

Summary of the key changes made to the Establishment Agreement

Item	Original clause reference	Summary of original provision	Summary of proposed amendment	Proposed New clause reference
1.	Parties	Number of Councils are listed as a Participant.	Updated with current Participants.	Parties
2.	Recitals	Describes the background at the time the EA was originally entered into.	Update the agreement to reflect the original establishment of the RRG and also the subsequent variations and changes in membership. Name change to RRG Feb 22.	Recitals
3.	-	-	Reorder the agreement to include definitions and interpretation as clause 1.	1
4.	2 – Name	Refers to the Southern Metropolitan Regional Council	'Southern Metropolitan Regional Council' has been replaced with 'Resource Recovery Group' throughout the agreement.	-
5.	4 – Regional Purposes	<p>Sets out the RRG's regional purposes.</p> <p>(Previous:</p> <p>a) To plan, coordinate and implement the removal, processing, treatment and disposal of waste for the benefit of the communities of the Participants:</p> <p>b) To influence local, State and Federal Governments in the development of regional waste management policies and legislation.</p>	<p>Updated to:</p> <p>(a) to actively plan, coordinate and implement the removal, processing, treatment and disposal of waste, with the intention of implementing and advocating for the adoption of best practice processes and activities;</p> <p>(b) to lead and influence local, State and Federal Governments in the development of regional waste management policies and legislation;</p> <p>(c) to educate by providing tools to recycle right, reduce waste and live more sustainably; and</p> <p>(d) to carry out and do all other acts and things which are reasonably necessary for the bringing into effect of the purposes referred to in clause 4(a) or 4(b),</p>	4
6.	5 – Objectives	Sets out the RRG's objectives.	Remove and simplify by including the Regional Purpose only.	-
7.	7.1 and 7.2	Each participant appoints a member who holds office until they cease to be a member of the Participant or is removed by the Participant.	<p>Each council now appoints two members.</p> <p>Drafting (including defined terms) has also been updated to clarify the process for appointing and removing each Participants' respective member on the RRG council – including, for example notification requirements.</p>	5.1 and 5.2

Item	Original clause reference	Summary of original provision	Summary of proposed amendment	Proposed New clause reference
8.	7.3 – Election of Chairman and Deputy Chairman	After the initial appointment, Chairman and Deputy Chairman to be appointed every second May.	The Chairperson and Deputy Chairperson are to be appointed in accordance with the Act. A new clause 5.4 is inserted which regulates the term of the Chairperson and Deputy Chairperson. (no longer defined as 2 years).	5.3 and 5.4
9.	7.4, 7.5 and 7.6	Sets out the roles of the Chairman, Deputy Chairman and Members.	Minor updates to terminology have been made. Chairman has been changed to Chairperson throughout.	5.5, 5.6 and 5.7
10.	8 – Proposals and Projects	Sets out the process for the parties to consider and adopt new projects. Also, withdrawal, joining and winding up.	This clause has been split into new clauses 6-10: a) Proposals; (new proposal must have absolute majority, business plan, terms etc) b) Project participant payments; c) Withdrawal from a project; (debated but not changed) d) Joining a project; and e) Winding up of a project. Each with clear mechanisms and requirements, timing, payment obligations and business plan content. No substantive changes have been made	6 - 10
11.	9 – Existing undertakings	Arrangements for collecting contributions for Existing Undertakings	Clauses 9.2 (preparation of financial statements) and 9.5 (Limit on Contributions) are deleted as they are not applicable to the "Existing Undertakings".	11
12.	10 – Winding up	Process for winding up of the RRG	No changes made	12
13.	11 – Withdrawal of a participant	Process for withdrawal of a Participant	No changes made	13
14.	-	-	A new clause 14 is inserted titled 'Population' has been inserted, which was previously included as a definition.	14
15.	13 – Dispute resolution	Disputes go to Arbitration – RRRC PPA varied the DRP mechanism	Updated dispute resolution process, includes an expert determination. Dispute resolution process followed by Arbitration. \$500,000 determined as threshold in dispute process.	16