

# National Waste and Recycling Industry Council (NWRIC) Charter

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## Approval

As approved by the Australian Waste and Recycling Industry Association (AWRIA) Board on February 13, 2017.

## Charter

### 1. Application of Charter

- 1.1. This charter applies to National Waste and Recycling Industry Council (NWRIC) "Council", and to the members of that Council.

### 2. Object

- 2.1. The object of the Council is to regularly review waste and recycling industry regulatory policy and to develop new national and state position responses.

### 3. Authority

- 3.1. The Council operates as a permanent sub-committee of the Australian Waste and Recycling Industry Association.
- 3.2. The Council has the authority to develop policy on waste and recycling industry issues.
- 3.3. Council members have no authority to communicate or publicise a position, recommendation, opinions or view of under the name of AWRIA.
- 3.4. Council members must not represent their own views as the views of the Council.
- 3.5. Council members have no authority to commit resources of the AWRIA to projects or initiatives. Any requests for additional resources must be made through the AWRIA CEO, and will be determined by the AWRIA Board having regard to cost, available resources and benefit.

### 4. Composition

- 4.1. Council will comprise a representative of each AWRIA Member and each relevant 'Affiliates', as specified in Clause 19.2 of the AWRIA Constitution.
- 4.2. Affiliate representatives will be required to obtain delegated authority to vote on behalf of Affiliate members at each Council meeting.
- 4.3. It is expected that designated representatives attend at least three of every four meetings in order to ensure continuity of Council deliberations.
- 4.4. The term of appointment of an Affiliate representatives shall be one year.

### 5. AWRIA CEO

- 5.1. The AWRIA CEO will act as the Council convenor.
- 5.2. The AWRIA CEO will not have a vote on the Council.
- 5.3. The AWRIA CEO will hold a regular telecom with Affiliate CEOs to discuss policy issues and Council administrative issues.
- 5.4. The AWRIA CEO shall promote the policy positions adopted by the Council.

### 6. Chairperson

- 6.1. A Chairperson will be appointed by the Council.
- 6.2. The Chairperson will be responsible for leading and managing the Council in carrying out its responsibilities.
- 6.3. The term of a Chairperson is one year.
- 6.4. The Chairperson will be an AWRIA Foundation member.

### 7. Meetings

- 7.1. Council will meet at least four times per year. Council may also meet additionally as



the AWRIA CEO considers necessary.

- 7.2. Council meetings will be held by appropriate means, including face to face, phone, electronic or digital means.
- 7.3. The competition protocol will be strictly adhered to during all meetings, and noted in all charter minutes.
- 7.4. Should the Chairperson of the Council be absent from a meeting, the members of the Council present at the meeting have authority to choose the Chairperson for the meeting. This person will be chosen from one of the AWRIA Foundation member representatives in the first instance. If no Foundation member representative is available, then from remaining attendees.

## **8. Quorum**

- 8.1. A quorum shall be at least 50% of Council members present and or a minimum of 4 Council members present, whichever shall be the lesser.

## **9. Voting**

- 9.1. Each Council member will have one vote.
- 9.2. Decisions will be made by a majority of those present at the meeting. The Chairperson will have a casting vote.
- 9.3. Decisions of the Council may also be decided by circular resolution.

## **10. Costs**

- 10.1. Council members will be required to cover all costs associated with attending Council meetings and other activities.

## **11. Conflicts of interest**

- 11.1. If a Council member has a personal interest, or a direct or indirect financial interest, in an issue being considered or about to be considered by the Council and the interest could conflict with the proper performance of the member's duties about the consideration of the issue, the member must disclose the nature of the interest to a Council meeting.
- 11.2. Unless the Chairperson otherwise directs, the interested member must not be present when the Council considers the issue or take part in a decision of the Council about the issue.
- 11.3. The interested member must not be present when the Council is considering whether to excuse them from Council discussions on the issue.
- 11.4. Any disclosure of a conflict of interest must be recorded in the minutes of the meeting.

## **12. Confidentiality**

- 12.1. All Council members and invited guests are expected to observe strict rules of confidentiality with respect to Council business. They must be conscious that from time to time they may be asked to consider draft policy proposals intended for debate within the Council, and should not presume these to reflect approved Council policy.
- 12.2. It is the responsibility of all Council members and invited guests to maintain the security of Council papers and to treat as confidential any information received through their involvement with the Council. Failure to maintain appropriate confidentiality of Council information and discussions may result in termination of Council membership.



### **13. Compliance**

- 13.1. All Council members and invited guests must strictly comply with the requirements of the Australian Competition and Consumer Law. All meetings shall be conducted in compliance with the law and in accordance with the Competition Law Protocol.

### **14. Media**

- 14.1. The Chairperson/CEO or a person nominated by the Chairperson/CEO, is the primary spokesperson for the Council.
- 14.2. No member of the Council should speak to the media or make any comment on behalf of the Council without specific approval of the Chairperson/CEO.

