are:

- Burnie City Council;
- Central Coast Council;
- Circular Head Council;
- Devonport City Council;
- Kentish Council;
- Latrobe Council; and
- Waratah-Wynyard Council.

The CCWMG works closely with the Northern Tasmanian Waste Management Group and the Southern Tasmanian Councils Authority in the development and delivery of waste management programs and in the sharing of resources and services.

West Coast and King Island Council’s do not currently participate, however, opportunity for participation is open, subject to contribution to the voluntary waste levy scheme. The CCWMG will aim to share information with non-participating Councils if requested.

1.2 Existing Agreements

The Participating Councils agreed to implement a voluntary waste levy, charged on a per tonne basis, for all waste disposed of to landfill. Landfills subject to the collection of the voluntary waste levy are:

- Dulverton Regional Waste Management Authority's Landfill;
- Central Coast Council's Resource Recovery Centre and Landfill; and
- Circular Head Council's Port Latta Landfill.

An Agreement covering the administration and management of the voluntary waste levy was made on 23rd November 2007 between the CCA, Dulverton Waste Management (DWM), Circular Head Council, Central Coast Council and Burnie City Council. In November 2012, the Burnie City Council decommissioned their landfill and are no longer responsible for the collection of a voluntary waste levy. The Waste Levy Agreement will continue until the landfill owner(s) choose not to participate in the voluntary collection.

A Memorandum of Understanding (MOU) exists as an agreement between Tasmania's three regional waste management authorities for joint waste reduction and resource recovery communication activities. The three authorities are:

- Cradle Coast Waste Management Group;
- Northern Tasmanian Waste Management Group; and
- Southern Tasmanian Councils Authority.

2. Term

This Terms of Reference is effective from 25th June 2018 and will be reviewed every three (3) years.

This Terms of Reference may be amended, varied or modified in writing after consultation and agreement by the group members and the Board.

The Board will not unreasonably refuse any proposed amendments, variations or modifications that do not breach any legal or statutory instruments.

3. Membership

3.1 CCWMG Membership

The CCWMG will operate as a skills based working group with membership from the Participating Councils. As a committee of the CCA, members will be recommended to the Board.

The Board will not unreasonably refuse the nomination of a committee member by a Council.

Group membership comprises of the following arrangement:

3.1.1 Council Members:

The CCWMG will comprise of one (1) representative from each Participating Council and the membership shall be evenly spread so as to include, where practicable, practitioners skilled in engineering, environmental health, waste management, corporate governance and general management. Each council will nominate their representative who should not be a representative of another Council.

3.1.2 Chairperson:

The Chairperson shall be a General Manager of the Participating Councils, appointed by the General Managers of the Participating Councils. Appointment is for a term of two (2) years. If the exiting Chairperson is re-nominated, subsequent terms of appointment will be permitted.

3.1.3 Deputy Chairperson:

The Deputy Chairperson will be appointed by a vote of the Chairperson and members. Appointment is for a term of two (2) years. If the exiting Deputy Chairperson is re-nominated, subsequent terms of appointment will be permitted.

Any reference to the Chairperson in this document will apply to the Deputy Chairperson in the absence of the Chairperson.

3.1.4 Cradle Coast Authority

The CCA Chief Executive Officer (CCA CEO), or their representative, will be an ex-officio member with no voting rights, and will provide corporate governance

support and expertise with respect to the roles and responsibilities of the CCA as the entity with the legal responsibility for the management and acquittal of the waste levy funds.

3.1.5 Dulverton Waste Management

DWM will provide technical and project management expertise and assistance.

DWM will be represented by its CEO and Project & Operations Officer (P&OO) on an ex-officio basis with no voting rights.

3.1.6 Cradle Coast Authority Representatives' Representative

A representative of the CCA Representatives' group will be an ex-officio member with no voting rights.

3.2 **Voting Members**

Voting Members are the seven (7) Council Members.

4. Objectives

4.1 **Objectives of the CCWMG**

- a) To develop strategies and plans to manage waste sustainability including an:
 - 5-year CCWMG Strategic Plan; and
 - Annual Plan & Budget.
- b) To co-ordinate the implementation of actions contained in the Strategic Plan and Annual Plan & Budget, including monitoring and management of budget;
- c) To provide a regional voice to the State and Federal Government and Industry in relation to waste management issues, policies and practices;
- d) To source and administer State and/or Federal Government funding for agreed waste management initiatives and projects;
- e) To provide a forum for high level dialogue and communication sharing of information between councils, industry and community; and
- f) To be the central contact and reference point for waste management issues and communications affecting the cradle coast region.

