



**Shire of Derby /  
West Kimberley**

# **CONFIRMED MINUTES**

**Audit & Risk Committee Meeting**

**Thursday, 22 August 2024**

**Date: Thursday, 22 August 2024**

**Time: 4:00 PM**

**Location: Council Chambers  
Clarendon Street  
Derby**



**Order Of Business**

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**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY  
AUDIT & RISK COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBERS, CLARENDON STREET, DERBY  
ON THURSDAY, 22 AUGUST 2024 AT 4:00 PM**

**PRESENT:**

**(In person)** Cr Andrew Twaddle (Chair), Cr Geoff Haerewa (Deputy President) and Cr Brett Angwin.

**PRESENT:**

**(Online)** Mr Peter McCumstie (President) and Cr Geoff Davis (entered the meeting at 4:15pm).

**IN ATTENDANCE:**

**(In Person)** Tamara Clarkson (Acting Chief Executive Officer), Wayne Neate (Director, Infrastructure), Jamie Bone (Recovery & Fitzroy Crossing Senior Operations Manager), Mark Chadwick (Manager Development Services), Telia Reilly (Administration Coordinator and Executive Assistant), Sarah Smith (Executive Services Coordinator).

**IN ATTENDANCE:**

**(Online)** Mark Davis (Executive Services Project Director) and Megan Neshoda (Manager Community Development - Fitzroy Crossing)

**VISITORS:** Nil

**GALLERY:** Nil

**APOLOGIES:** Nil

**APPROVED LEAVE OF ABSENCE:** Nil

**ABSENT:** Nil

**1 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS**

The meeting was opened at 4:01pm by Cr Andrew Twaddle.

**2 ACKNOWLEDGEMENT OF COUNTRY**

In the spirit of reconciliation, the Shire of Derby/West Kimberley acknowledges the traditional custodians of country throughout the Shire and their connection to land, sea and community.

The Shire of Derby/West Kimberley would like to pay respect to the past, present and future traditional custodians and Elders of this nation and the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

### 3 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

A Council Member may attend council or committee meetings by electronic means if the member is authorised to do so by the President or the Council. Electronic means attendance can only be authorised for up to half of the Shire's in-person meetings they have attended in total, in any rolling 12 months prior period. Authorisation can only be provided if the location and the equipment to be used by the Council Member is suitable to enable effective, and where necessary confidential, engagement in the meeting's deliberations and communications.

- Mr Peter McCumstie.

### 4 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

- Nil.

### 5 DISCLOSURE OF INTERESTS

#### 5.1 Declaration of Financial Interests

- Nil.

#### 5.2 Declaration of Proximity Interests

- Nil.

#### 5.3 Declaration of Impartiality Interests

- Nil.

### 6 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

- Nil.

### 7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

#### COMMITTEE RESOLUTION AC15/24

**Moved:** Cr Brett Angwin

**Seconded:** Cr Geoff Haerewa

**That the Minutes of the Audit Committee Meeting held at the Council Chambers, Clarendon Street, Derby, on 23 May 2024 be CONFIRMED.**

**In Favour:** Mr Peter McCumstie and Crs Andrew Twaddle, Brett Angwin and Geoff Haerewa

**Against:** Nil

**CARRIED 4/0**

## 8 REPORTS

### 8.1 OUTSTANDING DEBT - JULY 2024

**File Number:** 5174 & 5112

**Author:** Aaron Gloor, Senior Finance Officer

**Responsible Officer:** Tamara Clarkson, Acting Chief Executive Officer

**Authority/Discretion:** Information

#### SUMMARY

The Audit and Risk Committee receive the outstanding rates and outstanding sundry debtors reports to provide strategic direction as required.

**Reportable Financial Year:** 2024/2025

**Reportable Month:** July 2024

#### DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

#### BACKGROUND

The Audit and Risk Committee will ensure compliance with the Shire's financial reporting and will liaise with the CEO to ensure the effective and efficient management to meet statutory requirements.

