

6. STRUCTURE OF COMMITTEE AND WITHDRAWAL OF ECAN FROM THE CANTERBURY WASTE JOINT COMMITTEE AND AMENDMENT OF THE CONSTITUTING AGREEMENT

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HISTORY

1. On 9 August 2010 Commissioner Tom Lambie advised the committee about Environment Canterbury's proposal to withdraw from the committee. On 26 August 2010 Ecan formally confirmed that decision, and resolved that Environment Canterbury:
 - (a) *Removes itself from the Canterbury Hazardous Waste Subcommittee and any current and future responsibility for servicing the subcommittee, including any subsequent changes to Project Levels of Service and Funding;*
 - (b) *Approves the change in status of Environment Canterbury on the Canterbury Waste Joint Committee from member to observer, and notes that as an act of good faith will contribute the agreed contribution for the 2010/11 financial year;*
 - (c) *Requests staff work with the territorial authorities to ensure agreed work programmes are delivered.*

DISCUSSION

2. The implications of Environment Canterbury's withdrawal from the Committee are as follows:
 - (a) The Constituting Agreement does not provide for 'observer status' as mentioned by Environment Canterbury however the committee's meetings are open to the public so in effect it amounts to observer status for any party;
 - (b) The Constituting Agreement itself needs to be formally amended to formally record the end of Environment Canterbury's membership, to adjust the budget contributions (see below), and to address options for future oversight of the existing hazardous waste management strategy (see below).
3. The process for amending the Constituting Agreement is for each member council to individually adopt an amended Constituting Agreement at its council meeting, and only once all territorial authorities have done so the new agreement will it take effect. This process is likely to take several months. A tracked changes draft Constituting Agreement is attached (refer **Attachment 1**) for consideration reflecting the changes set out below.

PROPOSED CHANGES TO THE CONSTITUTING AGREEMENT:

4. **Funding**
Ecan currently contributes 25 per cent of the annual \$150,000 budget, so as from 1 July 2011 the regional waste minimisation budget would be reduced by \$37,500. An annual budget of \$110,000 as from 1 July 2011 is proposed, and the agreement has been updated with recent population statistics, which are used to apportion the budget contribution from member TLA's.
5. **Hazardous Waste Subcommittee**
The committee needs to consider the position of the hazardous waste subcommittee which in terms of the current Constituting Agreement has to be chaired by an Environment Canterbury representative, and is serviced by Environment Canterbury, and historically has been jointly funded by Ecan and the territorial authorities. Future funding of hazardous waste strategy implementation will be done solely by Environment Canterbury.
6. The proposal in the attached draft Constituting Agreement is to provide for an optional (not mandatory) hazardous waste subcommittee and it is recommended that the committee incorporates hazardous waste issues directly into the committee's responsibilities, and in due course evaluate if a change to a subcommittee is required. In the past the subcommittee met once a year.

7. The current hazardous waste management strategy will run to July 2012, and will need to be reconsidered in due course. Environment Canterbury will still be performing a variety of hazardous waste functions in line with the strategy even though it has elected to formally withdraw from the committee, and the subcommittee. Such functions will in future be funded solely by Environment Canterbury and its staff will continue to advise and assist the committee when it considers hazardous waste issues.
8. Membership and quorum: Updating to reflect the reduction in number of representatives from 13 to 11.
9. Alternates
Over the years Timaru District Council has maintained and has provided legal advice that the provision in the Constituting Agreement for alternates (clause 11) is ultra vires and should be deleted. Seeing that this clause is seldom used and no attendance issues have been encountered there is no need for it anymore and it can now be deleted.
10. New Clause
Providing for attendance of meetings by phone or video conference: It is recommended that the agreement be amended by adding a clause to allow phone or video attendances. Venues used for phone or video attendances will need to also be publicly notified in the usual manner, and be open to the public.
11. The section setting out the background to the agreement has been updated and shortened.

RECOMMENDATION

It is recommended that the Canterbury Waste Joint Committee:

- (a) Notes the 26 August 2010 decisions of Environment Canterbury reported above, and on behalf of the other members of the committee thanks Environment Canterbury for its support and contributions to date;
- (b) Adopts the amended draft Constituting Agreement 2011, to be forwarded to all member Councils for consideration, adoption and signature by April 2011, to come into effect no later than 1 June 2011;
- (c) Until the Constituting Agreement has been formally amended in 2011, the Canterbury Waste Joint Committee incorporates hazardous waste issues directly into the committee's responsibilities.