

# Metropolitan Local Government Waste Forum

## METROPOLITAN LOCAL GOVERNMENT WASTE FORUM OPERATING GUIDELINES

Adopted and effective 9/08/18

### 1 The Metropolitan Local Government Waste Forum

- 1.1 The Metropolitan Local Government Waste Forum (Forum) is established under the Environment Protection Act 1970 (Act) (see Attachment 1) to support the effective operation of the waste and resource recovery region.
- 1.2 The Act states that the Forum is to consist of local government representatives nominated by each council.
- 1.3 Under the Act, the functions of the Forum are to:
  - 1.3.1 nominate the four people who are to be the council representatives on the Metropolitan Waste and Resource Recovery Group (MWRRG) Board of Directors
  - 1.3.2 nominate a council representative to the MWRRG Board of Directors should there be a vacancy
  - 1.3.3 advise the MWRRG Board of Directors on matters and issues affecting the role of councils in waste management and resource recovery
  - 1.3.4 act as a conduit for consultation between the MWRRG and the councils in the region. See Attachment 2 for a diagram of the relationship between the Forum, its advisory groups and the MWRRG Board of Directors.
- 1.4 The Act requires the Forum to develop procedures for functions 1.3.1 and 1.3.2. These Operating Guidelines outline the procedures and are also the operating rules for the Forum.

### 2 Forum aims

- 2.1 In addition to the legislated functions outlined in the Act, the Forum has adopted the following aims:
  - 2.1.1 To share knowledge and develop local governments' capacity to deliver effective, efficient and sustainable resource recovery and municipal waste planning and management across the Melbourne metropolitan region
  - 2.1.2 To engage with industry, government and community stakeholders to improve municipal waste management, resource recovery and planning
  - 2.1.3 To assist the MWRRG Board of Directors to engage councils across the Melbourne metropolitan region in the planning and management of municipal waste and resource recovery.

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## 3 Forum membership

- 3.1 The member councils of the Forum are those defined as Melbourne metropolitan councils for the purposes of the Act. The current members are listed below:

Banyule City Council	Bayside City Council	Boroondara City Council
Brimbank City Council	Cardinia Shire Council	Casey City Council
Darebin City Council	Frankston City Council	Glen Eira City Council
Greater Dandenong City Council	Hobsons Bay City Council	Hume City Council
Kingston City Council	Knox City Council	Manningham City Council
Maribyrnong City Council	Maroondah City Council	Melbourne City Council
Melton City Council	Monash City Council	Moonee Valley City Council
Moreland City Council	Mornington Peninsula Shire Council	Nillumbik Shire Council
Port Phillip City Council	Stonnington City Council	Whitehorse City Council
Whittlesea City Council	Wyndham City Council	Yarra City Council
Yarra Ranges Shire Council		

## 4 Forum Representatives and Advisory Members

- 4.1 Each member council shall nominate one Councillor as their Representative to the Forum.
- 4.2 Each member council shall also nominate one staff member as an Advisory Member to the Forum. The Advisory Member is able to participate fully in all Forum proceedings and activities but does not hold a vote in the Forum.
- 4.3 Forum Members Nomination Forms will be emailed to all metropolitan council governance departments in November each year and are due for return to MWRRG (Forum secretariat) by 31 December so that all Forum Representatives and Advisory Members may be registered for the period of the following calendar year.
- 4.4 Councils must advise MWRRG in writing if they are unable provide their nominations by the due date and what interim arrangements are proposed to avoid a period where they will not have Forum representation.
- 4.5 A council's Representative and Advisory Member to the Forum shall be confirmed at the member council's statutory meeting, then notified in writing by submitting a completed Forum Members Nomination Form to the MWRRG.
- 4.6 If a Representative is unable to attend a Forum meeting they may nominate a Councillor or Advisory Member as proxy, in writing to the Chair of the Forum.
- 4.7 The Councillor proxy is enduring until such time as it is revoked. An Advisory Member proxy, it is for that specific meeting.