#### STATUTORY ENVIRONMENT

*Local Government Act 1995*

*Subdivision 4 — Payment of rates and service charges*

6.43. *Rates and service charges are a charge on land*

6.44. *Liability for rates or service charges*

6.50. *Rates or service charges due and payable*

6.53. *Land becoming or ceasing to be rateable land*

*Subdivision 5 — Recovery of unpaid rates and service charges*

6.55. *Recovery of rates and service charges*

6.56. *Rates or service charges recoverable in court*

6.16 *Imposition of fees and charges*

#### POLICY IMPLICATIONS

F4 – SUNDRY DEBTORS COLLECTION POLICY

F5 – OUTSTANDING RATES COLLECTION POLICY

F6 – FINANCIAL HARDSHIP POLICY

#### FINANCIAL IMPLICATIONS

Outstanding Rates and Service Charges totalling \$1,016,249.51 in cash flow impacts.

Outstanding Sundry debtors totalling \$1,818,941.74 in cash flow impacts.

**STRATEGIC IMPLICATIONS**

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	4.3 Sustainability	1.2.2 Provide strong governance

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Financial:</b> Non-recovery of debts will impact the type and level of services provided to the town.	Almost Certain	Severe	Extreme	Be proactive with collection process and recovering outstanding debt

**CONSULTATION**

Internal  
CS Legal

**COMMENT**

Attached to this report is an aged breakdown of outstanding rates and service charges by rating category as well a depiction of rates debt by month. The report also contains a breakdown of outstanding sundry debtor charges by age as well as the movement of this debt over a rolling five-month period.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

- Rates & Sundry Debt**  

<p><b>COMMITTEE RESOLUTION AC16/24</b></p> <p><b>Moved: Cr Geoff Haerewa</b> <b>Seconded: Cr Brett Angwin</b></p> <p><b>That the Audit and Risk Committee recommends that Council receive the information contained in the report detailing outstanding rates and sundry debtors as at 31 July 2024.</b></p> <p><u>In Favour:</u> Mr Peter McCumstie and Crs Andrew Twaddle, Brett Angwin and Geoff Haerewa</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;"><b>CARRIED 4/0</b></p>
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### Rates Debt Summary Report

Total Rates & Service Charges in arrears at rates levy date 23/24 \$963,182.92  
 Total Rates & Service Charges Levied for FY 2023/24 \$11,835,548.93  
 Total Collected YTD From Outstanding Rates & Service charges \$11,782,482.34  
 Total Rates & Service Charges Outstanding as at 31st July 2024 **\$1,016,249.51**

Total payments expected from instalment payers for 24/25 \$0.00  
 \*The above balance will remain at \$0 until after rates billing

Total Balance of Debt Currently Referred to CS Legal (84 Debtors) \$783,620.48

Total Balance of owed by ratepayers on a payment arrangement OR making regular payments towards debt \$202,329.02

	Total Debt					Debt Reduction (April-July)
	Mar-24	Apr-24	May-24	Jun-24	Jul-24	
GRV (Residential, Commercial & Industrial)	\$ 1,434,511.33	\$ 1,226,844.60	\$ 1,110,966.61	\$ 995,224.97	\$ 910,718.19	\$ (316,126.41)
Mining UV (Mining Tenements)	\$ 4,033.71	\$ 3,068.61	\$ 9,579.46	\$ 686.07	\$ 52.71	\$ (3,015.90)
Rural UV (Pastoral properties)	\$ 317,106.85	\$ 294,588.97	\$ 287,188.46	\$ 170,872.24	\$ 63,429.49	\$ (231,159.48)
Non-Rateable	\$ 2,482.29	\$ 2,546.18	\$ 2,613.64	\$ 2,656.75	\$ 2,710.37	\$ 164.19
Non-Rateable UV Exempt	\$ (717.47)	\$ (717.47)	\$ (717.47)	\$ (717.47)	\$ (717.47)	\$ -
Non-Rateable GRV Exempt (Waste & ESL Charges)	\$ 39,420.45	\$ 39,424.75	\$ 39,417.78	\$ 39,698.97	\$ 40,056.22	\$ 631.47
<b>Total</b>	<b>\$ 1,796,837.16</b>	<b>\$ 1,565,755.64</b>	<b>\$ 1,449,048.48</b>	<b>\$ 1,208,421.53</b>	<b>\$ 1,016,249.51</b>	<b>\$ (549,506.13)</b>

Comments
549K reduction in debt from April to July which is a good result late in the 23/24 rates cycle.