5. Reporting responsibilities

5.1 Strategic Plan

- a) The CCWMG Members are responsible for developing a Strategic Plan.
- b) A Strategic Plan is to be adopted every five (5) years.
- c) Preparation of a new plan is to commence one (1) year prior to expiry of the previous one.
- d) The Strategic Plan is to be presented to the Participating Councils for endorsement.
- e) The approved Strategic Plan is to be submitted to the Board for adoption.
- f) The adopted Strategic Plan is to be forwarded to Participating Council, the Board and DWM for information.
- g) The Board will be responsible for ensuring that the CCWMG develops an Annual Plan & Budget in accordance with the Strategic Plan.

5.2 Annual Plan & Budget

- a) The CCWMG Members are responsible for developing an Annual Plan & Budget.
- b) An Annual Plan & Budget will be endorsed prior to 30th June each year.
- c) The endorsed Annual Plan & Budget will be submitted to the Board for adoption.
- d) A copy of the adopted Annual Plan & Budget will be forwarded to Participating Councils, the Board and DWM for information.
- e) The Board will be responsible for ensuring that the CCWMG delivers the projects and actions in accordance with the Annual Plan & Budget.

5.3 Annual Report

- a) The CCWMG Members are responsible for developing an Annual Report.
- b) An Annual Report will be adopted prior to 31st October each year, and is to include reporting against the Annual Plan & Budget.
- c) The adopted Annual Report will be forwarded to Participating Councils, the Board and DWM for information.

5.4 Other

- a) The CCA is to prepare monthly financial reports to be forwarded to the CCWMG Chair and DWM by the 25th of the following month (e.g. February financials to be reported by the 25th of March). The most current financial reports are to be included in the CCWMG meeting agenda.

- b) Participating Councils are to update the Data Collections Portal monthly with council waste data. DWM is to then prepare quarterly reporting of the collected data to members at each CCWMG meeting.
- c) DWM is to maintain a Report & Resources List annually.

6. Conflict of interest

Members are to act in the best interest of the region and will perform their responsibilities in good faith, honestly and impartially and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest. Proper observation of these principles will protect the group and its members, and will enable public confidence to be maintained.

When members believe they have a conflict of interest on a subject that will prevent them from reaching an impartial decision or undertaking an activity consistent with the group's functions, they will declare a conflict of interest to the Chairperson and withdraw themselves from the discussion and/or activity.

7. Meetings

7.1 Frequency of meetings

Meetings will be held no less than four (4) times per year, at a location determined by the CCWMG.

Meeting dates are to be set a minimum of eight (8) weeks in advance by the group.

7.2 Agendas and Minutes

Protocols for the preparation and distribution of agendas and minutes are detailed under attachment 3.

7.3 Quorum

A meeting quorum will be four (4) voting members of the CCWMG.

If a quorum is not present prior to the scheduled meeting start time, then the meeting is to be abandoned.

Members may nominate a substitute to attend the meeting on their behalf.

7.4 Urgent Matters

A meeting may be called by the Chairperson to discuss specific matters for urgent attention that can't wait until the next regular meeting. Any notice of the meeting is satisfactory so long as the meeting is accepted by and attended by an absolute majority of Voting Members.

7.5 Circular Resolution

A circular resolution may be instigated by the Chairperson if a decision is required between meetings. Circular resolutions should be used sparingly and should be limited to use for procedural matters, non-controversial matters or for matters that have had prior discussions in meetings, do not require further discussion and which cannot be deferred to the next meeting. Circular resolutions should not be used for dealing with urgent or controversial matters that arise of which the Members are previously unaware.

A circular resolution is a documented resolution which is signed by Members with wording to signify they are in favour of the resolution. Acceptable forms of signed documentation can include: printed copy with original signature, scanned signed copy received by electronic mail (email), or consent received by email.

The circular resolution is determined by a majority of Members in favour of the resolution.

8. Publicity / Media

Only the Chairperson or their delegate may make or issue public statements in relation to the decisions of the CCWMG.

As a committee of the CCA, the CCA reserves the right to make public comments but will do so only in exceptional circumstances and not before attempting to discuss the matter with the Chairperson. In circumstances where the matter relates to the conduct of the CCWMG, the CCA will discuss the matter with the CCA Chief Representative before making any public comment.