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- 4.8 If an Advisory Member is unable to attend a Forum meeting, the council may nominate a staff member (by advising the MWRRG or Chair of the Forum) to act as proxy.
- 4.9 A council may change its Representative, Advisory Member or proxy to the Forum at any stage, in writing, to the Chair of the Forum.
- 4.10 The Municipal Association of Victoria, the Victorian Local Governance Association and the MWRRG may send an observer to the meetings of the Forum. Other external parties may be invited to attend the Forum.
- 4.11 An attendance list will be kept by MWRRG in its role as secretariat to the Forum.
- 4.12 Representatives and Advisory Members are expected to attend each meeting. In the event that a Representative or proxy does not attend the Forum for three consecutive meetings, written notification by the secretariat will be provided to the council.
- 4.13 Attendance from a member council shall normally consist of the Representative and Advisory Member unless there is a particular reason for additional personnel to be invited.

## 5 The Forum and local government

- 5.1 Section 49B(d) of the Act states that a function of the Forum is “to act as a conduit for consultation between the Waste and Resource Recovery Group and councils in the waste and resource recovery region of that Group.” Consequently:
  - 5.1.1 the Forum secretariat (provided by MWRRG) shall prepare and forward meeting minutes to all Forum Representatives and Advisory Members
  - 5.1.2 Forum Representatives are expected to communicate the activities and actions of the Forum back to their council through actions such as tabling reports or presenting at council meetings or forwarding Forum meeting minutes, briefs and event notices to relevant staff
  - 5.1.3 Forum Advisory Members are encouraged to share knowledge and information from the Forum with their relevant council staff
  - 5.1.4 Forum Representatives are expected to inform the Forum of issues and activities of their council that contribute to the development of MWRRG’s waste and resource recovery planning and management, via meetings of the Forum or the secretariat
  - 5.1.5 councils are expected to raise waste management and planning issues through the Forum in the first instance
  - 5.1.6 the MWRRG Board of Directors is expected to support this approach by referring matters to the Forum when appropriate.

## 6 Forum Chair and Deputy Chair

- 6.1 The Forum shall elect one of its Representatives as Chair on an annual basis. The Chair shall convene meetings of the Forum and set the agenda in consultation with the Strategies and Policy Advocacy Group (SPAG).
- 6.2 The Forum shall also nominate one of its Representatives as Deputy Chair of the forum on an annual basis. The Deputy Chair shall fulfil the duties of the Chair should the Chair not be available.

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- 6.3 The following procedure is to apply for the election of the Chair and Deputy Chair of the Forum:
- 6.3.1 the Chair of the session shall advise at the February Forum meeting of nominations for the position of Forum Chair received prior to the meeting and call for any further nominations from the floor
  - 6.3.2 each nominee will be asked if they accept their nomination
  - 6.3.3 if only one nominee remains after advice of acceptance by nominees, the nominee shall be declared Chair of the Forum for the forthcoming year
  - 6.3.4 if more than one nomination is accepted, each candidate will be given the opportunity (three minutes max) to present to the Forum on what they offer as Forum Chair
  - 6.3.5 a Returning Officer and Scrutineer shall be appointed by the session Chair
  - 6.3.6 ballot papers will be distributed
  - 6.3.7 Forum Representatives will write the names of the candidate they wish to be appointed Forum Chair. (candidates participate in the ballot process). Forum Advisory Members are not eligible to vote
  - 6.3.8 the ballot paper shall be folded and placed in the receptacle provided
  - 6.3.9 votes shall be counted by the Returning Officer and witnessed by the Scrutineer
  - 6.3.10 the candidate with the most votes will be declared Forum Chair for the forthcoming year
  - 6.3.11 in the event of a tied vote a further ballot shall be conducted for the position. In the event that this results in a further tied vote the position shall be determined by the drawing of a lot
  - 6.3.12 the session Chair shall declare the successful candidate elected.

## **7 Forum advisory groups: SPAG and TARG**

- 7.1 The Forum is assisted by two advisory groups, the Strategies and Policy Advocacy Group (SPAG) and the Technical Advisory Reference Group (TARG).
- 7.2 Minutes of SPAG and TARG meetings are presented at each Forum meeting.
- 7.3 SPAG consists of the Forum Chair and four additional Representatives, who are elected by the Forum each year.
- 7.4 The purpose of SPAG is to assist the Forum to consider policies and strategies affecting the role of councils in solid waste management and resource recovery.
- 7.5 TARG consists of no less than eight Forum Advisory Members.
- 7.6 The Forum may establish other working groups as required to report back to the Forum.