	Debt Older Than Three Years	22/23	23/24	24/25	Credit Balances	Total Outstanding
COMMERCIAL - GRV	\$ -	\$ 20,516.52	\$ 90,062.55	\$ 2,549.20	\$ (68,704.70)	\$ 44,423.57
INDUSTRIAL - GRV	\$ -	\$ 7,806.47	\$ 25,461.28	\$ 740.68	\$ (29,678.75)	\$ 4,329.68
MINING - UV	\$ -	\$ 25.75	\$ 1,909.38	\$ 52.86	\$ (1,935.28)	\$ 52.71
NON-RATEABLE	\$ 2,487.23	\$ 3,300.34	\$ 1,202.61	\$ 141.25	\$ (4,421.06)	\$ 2,710.37
	\$ 21,961.18	\$ 11,514.92	\$ 13,088.06	\$ 941.30	\$ (7,449.24)	\$ 40,056.22
NON-RATEABLE/EXEMPT - GRV	\$ -	\$ -	\$ 2.53	\$ -	\$ (720.00)	\$ (717.47)
NON-RATEABLE/EXEMPT - UV	\$ -	\$ -	\$ 83.02	\$ 0.58	\$ -	\$ 83.60
OTHER LOCATIONS - GRV	\$ 392,011.01	\$ 157,326.12	\$ 359,416.86	\$ 15,742.53	\$ (78,942.39)	\$ 845,554.13
RESIDENTIAL - GRV	\$ 19,133.55	\$ 14,216.78	\$ 98,269.87	\$ 4,540.85	\$ (72,731.56)	\$ 63,429.49
RURAL - UV	\$ 4,438.58	\$ 4,253.85	\$ 7,785.65	\$ 180.02	\$ (330.89)	\$ 16,327.21
URBAN FARMLAND - GRV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ 440,031.55</b>	<b>\$ 218,960.75</b>	<b>\$ 597,281.81</b>	<b>\$ 24,889.27</b>	<b>\$ (264,913.87)</b>	<b>\$ 1,016,249.51</b>

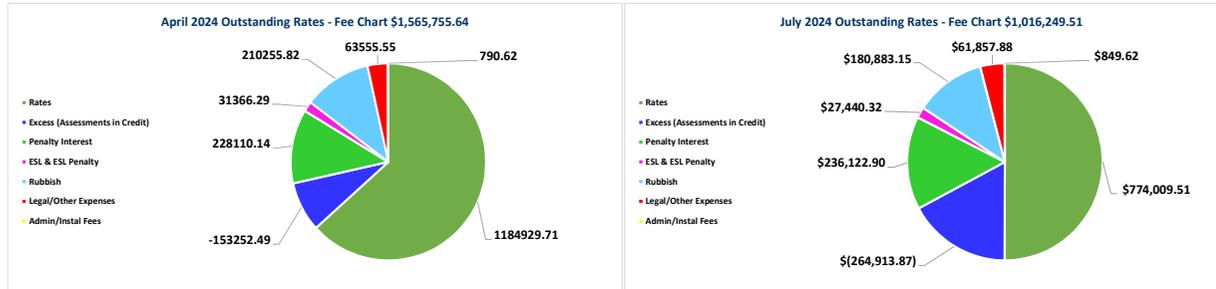
Comparison of Current FY to Previous FY		
	2022/23	2023/24
Total rates and charges outstanding and levied at commencement of rating year	\$12,379,654.69	\$12,798,731.85
Unpaid rates and charges 31st July	\$1,008,799.22	\$1,016,249.51
Percentage Outstanding	8.15%	7.94%



**Shire of Derby /  
West Kimberley**

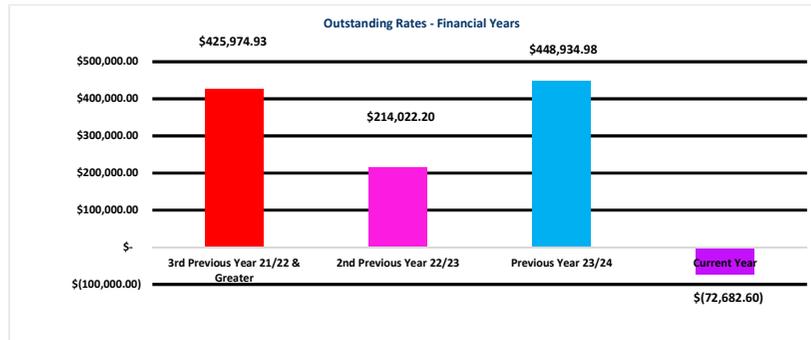
**Report to Audit Committee - Rates Debt Overview  
July 2024**

