

WMRC Elected Members' Bulletin - 20 August 2018



1. Introduction

This Elected Members' Bulletin serves to provide a summary update to elected members on WMRC issues and developments in the periods between WMRC Council meetings. It's issued fortnightly.

2. Safety

Hazard inspections were completed for both the Brockway Road Waste Transfer Station and the office at 40 Marine Parade, Cottesloe. There have been no safety incidents in the past fortnight. An independent safety system and procedure audit and gap analysis is currently underway. Regular fortnightly toolbox meetings at the Waste Transfer Station continue.

3. Legal

Her Honour Justice Archer delivered judgment in the Service Charge proceedings on Wednesday, 8 August 2018. The judgement was attended by Chairman Cr Charles Hohnen, Cr Bruce Haynes, myself, Aimee Hynes and our legal team. The judgement was favourable to the WMRC.

The Supreme Court's ruling clarifies many technical and contractual matters concerning commissioning of the Plant and payments under the WSA. Importantly, the practical effect of the ruling is that:

- DiCOM has not commissioned the Plant as required by the WSA;
- WMRC is not liable to pay any invoices issued by DiCOM to date; and
- DiCOM cannot issue any invoices to the WMRC in the future until the Plant is working.

DiCOM must also pay the (court determined) legal costs of the WMRC incurred in the court action.

Further, the Court's ruling clarified that:

- Practical Completion under the waste services agreement can only be notified when independently certified under the contract under which the Plant was constructed;
- DiCOM must actually "process" the waste delivered to it, capture recyclables and produce compost and biogas and value-add those products, such as by generating electricity; and
- compost derived from waste processed by the Plant is required to comply with the relevant Australian Standard AS4454-2003.

The Court has now issued the timetable for the hearing regarding the costs of the recent Service Charge trial. The tasks are as follows:

- The WMRC and City of Stirling will file their respective written submissions by 6 September.
- DiCOM needs to file its written submissions by 13 September 2018.
- The application has been listed for hearing at 10.30am on 10 October 2018.

4. Business Development

Discussions with the City of Perth and Mindarie Regional Council continue on our proposal to accept, consolidate and haul City of Perth MSW to Tamala Park landfill.

This week (22 Aug) Aimee Hynes and I will meet with Suez to discuss opportunities for greater waste transfer station throughput.

5. WMRC Hybrid Fee Model

We are working on a new hybrid fee model to replace our current model - which seeks to recover all costs on a tonnes delivered basis. Our new model divides our costs into fixed (around \$2m per annum) and variable, with the former equitably shared on a population basis; and the latter recovered on tonnes delivered.

The model still rewards waste reduction, while recognising that our fixed costs are unaffected by volume of waste throughput. The new hybrid fee model has the support of CEOAC. The model will more equitably share costs among member councils and facilitate attracting more throughput at the waste transfer station.

6. WMRC Websites

The WMRC maintains two websites (WMRC and Western Earth Carers), each in need of modernising. The work involved in developing a new, combined website was put to the market in the form of an RFQ; and last week awarded to local company *Key2 Creative*. The website will feature fresh WMRC images and branding to sharpen our product and service messaging; it will be far more user-friendly; and will be accessible by mobile phone.

7. WMRC Human Resources Manual

Work continues on our WMRC Human Resources Manual. We are undertaking the work in-house; and in doing so utilising the standard HR Policy templates that are available to us as subscribers to WALGA's industrial relations / HR policy service.

8. Staff

Alexandra Bell, our Services Support Officer, is on maternity leave. Dianne Richman is filling in for Alex during her absence. Waste educator Christine Parfitt has resigned to take up a new role with the Rottneest Island Authority.



Stefan Frodsham

Chief Executive Officer