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## 8 The Forum and the MWRRG

- 8.1 Under the Act one of the functions of the MWRRG is to support the Forum to enable it to perform its functions. (See 1.3 Forum functions). MWRRG fulfils this function by providing secretariat support to the Forum, SPAG and TARG.
- 8.2 One of the Forum's legislated functions under the Act is to advise the MWRRG Board of Directors on "matters and issues affecting the role of councils in waste management and resource recovery." This is achieved through Forum meetings and SPAG representation, liaison and reporting.
- 8.3 The Forum recognises that responsibilities of the MWRRG Board of Directors is defined in the Act. Within these responsibilities, the Forum expects its nominated Board Directors to attend Forum meetings, respond to issues raised by the Forum and take issues raised by the Forum to the MWRRG Board of Directors.
- 8.4 If the Forum places a written proposal to the MWRRG Board of Directors, a written response is expected.

## 9 Nomination of representatives to the MWRRG Board

- 9.1 In order to fulfil its functions under the Act, the Forum shall nominate Representatives to the MWRRG Board of Directors according to the following process:
  - 9.1.1 following notification to the Forum that Representatives are to be nominated to the MWRRG Board of Directors, or that a vacancy must be filled, the Forum will appoint an independent Returning Officer
  - 9.1.2 the Returning Officer shall run an election for the four Forum nominees to the MWRRG Board of Directors
  - 9.1.3 the Returning Officer shall seek nominations for the four positions
  - 9.1.4 nominations will only be accepted from Representatives, who have the endorsement of one other Representative.
  - 9.1.5 a Representative may not endorse more than one Representative for election to the MWRRG Board of Directors
  - 9.1.6 the Returning Officer shall allow a minimum of four weeks for nominations to be provided
  - 9.1.7 at the close of nominations, the Returning Officer shall conduct a preferential ballot. The ballot paper shall be sent to each Representative. If there are no more than four nominations then no ballot is required and the four nominations are accepted

## 10 Forum operation and meeting procedures

- 10.1 The Forum shall be an unincorporated entity of its member councils.
- 10.2 The operation of the Forum shall be governed by these Operating Guidelines that were adopted by the Forum by majority vote on the 9<sup>th</sup> August 2018.
- 10.3 The Operating Guidelines shall be reviewed every three years, or by resolution of the Forum, with the process managed by SPAG and supported by the Forum secretariat. The result of that review will be presented for consideration at a Forum meeting during the review year.

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- 10.4 The Forum shall meet a minimum of six times a year (this may include up to two tours of waste and resource recovery facilities or initiatives). No normal meeting of the Forum is to be scheduled on the same night as an ordinary meeting of any member council, or on any public holiday.
- 10.5 For general business of the Forum, the quorum shall be 17 Representatives, or their proxies.
- 10.6 Motions from Forum members can be put in writing prior to the meeting so that they can be circulated and considered OR from the floor.
- 10.7 Motions must be consistent with the Forum's functions under the Act to advise the MWRRG Board of Directors on matters and issues affecting the role of councils in waste management and resource recovery.
- 10.8 Motions are dealt with at Forum meetings in the following manner:
  - 10.8.1 motion proposed, seconded and minuted
  - 10.8.2 motion discussed
  - 10.8.3 amendments (if any) agreed and minuted
  - 10.8.4 motion re-read with amendments and proposed
  - 10.8.5 votes for, against and abstentions minuted. (Only the Representative or proxy for each council are eligible to vote.)

## 11 Forum media and social media guidelines

- 11.1 In relation to the Forum the following applies:
  - 11.1.1 the Forum Chair is the only authorised spokesperson for the Forum
  - 11.1.2 the Chair may only make public comment if directed by the Forum. If the Chair is not available, the Forum may delegate this task to the Deputy Chair
  - 11.1.3 all other members of the Forum are not authorised to comment on behalf of the Forum
  - 11.1.4 all public comment provided by the Chair on behalf of the Forum is limited to the functions of the Forum as set out in the Act (See 1.3 Functions of the Forum)
  - 11.1.5 the Forum can ask the Chair to provide public comment by consensus of the Forum meeting
  - 11.1.6 the public statement or messages shall also be consistent with the Forum's policies and aims
- 11.2 In relation to the MWRRG, the following applies:
  - 11.2.1 when using social media for private purposes, Forum members must ensure that they make it clear that any comments relating to MWRRG or waste and resource recovery activities are not official, and that they are speaking only on behalf of themselves
- 11.3 Forum members must:

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- 11.3.1 not comment on or disclose confidential MWRRG information. If unclear about what information is in the public domain, Forum members should refer to publicly available material on [mwrrg.vic.gov.au](http://mwrrg.vic.gov.au), MWRRG's annual report or consult with MWRRG staff
- 11.3.2 not imply in any way that they are authorised to speak on MWRRG's behalf
- 11.3.3 be mindful during social media engagements of the importance of not damaging MWRRG's reputation, interests and/or bringing MWRRG into disrepute
- 11.3.4 not include MWRRG's logos in any postings
- 11.3.5 not disclose other people's personal information on social media
- 11.3.6 conduct themselves in a respectful and polite manner
- 11.3.7 adhere to the terms of use of the relevant social media platform/website, as well as copyright, privacy, defamation, discrimination, harassment and other applicable laws
- 11.4 The following definitions apply:
  - 11.4.1 Public comment means interviews with the media (including comments to or interviews with the press, radio or television), public speaking engagements, expressing views in letters to the press, in social media, in books, notices, articles or in any medium where it is reasonably foreseeable that the publication or circulation will enter the public domain.
  - 11.4.2 Media means print media such as national or local newspapers, magazines, newsletters, brochures and other documents and the broadcast media including radio and television broadcasters and internet publishers.
  - 11.4.3 Social media channels include social networks, professional networks, podcasts, video / photo sharing sites, chat rooms, online forums and discussion groups, wikis, blogs, micro-blogging tools, and any other web sites.

**Attachment 1**

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**Environment Protection Act 1970**

**No. 8056 of 1970**

**Version incorporating amendments as at  
13 November 2014**

**(Extract)**

**Division 2—Local Government Waste Forums**

**49B Local Government Waste Forums**

- (1) There is to be a Local Government Waste Forum for each waste and resource recovery region consisting of representatives of the councils in the region.
- (2) Each council in a waste and resource recovery region may nominate a representative to a Local Government Waste Forum for that region.
- (3) The functions of a Local Government Waste Forum are—
  - (a) to nominate the 4 persons who are to be the representatives of the councils for the purposes of section 49K(2)(a); and
  - (b) if there is a vacancy in the office of a director nominated under section 49K(2)(a), to nominate a person to fill that vacancy; and
  - (c) to advise the Board of directors of the Waste and Resource Recovery Group on matters and issues affecting the role of councils in waste management and resource recovery; and



(d) to act as a conduit for consultation between the Waste and Resource Recovery Group and the councils in the waste and resource recovery region of that Group.

(4)A Local Government Waste Forum must develop procedures for the purposes of subsections (3)(a) and (3)(b) with the councils." .

## **1. Division 2AA—Waste and Resource Recovery Groups**

### **49C Waste and Resource Recovery Groups**

(1)Subject to section 49D, the following Waste and Resource Recovery Groups are established—

- (a) the Barwon South West Waste and Resource Recovery Group;
- (b) the Gippsland Waste and Resource Recovery Group;
- (c) the Goulburn Valley Waste and Resource Recovery Group;
- (d) the Grampians Central West Waste and Resource Recovery Group;
- (e) the Loddon Mallee Waste and Resource Recovery Group;
- (f) the Metropolitan Waste and Resource Recovery Group;
- (g) the North East Waste and Resource Recovery Group.

(2) A Waste and Resource Recovery Group—

- (a) is a body corporate with perpetual succession; and
- (b) has a common seal; and
- (c) may sue and be sued in its corporate name; and

- (d) is capable of acquiring, holding and disposing of personal property; and
  - (e) may take land on lease and grant sub-leases of leased land; and
  - (f) subject to this Act, may do and suffer all acts and things that a body corporate may by law do and suffer.
- (3) The common seal of a Waste and Resource Recovery Group may only be used in a way approved by the Waste and Resource Recovery Group.
- (4) All courts and people acting judicially must take judicial notice of the common seal of a Waste and Resource Recovery Group.