**Total Rates Outstanding as at EOM July 2024 \$ 1,016,249.51**



**Rates and Service Charges Levied 2023/2024**

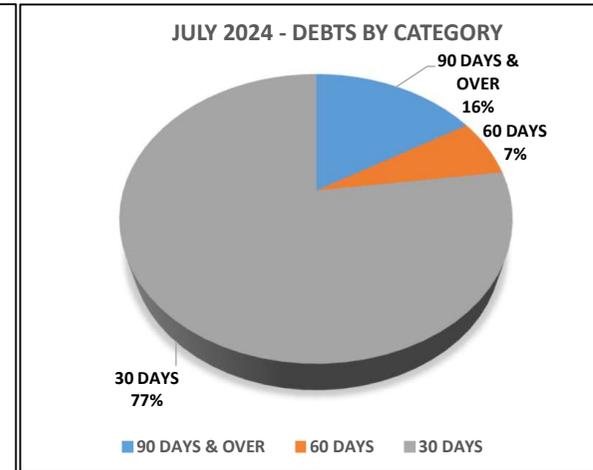
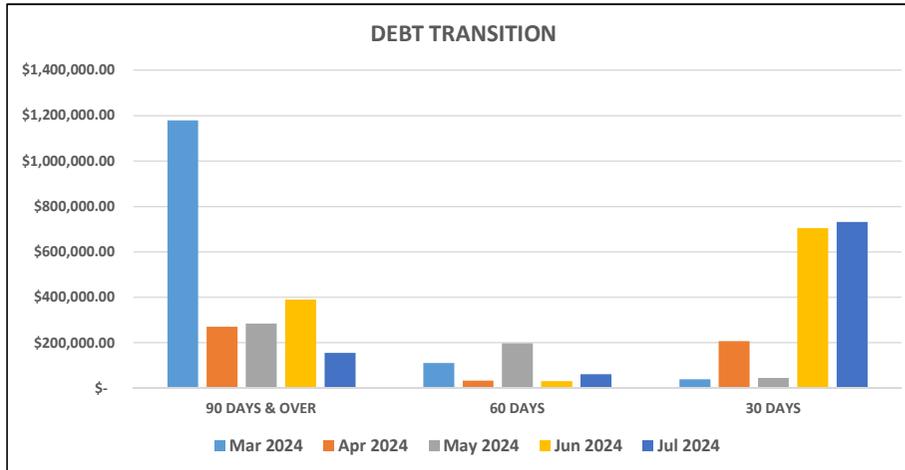
Levied at 25th August 2023	
Rates	\$ 9,208,155.74
Waste	\$ 2,375,178.95
ESL	\$ 252,214.24
<b>Total Levied 23/24</b>	<b>\$ 11,835,548.93</b>
Arrears	\$ 963,182.92
<b>Total Outstanding</b>	<b>\$ 12,798,731.85</b>





TOTAL DEBTORS OUTSTANDING COMPARISON GRAPHS (A) - 2024/2025

	Mar 2024	Apr 2024	May 2024	Jun 2024	Jul 2024	Changes (June-July)
90 DAYS & OVER	\$ 1,179,202.11	\$ 269,858.05	\$ 283,885.48	\$ 389,972.13	\$ 155,300.52	-\$ 234,671.61
60 DAYS	\$ 110,172.63	\$ 32,700.99	\$ 197,071.46	\$ 30,429.48	\$ 61,268.71	\$ 30,839.23
30 DAYS	\$ 38,709.21	\$ 206,923.74	\$ 44,085.03	\$ 704,752.62	\$ 730,921.37	\$ 26,168.75
OUTSTANDING DEBT	\$ 2,208,102.70	\$ 509,482.78	\$ 525,041.97	\$ 1,125,154.23	\$ 947,490.60	-\$ 177,663.63



90+ Days Debt Comparison by Year					
Jul-19	Jul-20	Jul-21	Jul-22	Jul-23	Jul-24
\$358,323.33	\$317,132.53	\$534,058.51	\$384,168.65	\$478,638.99	\$155,300.52