9. Dispute Resolution

If a difference or dispute arises between any of the Members in connection with this Term of Reference, any party may give the other party a written notice setting out full details of the Dispute ("Notice of Dispute").

A Member, or Council, may not commence any court or arbitration proceedings in relation to a Dispute unless a Notice of Dispute has been served (either by or on that party) and that party has made all reasonable attempts to resolve the Dispute in accordance with this section.

The Members must attempt to resolve any dispute promptly by negotiating in good faith. If the Members are unable to resolve the dispute within ten (10) days after a Notice of Dispute is served, each Member must refer the Dispute to a higher level of representative (of at least General Manager level or equivalent) with authority to settle the dispute, and such representative must confer (by meeting or telephone conference) at least once in an effort to resolve the dispute or agree on methods for doing so.

If the dispute is not resolved, or the Members have not agreed on any alternative method to resolve the dispute, within twenty (20) days after a Notice of Dispute is served, then either party may commence arbitration proceedings before a single arbitrator appointed by agreement between the parties (or failing agreement, appointed by the President of the Law Society of Tasmania) to arbitrate a resolution of the dispute and the decision of the arbitrator shall be binding on both parties.

Nothing in this Terms of Reference prevents a Member from seeking injunctive or urgent declaratory relief at any time.

Each Member must continue to perform its obligations under this Terms of Reference despite the existence of any dispute.

10. Administrative arrangements

Attachment 1 details the roles and responsibilities of the members.

Attachment 3 details the protocols for the development and distribution of meeting agendas and minutes.

Attachment 3 details the CCWMG's financial management protocols.

11. Procurement

As a committee of the CCA, the CCWMG cannot procure goods and services directly. DWM is the preferred supplier of services to the CCWMG.

Goods and services will be procured in accordance with the adopted policies and practices of the organisation procuring the services so long as they do not breach any statutory obligations.

The procuring organisation is responsible for the administration and management of contractors in accordance with the organisations adopted policies and practices so long as they do not breach any statutory obligations.

Examples of procurement expectations are outlined in Attachment 2 – Procurement.

12. Dissolution of the CCWMG

The CCWMG can only be dissolved by the Board upon receiving written advice from the Chairperson that a majority of the Participating Councils have approved the dissolution.

In the event the CCWMG is dissolved, the balance of funds (or debts) will be split among the Participating Councils in proportion to prior financial year's contribution of waste levy funds (Council contribution, not landfill contribution).

13. Confidentiality

This Terms of Reference is a contract for confidentiality among the Members of the group to maintain security and confidentiality of the CCWMG's communication and information.

Attachment 1 - Roles and responsibilities

1.1 Chairperson

1.1.1 General:

- Provide leadership;
- Set meeting Agenda's;
- Oversee the CCWMG's activities;
- Act as the CCWMG's spokesperson; and
- To be a representative on the Local Government Association of Tasmania Waste Reference Group.

1.1.2 Meetings:

- The Chairperson is the chair for every meeting;
- Undertake any necessary preparation prior to the meeting;
- Ensure a quorum is present;
- Start the meeting on time;
- Control the meeting and keep to the Agenda;
- Allow fair and open discussion on matters so that decisions can be made;
- Re-focus discussion that has wandered off topic;
- Conclude one point and lead into the next;
- Clarify any misunderstanding; and
- Pace the meeting ensuring it runs on time.

1.2 Members

1.2.1 General:

- Promote and support the CCWMG activities;
- Ensure timely response of information provided by their council; and
- Be the waste spokesperson between their council and the CCWMG.

1.2.2 Meetings:

- Undertake any necessary preparation prior to the meeting;

- Arrive on time;
- Participate but do not interrupt each other;
- All remarks are addressed through the Chairperson;
- Speak honestly and frankly. Be prepared to challenge the status quo, and equally, to compromise for the benefit of the region;
- A vote is taken if consensus is not reached. The majority wins the vote, and all Members are to accept the majority decision;
- Note down any action agreed upon; and
- After the meeting, undertake any agreed action and brief others as appropriate;

1.3 Cradle Coast Authority

- To provide executive, administrative, financial and communication support to the group;
- To collect and distribute the waste management levy; and
- To host the CCWMG as a committee of the CCA providing the legal and governance structure required.