#### **49D Commencement of Waste and Resource Recovery Groups**

- (1) The Minister may, by Order published in the Government Gazette, declare the date on which a Waste and Resource Recovery Group commences operation.
- (2) If a Waste and Resource Recovery Group has not commenced operation before 1 July 2015, the Waste and Resource Recovery Group commences operation on that date.
- (3) On the date on which the Metropolitan Waste and Resource Recovery Group commences operation—
- (a) the Metropolitan Waste and Resource Recovery Group is taken to be the successor in law of the Metropolitan Waste Management Group; and
  - (b) the Board of directors of the Metropolitan Waste Management Group is taken to be the Board of directors of the Metropolitan Waste and Resource Recovery Group appointed under section 49K; and
  - (c) any reference to the Metropolitan Waste Management Group in any Act other than this Act, regulation, subordinate instrument or other document is taken to be a reference to the

Metropolitan Waste and Resource Recovery Group unless the contrary intention appears.

**49E Waste and Resource Recovery Groups do not represent the Crown**

A Waste and Resource Recovery Group is not, and is not to be taken to represent, the Crown.

**49F A Waste and Resource Recovery Group is a public body and a public entity**

Despite section 49E, a Waste and Resource Recovery Group is—

- (a) a public body to which Part 7 of the **Financial Management Act 1994** applies; and
- (b) a public entity for the purposes of the **Public Administration Act 2004**.

**49G Objectives of Waste and Resource Recovery Groups**

(1) The objectives of a Waste and Resource Recovery Group are—

- (a) to undertake waste and resource recovery infrastructure planning to meet the future needs of its waste and resource recovery region while minimising the environmental and public health impacts of waste and resource recovery infrastructure; and
- (b) to facilitate efficient procurement of waste and resource recovery infrastructure and services for its waste and resource recovery region through the collective procurement of waste management facilities and waste and resource recovery services in the region; and
- (c) to integrate regional and local knowledge into State-wide waste and resource recovery market development strategies; and

- (d) to educate businesses and communities within its waste and resource recovery region to reduce waste going to landfill by using waste and resource recovery infrastructure and services efficiently; and
  - (e) to ensure Regional Waste and Resource Recovery Implementation Plans and programs are informed by local government, business and community and inform State-wide waste and resource recovery planning and programs.
- (2) In seeking to achieve its objectives, a Waste and Resource Recovery Group must collaborate with councils, Sustainability Victoria, the Authority, industry, business and the community.

#### **49H Functions of Waste and Resource Recovery Groups**

The functions of a Waste and Resource Recovery Group are—

- (a) to plan for the future needs of waste and resource recovery infrastructure within its waste and resource recovery region consistently with the State-Wide Waste and Resource Recovery Infrastructure Plan; and
- (b) to facilitate the provision of waste and resource recovery infrastructure and services by councils within its waste and resource recovery region; and
- (c) to facilitate the development of contracts for the joint procurement of waste management facilities and waste and resource recovery services within its waste and resource recovery region; and
- (d) to manage contracts in the performance of its objectives and functions; and
- (e) to work with Sustainability Victoria, councils, businesses and communities to ensure State-wide waste and resource recovery education programs

are adapted to the needs of its waste and resource recovery region and to facilitate the delivery of those education programs; and

- (f) to advise, with Sustainability Victoria, councils and businesses within its waste and resource recovery region on best practices for waste and resource recovery systems, facilities and services; and
- (g) to support its waste and resource recovery region's Local Government Waste Forum to enable the Waste Forum to perform its functions; and
- (h) to undertake waste and resource recovery projects as funded by government, councils and other organisations.

#### **49I Powers of Waste and Resource Recovery Groups**

(1) Subject to subsection (2), a Waste and Resource Recovery Group may do all things that are necessary or convenient to enable it to carry out its functions and achieve its objectives.

(2) A Waste and Resource Recovery Group cannot—

- (a) own or operate a waste management facility; or
- (b) apply for or hold a planning permit; or
- (c) enter into contracts for the procurement of waste management facilities or waste and resource recovery services, unless the contract is jointly entered into with a procurer under that contract.

#### **49J Board of directors of Waste and Resource Recovery Groups**

(1) There is to be a Board of directors of each Waste and Resource Recovery Group consisting of 8 directors appointed in accordance with section 49K.

(2) The Board of directors of a Waste and Resource Recovery Group—

- (a) is responsible for the management of the affairs of the Waste and Resource Recovery Group; and
- (b) may exercise all the powers of the Waste and Resource Recovery Group.