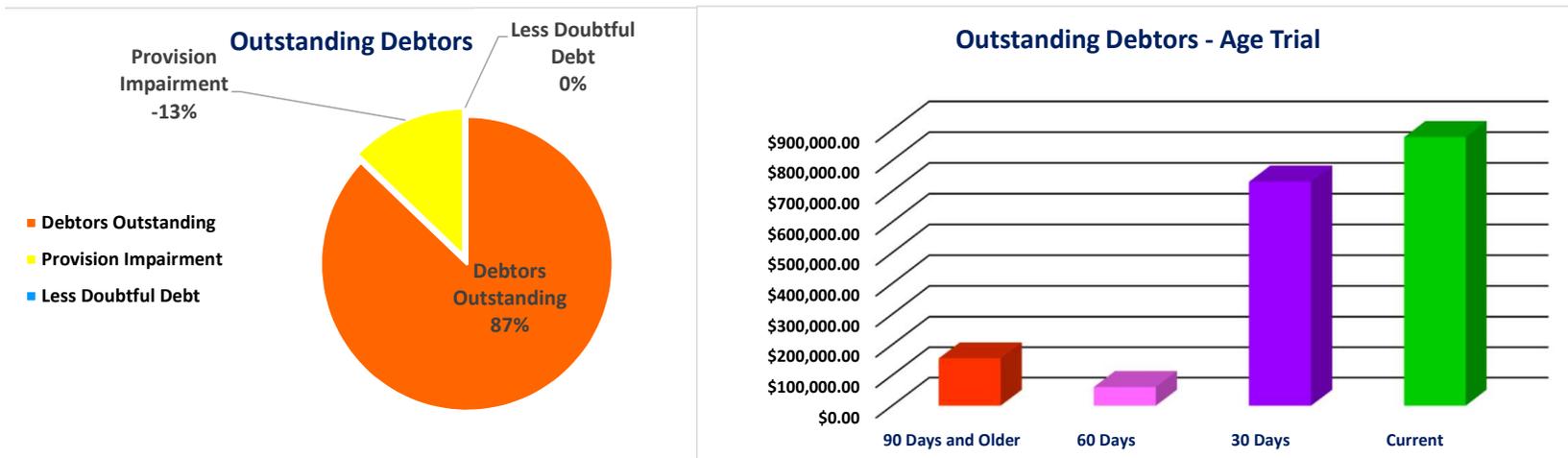
Lowest 90+ days outstanding result in 8 years



**Shire of Derby /  
West Kimberley**

**Report to Council Accounts Receivable  
July 2024**

31/07/2024 \$ 1,818,941.74



As of the 1st of August the total debt figure reduced by \$777K as we received payment for two grant related invoices.

## 8.2 RISK MANAGEMENT

**File Number:** 5476

**Author:** Jill Brazil, Acting Director of Corporate Services

**Responsible Officer:** Tamara Clarkson, Acting Chief Executive Officer

**Authority/Discretion:** Executive

### SUMMARY

This report presents an update on controls developed and implemented in ensuring effective risk management.

### DISCLOSURE OF ANY INTEREST

Nil by Author, or Responsible Officer.

### BACKGROUND

The Audit and Risk Committee provides guidance and assistance to Council. The Committee assumes a key role in assisting the Shire fulfil its governance and oversight obligations related to financial reporting, internal controls, risk management systems, legislative compliance, ethical accountability and internal and external functions.

There are a number of audits that local governments are required to complete addressing these points and the reports from these audits are presented for endorsement at the time. Managing risk requires all Council Members and officers to use an interactive process consisting of steps that, when undertaken in sequence, enable a sound basis for decision-making and facilitates continuous improvement in performance.

### STATUTORY ENVIRONMENT

**Local Government Act 5.41 (Functions of CEO)** outlines that the functions of the CEO include the requirement to manage the day to day operations of the local government, including coordinating the undertaking of the legislative requirements of the local government.

**Local Government (Audit) Regulations 1996** outlines requirements for financial and systems audits.

**Local Government (Financial Management) Regulations 1996** outlines requirements for financial and systems audits.

### POLICY IMPLICATIONS

Nil applicable.

### FINANCIAL IMPLICATIONS

Nil applicable.