1.4 Dulverton Waste Management (DWM)

- To project manage actions arising from the Cradle Coast Waste Management Strategy allocated by the CCWMG, within agreed budget and timeframes;
- To provide technical support to the CCWMG;
- To attend CCWMG meetings and provide project status reports, including up to date costings; and
- When procuring goods and services in relation to agreed projects, to do so in with compliance with all legal and regulatory requirements, work health and safety and environmental legislation and statutory requirements.

Attachment 2 - Procurement

2.1.1 Services/Purchases greater than \$25,000 - Request for Quote

Services and/or purchases totalling more than \$25,000 and less than \$100,000 require at least two (2) quotes. The works and assessment criteria will be clearly specified. The extent of criteria will depend on the criticality and value of works. Written quotes will be assessed by not less than two (2) people and the procurement decision will be documented.

2.1.2 Services/Purchases greater than \$100,000 - Request for Tender

Services and/or purchases totalling more than \$100,000 shall follow open tender process. The following process must be followed:

- The Scope or Specification, Price, and Schedule for delivery must be defined in writing;
- Tender assessment criteria are to be developed and published in the tender scope or specification;
- Tenders are to be assessed against the assessment criteria by not less than two (2) people;
- Consultants, Providers or Contractors must provide evidence of Public Liability Insurance of not less than \$20M, and Professional Indemnity Insurance of not less than \$2M;
- Any other Minuted criteria as required by the group.

Attachment 3 – Agenda & Minute Protocol

3.1 Agenda's / Notice of Meetings

- a) DWM is responsible for coordinating meeting Agenda's;
- b) DWM is to request Agenda Items from CCWMG Members no less than seven (7) business days prior to the Agenda due date
- c) Members, including CCA, are to provide DWM with Agenda Items (including attachments) no less than five (5) business days prior to the Agenda due date
- d) DWM is to provide the Chairperson with the final draft Agenda for approval, no less than two (2) business days prior to the Agenda due date;
- e) The Chairperson is to review the Agenda within one (1) business days and advise the DWM of any changes; and
- f) The DWM is to issue all CCWMG Members with the Agenda no less than one (1) week prior to the meeting date.

3.2 Minutes

- a) At each meeting, the DWM is to takes notes for the purpose of drafting Minutes;
- b) Within ten (10) business days of the meeting, DWM is to issue the Chairperson with the draft Minutes for review;
- c) Within fifteen (15) business days of the meeting, the Chairperson is to review the draft Minutes, obtain feedback from members if necessary and advise DWM of any changes;
- d) Within twenty (20) business days of the meeting, DWM is to release the draft Minutes as Unconfirmed Minutes to all CCWMG Members, and also the Executive Assistants of each CCWMG Participating Council for inclusion as an open Agenda Item at Council Meetings;
- e) In preparation for the next meeting, DWM is to list the Unconfirmed Minutes on the Agenda for confirmation; and
- f) Within two (2) business days following the conclusion of the next meeting, DWM is to provide the Confirmed Minutes to Participating Councils for their records.

Attachment 4 – Financial Management Protocols

4.1 Cradle Coast Authority

- a) Within 14 days of request, distribute invoices for the waste management tonnage landfill levies to DWM, Central Coast Council (CCC) and Circular Head Council (CHC).
- b) Within 7 days of receipt, forward invoices for CCWMG expenses to DWM for approval and project allocation.
- c) Maintain a ledger system which allows discreet CCWMG project costs to be easily monitored and reported.
- d) Handle and process accounts payable in relation to project expenses.
- e) Within 14 days of request, on-charge recoverable project expenses to CCWMG, the Northern Tasmanian Waste Management Group (NTWMG) and/or any other parties as requested by DWM and/or the CCWMG.
- f) Share appropriate records with DWM in relation to project expenses and costs on-charged as requested.
- g) Verify and promptly advise any discrepancies identified on shared financial records on an agreed monthly basis.
- h) Provide financial reports at each CCWMG meeting.
- i) Provide annual financial statements to the CCWMG meeting following the end of financial year.

4.2 Dulverton Waste Management

- a) Provide appropriate information to the CCA to facilitate the provision of accurate administrative and financial management support.
- b) Provide waste levy tonnages and charges from DWM, CCC and CHC, to the CCA for invoicing.
- c) Within 7 days of receipt, provide authorisation and project allocation for accounts payable invoices for processing and on-charging, relating to the CCWMG.
- d) Provide on-charging instructions of accounts payable invoices for processing.
- e) Handle and process project related invoices, invoiced directly to DWM.
- f) Periodically on charge project related expenses to the CCA, providing project allocation details.
- g) Verify and promptly advise any discrepancies identified on shared financial records on an agreed monthly basis.