#### **49K The directors of Waste and Resource Recovery Groups**

- (1) The directors of a Waste and Resource Recovery Group are to be appointed by the Governor in Council on the recommendation of the Minister.
- (2) Of the directors—
  - (a) 4 must be nominated in accordance with section 49B by a Local Government Waste Forum to the Minister for recommendation under subsection (1); and
  - (b) 4 must be recommended by the Minister who—
    - (i) must recommend a person who, in the opinion of the Minister, has skills, experience or knowledge that will assist the Waste and Resource Recovery Group to carry out its functions and achieve its objectives; and
    - (ii) must attempt to ensure that collectively the directors of the Waste and Resource Recovery Group have skills, experience or knowledge relating to local government, financial management, contract management, risk management, environmental policy, waste management and materials efficiency.
- (3) A person cannot be nominated or recommended for appointment as a director if the person—
  - (a) is an insolvent under administration; or
  - (b) has been convicted of an indictable offence or has been imprisoned for any offence within the preceding period of 7 years.

(4) The Minister must appoint one of the directors nominated under subsection (2)(a) to be the Chairperson of the Board of directors.

(5) The Board of directors may appoint one of the directors to be the Deputy Chairperson of the Board of directors.

(6) If a Local Government Waste Forum fails to make any nominations under section 49B within 2 months of being requested in writing by the Minister to do so, the Minister may make any nominations required for the purposes of that section.

#### **49L Conditions of appointment of directors of Waste and Resource Recovery Groups**

(1) A director of a Waste and Resource Recovery Group—

- (a) holds office for the period specified in the instrument of appointment, which must be a period of not more than 4 years; and
- (b) holds office on the terms and conditions determined by the Governor in Council; and
- (c) may be re-appointed; and
- (d) may resign from office by delivering a signed letter of resignation to the Governor in Council; and
- (e) may be removed from office at any time by the Governor in Council.

(2) The Governor in Council must remove a director from office if the director—

- (a) becomes an insolvent under administration; or
- (b) is convicted of an indictable offence or is imprisoned for any offence; or
- (c) fails to comply with section 49N.

#### **49M Meetings of Waste and Resource Recovery Groups**

- (1) A meeting of a Waste and Resource Recovery Group is to be presided over by—
  - (a) the Chairperson; or
  - (b) in the absence of the Chairperson, the Deputy Chairperson; or
  - (c) in the absence of both the Chairperson and Deputy Chairperson, a director elected by the directors present at the meeting.
- (2) A matter cannot be decided at a meeting unless a majority of the directors appointed for the time being are present.
- (3) The decision on a question of the majority of the directors present and voting on the question is the decision of the Waste and Resource Recovery Group.
- (4) The person presiding at a meeting has—
  - (a) a deliberative vote; and
  - (b) in the event of an equality of votes on any question, a second or casting vote.
- (5) A Waste and Resource Recovery Group may conduct all or any part of a meeting by using telephones, video links or any other system of telecommunication.
- (6) Subject to this Act, a Waste and Resource Recovery Group may regulate its own procedure.

#### **49N Disclosure of interests of directors of Waste and Resource Recovery Groups**

- (1) A director who has a direct or an indirect pecuniary interest in any matter being considered, or about to be considered, by a Waste and Resource Recovery Group must disclose the nature of that interest at a meeting of the Waste and Resource Recovery



Group as soon as possible after becoming aware of the relevant facts.

(2) A director who holds an office or possesses property as a result of which, directly or indirectly, duties or interests may be created in conflict with his or her duties as a director, must disclose that fact at a meeting of a Waste and Resource Recovery Group as soon as possible after becoming aware of the potential conflict.

(3) The person presiding at a meeting at which a disclosure under this section is made must ensure that the disclosure is recorded in the minutes of the meeting, and that the minutes also record full details of who voted on any matter in respect of which the disclosure was made.

(4) A person who has made a disclosure under this section must not take any further part in the discussion of, or vote on, the matter to which the disclosure relates.

(5) If a director votes on a matter in contravention of subsection (4), the vote of the director must be disallowed.

(6) A director is not to be regarded as having a pecuniary interest—

- (a) in a matter relating to the supply of goods or services to or by the director if the goods or services are, or are to be, available to members of the public on the same terms and conditions; or
- (b) in a contract or arrangement only because that contract or arrangement may benefit a company or other body in which the director has a beneficial interest that does not exceed one percent of the total nominal value of beneficial interests in that company or body.