**STRATEGIC IMPLICATIONS**

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.2 Provide strong governance

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Legal &amp; Compliance:</b> Non-compliance with legislation.	Possible	Moderate	Medium	Continue to build and monitor internal procedures and to train/manage staff on legislative compliance.
<b>Reputation:</b> Adverse media and lack of community confidence.	Possible	Moderate	Medium	Continue to build and monitor internal procedures and to train/manage staff on legislative compliance.

**CONSULTATION**

Nil.

**COMMENT**

The CEO ensures adequate systems of internal control are in place to mitigate business risk and promote effectiveness and efficient operations.

The Audit and Risk Committee review all audit reports and provide advice to Council on significant issues identified in audit reports and action to be take on issues raised.

The findings from the below audits conducted the Shire of Derby/West Kimberly are included in the Attachment 1 **Risk Management - Audit Risks - Confidential** .

OAG - Annual Financial Audit and Performance Audits

The Office of Auditor General’s role is to audit financials and activities of WA local government entities, and report findings to Parliament. RSM is appointed to conduct these audits on their behalf.

The annual Audit considers review of Statement of Financial Position as at 30 June, Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows and Statement of Financial Activity for the year ended.

This report is currently being prepared, with the CEO signed Annual Financial report due to the Auditors by 30<sup>th</sup> September.

OAG released the following report based on the sectors 2022-23 annual financial reports on 6<sup>th</sup> June 2024.

[Local Government 2022-23 Financial Audit Results](#)

The Office of the Auditor General also conducts Performance Audits across State Government entities and Local Government sector.

Performance audits assess the efficiency and effectiveness of public sector activities, services and programs. They can focus on compliance with legislation, policies and accepted good practice.

Some recently completed Performance Audits in in Local Government include:

- [Staff Exit Controls at Large Local Governments](#)
- [Local Government Physical Security of Server Assets](#)
- [Local Government IT Disaster Recover Planning](#)
- [Local Government Management of Purchasing Cards](#)
- [Local Government IT Disaster Recovery Planning](#)
- [Local Government 2023-2023 Information System Audit Results](#)

Regulation 5 Audit

Paxon Group were appointed to perform the Regulation 5 financial management review. This review is required every three financial years.

This includes a review of processes and key controls within the following areas:

- Proper collection of all money owing to the local government
- Safe custody and security of all money collected or held by the local government
- Maintenance and security of the financial records of the local government (whether maintained in written form of by electronic or other means or process)
- Ensure proper authorisation for the incurring of liabilities and the making of payments
- Maintenance of payroll, stock control and costing records

This report was received in November 2023.

Regulation 17 Audit

The Shire engaged Civic Legal complete a review of a selection of the Shire's systems and procedures relating to risk management, internal control and legislative compliance. The report provided seeks to identify potential issues relating to the systems and procedures being reviewed and provides suggestions for improvement. This review occurs at least once every three financial years.

While there a number of cross over assessments in each of the audits, it is a beneficial process for the organisation to conduct.

This report was received in December 2023.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

**1. Risk Management - Audit Risks - Confidential**

**COMMITTEE RESOLUTION AC17/24**

**Moved: Cr Brett Angwin**

**Seconded: Cr Geoff Haerewa**

**That the Audit and Risk Committee recommends that Council receive the information contained in the Risk Management - Audit Risks Report.**

In Favour: Mrs Peter McCumstie and Crs Andrew Twaddle, Brett Angwin and Geoff Haerewa

Against: Nil

**CARRIED 4/0**

### 8.3 LEASE REGISTER - ANNUAL STATUS REPORT

**File Number:** 5345

**Author:** Neil Hartley, Director - Strategic Business

**Responsible Officer:** Tamara Clarkson, Acting Chief Executive Officer

**Authority/Discretion:** Information

#### SUMMARY

The Shire has numerous parcels of land which it offers for lease on both community and commercial terms. The August 2023 Audit & Risk Committee required that a Leases Update Report be provided to the Audit & Risk Committee on an annual basis.

This report provides this 12-monthly update on the Shire's community and commercial leases portfolio.

#### DISCLOSURE OF ANY INTEREST

Nil by Author.

#### BACKGROUND

The Shire has several key parcels of land which it offers up for both community and commercial lease. Historically, lease activation and management has received varying levels of attention dependent on the availability of staffing resources. For the last few years they have received a dedicated budget provision and considerable progress has consequentially been made on their control and management.