Attachment D – Extract of Rules, Copping Landfill Site Joint Authority

Authority, or from the Authority to a Council;

- (l). to exercise any power specified in the Act or any other act or in these Rules consistent with its Principal Objectives and Goals and functions;
- (m). to make by-laws under Part 11 of the Act as if it were a Council;
- (n). to do all things necessary or convenient to be done in connection with, or incidental to, the performance and exercise of its functions and powers;
- (o). to perform its powers outside the boundaries of the municipal area of the Members which are consistent with these Rules and which are to be exercised in accordance with national competition principles; and
- (p). to require the Board to carry out specified powers of the Authority.

Powers of the Board

- 13. The Board may exercise all powers and functions delegated to it by the Authority in writing.

Delegations

- 14. Except for the power under Rule 12(a) and as provided in Rule 213(b), the Authority may delegate to the Board, with or without conditions, any of the functions and powers that are within the power of the Authority (including any specified power of on-delegation of those functions and powers) and are not by these Rules or by legislation directed or required to be exercised or done by the Authority in General Meeting.
- 15. The Board may delegate to the Chief Executive Officer, with or without conditions:
 - (a). any of the functions and powers delegated to it by the Authority in writing (including any specified power of on-delegation of those functions and powers); and
 - (b). any of the functions and powers conferred upon it under these Rules.

PART 3 - COMPOSITION OF THE AUTHORITY AND OF THE BOARD

Members

- 16. Each Member may use the Site as its sole or principal landfill refuse disposal site for its Municipal Waste subject to the Member entering into a written agreement with the Authority.
- 17. Intentionally Omitted.
- 18. Other Councils may be admitted to the Authority as Members:
 - (a). if approved by a Simple Majority of the then current Members;
 - (b). subject to the applicant Council meeting any requirements that are specified by

the then current Members; and

(c). in accordance with the provisions of these Rules.

19. Any new Member shall be permitted to purchase the share/interest in equity in the Authority only up to its Independently Verified Annual Share of Municipal Waste at the date of its admission to the Authority.
20. The Authority must as soon as possible after determining the permitted share/interest in equity under Rule 19 for a new Member give notice ("the Purchase Notice") to all other Members inviting each of them to state in writing within 60 days from the date of the Purchase Notice whether they are willing to sell part of the share/interest in equity referred to in the Purchase Notice.
21. At the expiration of 60 days from the date of the Purchase Notice the Authority must allocate the share/interest in equity referred to in the Purchase Notice to or amongst the other Members who have expressed a willingness to sell and (if more than one) so far as possible pro rata according to the Member's equity interest in the Authority provided that no Member is obliged to dispose more than the share/interest in equity they have indicated a willingness to sell.
22. If the whole of the new Member's share/interest in equity referred to in the Purchase Notice is not satisfied by sales under Rule 21 the new Member's share/interest in equity is to be reduced by the amount not sold.
23. All changes to the share/interest in equity of the Members shall be recorded in the Equity Interest Register.
24. Any additional operational and/or capital costs that arise as a result of an increase in the volume of Municipal Waste deposited at the Site arising from the admission of a new Member shall, subject to the provisions of Rule 210 be met by way of a Proportionate Payment from all Members, including the newly admitted Council.
25. An applicant Council's decision to purchase a share/interest in equity in the Authority less than its Independently Verified Annual Share of Municipal Waste shall not affect or reduce that Council's liability to make any Proportionate Payment required to be made by Members with respect to the operational and/or capital costs and expenses of the Authority, with all Proportionate Payments to be based on a Member's Independently Verified Annual Share of Municipal Waste.
26. The Authority shall ensure that by 30 September in each year it obtains and submits for the information of each Member a report from the Board in accordance with the provisions of Rule 10(k).
27. The Independently Verified Annual Share of Municipal Waste shall form the basis of any Proportionate Payments charged to each Member at the relevant time.
28. The Act in so far as it applies to a joint authority established under the Act applies to Members of the Authority and to the responsibilities of Members and Representatives of Members unless otherwise provided for in these Rules.

another Council as a result of any change or amalgamation of Municipal Areas, including but not limited to a transfer under Part 12A of the Act, the Authority must note in the Equity Interest Register the share/interest in equity so transferred.