#### **49O Validity of decisions of Waste and Resource Recovery Groups**

- (1) An act or decision of a Waste and Resource Recovery Group is not invalid merely because of—
  - (a) a vacancy in the membership of the Waste and Resource Recovery Group; or
  - (b) a defect or irregularity in, or in connection with, the appointment of a director.
- (2) Anything done by or in relation to a person purporting to act as a director is not invalid merely because—
  - (a) the occasion for the appointment had not arisen; or
  - (b) there was a defect or irregularity in relation to the appointment; or
  - (c) the appointment had ceased to have effect; or
  - (d) the occasion for the person to act had not arisen or had ceased.

#### **49P Power of delegation of Waste and Resource Recovery Groups**

A Waste and Resource Recovery Group may, by instrument under its common seal, delegate to the Chairperson, a director, the executive officer, the Chief Executive Officer or any employee of the Waste and Resource Recovery Group any function, duty or power conferred on the Waste and Resource Recovery Group by or under this Act or any other Act, other than this power of delegation.

#### **49Q Executive officers and Chief Executive Officer of Waste and Resource Recovery Groups**

- (1) Subject to subsection (2), a Waste and Resource Recovery Group must appoint an executive officer of the Waste and Resource Recovery Group.

(2) The Metropolitan Waste and Resource Recovery Group must appoint a Chief Executive Officer with the approval of the Minister.

(3) The executive officer or Chief Executive Officer is responsible to the Waste and Resource Recovery Group for the carrying out of the Waste and Resource Recovery Group's functions.

(4) The executive officer or Chief Executive Officer must comply with the directions of the Waste and Resource Recovery Group.

(5) The executive officer or Chief Executive Officer may, by instrument, delegate to any employee of the Waste and Resource Recovery Group any responsibility, power, authority, duty or function conferred on the executive officer or Chief Executive Officer by or under this Act, except this power of delegation.

#### **49R Staff of Waste and Resource Recovery Groups**

A Waste and Resource Recovery Group may employ any employees that are necessary to enable the Waste and Resource Recovery Group to perform its functions.

#### **49S Minister may give directions to a Waste and Resource Recovery Group**

(1) The Minister may issue written directions to a Waste and Resource Recovery Group.

(2) A Waste and Resource Recovery Group must comply with a written direction of the Minister.

#### **49SA Procurement directions and guidelines for Waste and Resource Recovery Groups**

A Waste and Resource Recovery Group must comply with any procurement directions or guidelines issued by the Treasurer in consultation with the Minister in carrying out its functions.

## **49SB Annual business plans of Waste and Resource Recovery Groups**

(1) Each year a Waste and Resource Recovery Group must submit to the Minister for approval, on or before the date required by the Minister, a draft business plan—

(a) that sets out the following—

- (i) its objectives and priorities for the next 3 financial years;
- (ii) financial projections for that period;
- (iii) its budget for the next financial year;
- (iv) what it intends to do over the next financial year;
- (v) any other matters that the Minister requires in writing; and

(b) that is consistent with—

- (i) its Regional Waste and Resource Recovery Implementation Plan; and
- (ii) any relevant waste management or materials efficiency policy approved and published by the Government of Victoria or on behalf of the Government of Victoria.

(2) After amending its draft business plan in any way required by the Minister, a Waste and Resource Recovery Group must submit a final business plan to the Minister for approval on or before the date required by the Minister.

(3) A Waste and Resource Recovery Group must not depart significantly from its budget without first obtaining the approval of the Minister.

(4) A Waste and Resource Recovery Group must have regard to its current business plan in carrying out its functions.

- (5) A Waste and Resource Recovery Group must ensure that a copy of its current business plan is—
- (a) available for inspection by members of the public at its principal place of business whenever that place is open to the public; and
  - (b) published on the Internet.

#### **49SC Application of Local Government Act 1989**

- (1) If a council enters into a contract, arrangement or agreement with a Waste and Resource Recovery Group, the council is exempt from the requirements of section 186 of the **Local Government Act 1989**.
- (2) Section 193 of the **Local Government Act 1989** does not apply in respect of the participation of a council in a Local Government Waste Forum.
- (3) If a council engages in procurement activities of a Waste and Resource Recovery Group which comply with any procurement directions or guidelines issued under section 49SA, the council is exempt from the requirements of section 193 of the **Local Government Act 1989**.

## Attachment 2

### MWRRG and local government advisory groups