Council has also reinforced its interest in the need to effectively manage the Shire's leases via the following resolution (August 2023). Namely, that the Audit & Risk Committee *"Requires that an update Leases Report be provided to the Audit & Risk Committee on an annual basis"*.

The attached Spreadsheet is an internal control document used by the organisation to manage its leases (both community and commercial).

Current leases require ongoing monitoring for consideration of renewal, with lease terms and due dates all varying. Submissions for new leases are also occasionally received, which require actioning and reporting to Council for its consideration. The process for commercial leases must follow the requirements of the Local Government Act, in the main Section 3.58, and must reach mutual agreement on lease conditions.

Commercial leases regularly take several months to finalise, but can on occasion take in excess of a year to achieve a successful conclusion. The cost of establishing a lease is high for the lessee, with legal and valuation costs regularly being in the vicinity of \$8 – 9,000, and in addition, the Shire also charges an administration fee of \$2 – 3,000 for the lease's establishment. The administration fee rarely covers actual costs, but does make a meaningful contribution towards them.

**STATUTORY ENVIRONMENT**

**Local Government Act S.2.7 (Role of Council)** outlines that Councils are to govern the local government’s affairs; take responsibility for the performance of their local government’s functions, and oversee the allocation of their local government’s finances and resources.

**POLICY IMPLICATIONS**

Whilst there are policies that relate to the establishment of leases (vis. ES2 Establishment of Commercial Leases; and ES5 Community Leases and License Agreements of Shire Assets (Facilities, Buildings and Land)) there are no policy implications relevant to this annual report.

**FINANCIAL IMPLICATIONS**

The financial implications of preparing this report are minimal and limited to officer time and resources consumed to research and prepare it.

Commercial lease fees in the main are established via a commercial valuation of the site. Experience indicates that valuations closely follow current lease payments in that vicinity (e.g. the Derby airport) so movements in lease charges do not vary greatly from a simple lease fee+CPI calculation, year on year. Cumulatively, some \$500,000pa is raised via lease payments.

**STRATEGIC IMPLICATIONS**

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.2 Provide strong governance

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Reputation:</b> Not gaining a suitable financial return from Shire owned assets may result in adverse community sentiment about asset commercialisation opportunities available.	Likely	Moderate	High	Ensure that resources are made available to enable adequate management of commercial leases.

**CONSULTATION**

No community consultation is required relative to this report.

**COMMENT**

This report provides an update on the Shire’s community and commercial leases portfolio. Notwithstanding that all commercial leases progress through Council in order that the

requirements of S.3.58 of the Local Government Act can be met, this is only the second coordinated update report to be provided to Council, at least for the last several years.

Actively managing the Shire's lease portfolio ensures mutual benefits to all parties and the attention given to the Shire's several dozen leases has however, provided both good financial and social dividends. Community groups have security of tenure of their area, providing confidence to invest time and effort into their site, and commercial tenants are enabled to pursue business activities, and pay rent/lease fees to Shire in exchange.

Leases require constant attention and even when diligently progressed, can take over a year to finalise on occasion, particularly when there are unusual complexities involved. The following actions in regard to leases are worth highlighting:

- **Recharge Petroleum** (Derby Airport) lease – should commence 1 November 2024 (in the interim, the BP lease will continue in “holding over” phase);
- **SouthPAN** (Derby Airport) lease is currently being drafted by the Australian Commonwealth Government;
- **Ngunga Group Ladies Aboriginal Corporation** lease has been drafted and is not under consideration by the parties;
- **One Tree (Child Care Centre)** lease is under consideration of an extension/new lease with the Lessee proposing significant capital works upgrades using grant/sponsor funding (currently due to expire in June 2025);
- **Ngamang Barwoona Frail Aged Home** – this lease is due to expire in September 2025. A report will be presented to Council to consider the future of this arrangement;
- **Derby High School Car Park** – Department of Education drafting a lease for the Shire's consideration, to replace the existing Deed (which had no expiry date). A report to Council will be forthcoming in due course; and
- **Fitzroy Crossing Swimming Pool** – extension (of six years) will be sought during the defined period (vis. between 24 September and 24 December 2024, which reflects clause 26 requirement of application to be made between 6 and three months from expiry).