58. Where the transferee under Rule 57 is not a Member at the time immediately before the transfer date the transfer is subject to the admission of the transferee as a Member under Rule 18.
59. Intentionally Omitted.
60. If any of an Owner Council's interest in the Land is transferred to another Council as a result of any change or amalgamation of Municipal Areas, including but not limited to a transfer under Part 12A of the Act, the Authority must note in the Ownership Percentage Register the interest so transferred.

Membership of the Authority - Representatives

61. Subject to Rules 63 to 70, each Member will appoint, which may be a reappointment, within 60 days of ordinary Council elections or being admitted as a Member:
 - (a). a Representative, who may be either an elected Councillor or a Council employee; and
 - (b). a Proxy who may be either an elected Councillor or a Council employee, to act in place of the Representative during any absence of the Representative.
62. References to a Representative in these Rules include a Proxy appointed to act in the Representative's place in accordance with the Rules during the period of their absence.
63. Each Member is entitled to exercise the number of votes determined in accordance with the following table:

Member's share/interest as recorded in the Equity Interest Register	Votes	
Greater than 0 – 15%	1	
Greater than 15% – 25%	2	
Greater than 25% - 40%	3	
Greater than 40% - less than 50%	4	
50% and over	Where there are 3 or more Members	Number of Votes equal to the sum of votes of all other Members minus 1
	Where there are 2 Members	Number of votes equal to that of the other Member and where both have 50% 4 votes each
	Where there is 1 Member	9

64. Intentionally Omitted
65. No Representative or Proxy may be a Director or hold any remunerated position with the Authority.
66. Intentionally omitted.
67. A Member may, subject to the provisions of Rule 61, apart from the obligation to make the appointment within 60 days of ordinary Council elections or being admitted as a Member, remove a Representative or Proxy and appoint a replacement Representative or Proxy at any time for the remainder of the term of the original appointment.
68. Written notice shall be given by each Member to the Authority and to each other Member at the time of the appointment, removal or replacement of any Representative or Proxy by the notifying Member.
69. Representatives and Proxies are not entitled to any remuneration from the Authority.
70. Any Proxy not acting in the place of an appointed Representative who is absent, at the relevant time, may attend any meeting of the Authority, but shall not be entitled to

vote at any meeting of the Authority.

Membership of the Board

71. The Board of Directors shall consist of:
 - (a). the Board Chair; and
 - (b). at least two and no more than four other Directors.
72. The Board Chair and the other Directors shall be appointed by the Authority at a General Meeting.
73. The Authority shall, in the appointment of the Board Chair and other Directors, take into account the powers, functions and responsibilities of the Board and shall appoint persons who collectively have the skills and expertise to carry out those powers, functions and responsibilities, drawn from persons with expertise and/or experience in one or more of the following relevant fields:
 - (a). financial management, business management and administration;
 - (b). civil or mechanical engineering or related disciplines;
 - (c). waste management;
 - (d). transport; and/or
 - (e). environmental management.
74. A Director shall be appointed for a term of office not exceeding three years.
75. The Authority shall ensure that in appointment of Directors, terms of office shall be set so as to ensure that the term of office of at least one Director concludes in each calendar year.
76. A Director whose term is due to expire may be reappointed provided that no Director shall be appointed for more than nine consecutive years.
77. The Authority may by special resolution at a general meeting remove a Director from office and may appoint another person in place of the Director so removed, and that person shall be appointed for the residual term of office of the removed Director.
78. Intentionally Omitted.
79. The office of a Director is vacated if the Director:
 - (a). is convicted on indictment of an offence that concerns the making, or participation in making, of decisions that affect the whole or a substantial part of the business of the Authority, or concerns an act that has the capacity to affect significantly the Authority's financial standing;
 - (b). is convicted of an offence that is punishable by imprisonment for a period greater than 12 months or involves dishonesty and is punishable by imprisonment for at least 3 months;
 - (c). is an undischarged bankrupt under the law of Australia, its external territories or