### **15. Stakeholder liaison**

- 15.1. The Chairperson/CEO must approve any correspondence or communication that contains a position, recommendation, opinion or view of the Council. Such correspondence or communication must be sent out under the Chairperson/CEO's hand.
- 15.2. The Chairperson, CEO, or Council members approved by the Council, may liaise with stakeholders on behalf of the Council provided they have the Council's knowledge and approval.
- 15.3. Any stakeholder liaison undertaken on behalf of the Council must be reported back to the Council at its next meeting.

### **16. Meeting organisation**

- 16.1. AWRIA will provide a staff member (secretariat) who will assist the CEO by organising meetings, producing notices of meetings, agendas and papers, and taking and circulating the minutes of meetings.
- 16.2. Council members will be encouraged to bring issues to the CEO for inclusion at future meetings.
- 16.3. The CEO and secretariat will prepare and circulate an agenda and briefing papers at least one week before each meeting.
- 16.4. Each agenda must include a preliminary item noting that the meeting will be conducted in compliance with the Australian Competition and Consumer Law and in accordance with the Competition Law Protocol.
- 16.5. Discussions must be limited to the agenda items and any briefing papers and information circulated must be limited to what is relevant and necessary to consider the agenda items.
- 16.6. A meeting schedule shall be established and maintained in advance for at least three meetings;
- 16.7. Minutes should be taken as an accurate record of the matters discussed at the meeting. The draft minutes should be reviewed by the CEO/Chairperson and circulated to Council members as soon as possible after the meeting.
- 16.8. The Minutes must be approved by the CEO/Chairperson and ratified by the Council members present at the next meeting.

### **17. Access to advice**

- 17.1. The Council and its members have no authority or delegation to seek advice or engage experts on behalf of the Council.
- 17.2. If, in pursuit of its Council objectives, the Council wishes to obtain advice from experts outside of the Council, it may make a request to the CEO to obtain such advice.
- 17.3. The request must be agreed by the Council and explain the need for the advice.



AWRIA will consider the request and determine whether it will take action on the request.

- 17.4. Whether the request is accepted is at the sole and unfettered discretion of the AWRIA.

## **18. Policy Reporting**

- 18.1. The Council must place all approved position positions on the Council website.

## **19. Website**

- 19.1. The secretariat will establish a website for the Council.

## **20. Disputes Resolution**

- 20.1. The grievance procedure set out in this section applies to disputes under the Charter between Council members.
- 20.2. The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days of the dispute coming to the attention of each party; or a party giving notice, to each of the other parties involved, of the dispute or grievance.
- 20.3. If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, the parties must, as soon as is practicable, hold a meeting in the presence of a mediator.
- 20.4. The mediator is to be a person chosen by the AWRIA CEO.
- 20.5. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 20.6. The mediator cannot determine the dispute.
- 20.7. The mediation must be confidential and without prejudice.
- 20.8. The costs of the mediation are to be shared equally between the parties unless otherwise agreed.
- 20.9. If the mediation process does not result in the dispute being resolved, each party may seek to resolve the dispute in accordance with the Law or otherwise at law.



## **AWRIC Council Member Duties and Obligations - Overview**

The position of member of a the NWRIC is a voluntary and honorary role which brings necessary skills, knowledge and effort to support the Council in fulfilling its role.

A Council member occupies a position of trust, confidence and influence within the Council. It is important that members conduct themselves in a manner that will maintain and enhance that trust, confidence and influence.

### **Obligations**

1. You must comply with your obligations under the Australian Competition and Consumer Law and abide by the Competition Law Protocol.
2. You must be scrupulous in your use of confidential information and ensure that privacy principles are maintained.
3. You must disclose any potential conflict of interest.
4. Your decision making must be fair and consistent, based on all relevant information and honest, open and impartial.
5. Harassment, discrimination and bullying are unacceptable from any committee member or anyone involved with the Council.
6. The duties under the Work Health and Safety Act 2011 apply to all Council members in the conduct of their roles.
7. You must act professionally at all times in the performance of Council duties, exercising skill, care and diligence.

### **AWRIC Chairperson Duties**

The Chairperson's role is to lead the Council in fulfilling its role and complying with its charter, ensuring meetings are efficiently and effectively and in compliance with AWRIA's Competition Law Protocol.

### **Responsibilities**

1. Accept and support the Council Charter.
2. Work in consultation with the AWRIA CEO.
3. Plan meetings and agendas in collaboration with the AWRIA CEO.
4. Attend all meetings and maintain awareness of Council work between meetings.
5. Ensure meetings are efficiently and effectively administered to achieve Council objectives and in compliance with AWRIA's competition protocol.
6. Facilitate Council members' active participation and decision-making.
7. Resolve Council member issues and complaints wherever possible.
8. Ensure that the Council reports to AWRIA in accordance with the charter.