- another country;
 - (d). has executed a personal insolvency agreement under Part X of the *Bankruptcy Act 1966* (Cth) or a similar law of an external Territory or a foreign country, and the terms of the agreement have not been fully complied with;
 - (e). is removed from office under Rule 77;
 - (f). is absent from meetings of the Board for three consecutive meetings without leave of absence from the Board;
 - (g). resigns office by notice in writing to the Secretary of the Authority;
 - (h). is prohibited from being a director of a company under the *Corporations Act 2001* (Cth); or
 - (i). is elected as a Councillor of a Member or is appointed as the Chief Executive Officer, the Secretary, or an employee of the Authority or of a Member or provides remunerated services to the Authority (other than the performance of the duties and responsibilities of Director).
80. The Board Chair and the Directors shall be paid such remuneration as the Authority in General Meeting from time to time determines.
81. In making such determination, the Chair and any Representative may consult with the Board Chair and such other persons as it considers appropriate.
82. Each Director is entitled to be reimbursed from Authority funds for all reasonable travel, accommodation and other expenses incurred by the Director while engaged on the business of the Authority.

PART 4 - DUTIES OF MEMBERS, REPRESENTATIVES, PROXIES AND DIRECTORS

Duties of Members, Representatives, Proxies and Directors

83. A Member, Representative, Proxy or Director shall, in the exercise of the functions and powers of a Member, Representative, Proxy or Director as applicable:
- (a). act honestly;
 - (b). exercise a degree of care and diligence that a reasonable person in a like position would exercise in the circumstances;
 - (c). not make improper use, in Tasmania or elsewhere, of information acquired because of his or her office on the Authority to gain directly or indirectly, an advantage for himself or herself or another person, or to cause damage to the Authority or any other person, or to avoid, directly or indirectly, a disadvantage; and
 - (d). avoid conflict of interest.

M1(d) of Attachment 1 to the permit issued by Sorell Council on 7 September 1999 in relation to the Land as modified by the Resource Management and Planning and Appeal Tribunal on 10 December 1999, not including the records described in condition M1(c), at the time that they are submitted to the EPA Director; and

- (ii). a copy of the annual volumetric surveys of the Landfill referred to in condition G7 of Attachment 1 to the permit issued by Sorell Council on 7 September 1999 in relation to the Land as modified by the Resource Management and Planning and Appeal Tribunal on 10 December 1999 at the time that they are submitted to the EPA Director; and
- (iii). a copy of all other information required to be provided to the Adjoining Land-Owner under any Environmental Approval or other relevant permit, licence or notice or for the purpose of complying with an Environmental Approval or any other relevant permit, licence or notice.

Committees of the Authority or of the Board

- 114. The Authority may establish such committees as they consider appropriate and determine the requirements for the membership of those committees.
- 115. The Board may establish such committees as it considers appropriate.
- 116. A committee may consist of any persons the Authority or the Board considers appropriate.
- 117. A committee shall conform to any requirements imposed by the Authority or the Board including any reporting or other functions that are required by the Authority or the Board.
- 118. The meetings and proceedings of committees shall be governed by these Rules as far as applicable and not superseded by any requirements imposed by the Authority or the Board under these Rules.

Convening of Meetings

- 119. Meetings of the Authority are to be held at the times and places determined by the Authority subject to Rules 139 and 150.
- 120. Meetings of the Board are to be held at the times and places determined by the Board.

Attendance

- 121. (a). The Board Chair shall attend meetings of the Authority and shall provide information as required.
- (b). The auditor and the Comptroller are entitled to attend General Meetings of the Authority and be heard on any part of the business of the meeting which relates to their responsibilities.
- 122. Any Councillor or General Manager of a Member who is not a Representative or Proxy and any employee of a Member and any Director is entitled to attend the Annual

SCHEDULE 1: PROPORTIONATE PAYMENTS AND SHARES

Proportionate Payments

- 1 Each Member will on the Authority's request pay their applicable Proportionate Payments calculated in accordance with their Independently Verified Annual Share of Municipal Waste disposed at the Site.

Interests

At 1 July 2017 the relevant interest of Members are as follows:

Equity Interest Register

Member	Share/Interest
Clarence City Council	48%
Sorell Council	24%
Tasman Council	8%
Kingborough Council	20%

Ownership Percentage Register

Owner Council	Percentage/Share
Clarence City Council	60%
Sorell Council	30%
Tasman Council	10%

Annual Share of Municipal Waste Register

Member	Share/Interest
Clarence City Council	50%
Sorell Council	16%
Tasman Council	5%
Kingborough Council	29%

Voting Rights Register

Member	Votes
Clarence City Council	4
Sorell Council	2
Tasman Council	1
Kingborough Council	2