Whilst the Shire over the last few years has significantly improved the management of its entire lease portfolio, a greater concentration has been given to commercial leases in light of the financial returns applicable. There is still however, a good deal of work that could be undertaken with community leases. For example:

- **Bush Fire Brigade** leases, where offices have been unable to locate these documents (which might be due to the unique Kimberley arrangement of having the Department of Fire & Emergency Services manage much of this service);
- **Golf Course Recycled Sewerage Water Supply**, where the historic records of this tenure/management arrangement need to be researched so that they can be correctly recorded in the Lease Register and the ongoing water supply guaranteed through a legal agreement of some form; and
- **Outgoings “on-charging”**. There are examples where the Shire could be on-charging for some of the community lease area expenses incurred. For example, the waste water disposal system that services the rodeo club is not charged out in any form to that lessee when works are required to maintain that service. For 2024/25, it is expected that some \$14,000 will be required to refurbish this wastewater service. Whilst community leases

provide a capacity for the on-charging of those type of costs, it might not be appropriate for the Shire to do that on all occasions as the viability of the club could be adversely impacted by a large unbudgeted charge, but perhaps consideration of the annual fee could be relevant to costs, as opposed to having a standard \$100pa fee irrespective of the lease area operational costs the Shire incurs. It is suggested that the CEO continue to be tasked with the responsibility of monitoring and deliberating on which charges to pass on and which charges to accommodate as Shire operational costs, and to continue to engage with the President or present an officer report direct to Council in those instances where the cost is high or the situation is otherwise unique. Further though, for improved visual accountability it would be beneficial to be able to separately account for these type of costs within the existing accounting/costing structure (perhaps through an expansion of the existing Donations expense account). That way Council will be better informed of the “avoidable costs” being incurred for third party community group costs.

### VOTING REQUIREMENT

Simple majority

### ATTACHMENTS

1. Lease Register (Summary) [↓](#) 

#### COMMITTEE RESOLUTION AC18/24

Moved: Cr Brett Angwin

Seconded: Mr Peter McCumstie

That the Audit and Risk Committee recommends that Council:

1. Notes the report;
2. Requires that the next annual leases report be provided to the Audit & Risk Committee in approximately August 2025; and
3. Confirms that in specific regard to the on-charged of costs for *community leases*, that the Chief Executive Officer continue to monitor and manage *on-chargeable* community lease costs, and propose as part of the next budget review, an appropriate accounting mechanism for showing *on-chargeable community lease costs* (when paid by the Shire) within the Shire’s accounts.

In Favour: Mr Peter McCumstie and Crs Andrew Twaddle, Brett Angwin and Geoff Haerewa

Against: Nil

**CARRIED 4/0**

<u>Precinct</u>	<u>Lessee Plus/and Or Trading name</u>	<u>Status / Actions</u>	<u>Location</u>	<u>Term</u>	<u>Extension Options</u>	<u>Lease End Date</u>
Derby Airport	Dunnings Fuel	No action required	Derby Airport - Lease area 2	10	10	30/04/2032
Derby Airport	All North Helicopters	No action required	Derby Airport Lease Area 3	<del>10</del> yrs	10	4/06/2033
Derby Airport	All North Helicopters	No action required	Derby Airport Lease Area 5	<del>10</del> yrs	10	11/09/2031
Derby Airport	Recharge Petroleum	In "Holding Over" (BP Petroleum). Lease area being taken over by Recharge Fuels from 1 November 2024.	Derby Airport Lease Area 6	5yrs	5	31/03/2024
Derby Airport	All North Helicopters	No action required	Derby Airport Lease Area 7	<del>10</del> yrs	10	31/12/2030
Derby Airport	Dunnings Fuel	No action required	Derby Airport - Lease area 10	10	10	1/05/2032
Derby Airport	Kingdom Aviation Ministries	No action required	Aircraft Hanger and Associated Offices, Lease Area 17	10	10	30/04/2034
Derby Airport	All North Helicopters Trading as Frontier Helicopters	No action required	Derby Airport Land Area 18	10	10	31/12/2032
Derby Airport	Bureau of Meteorology	No action required, Extension for 10 years approved.	Derby Airport	<del>10</del> -yrs	10	31/03/2033
Derby Airport	South/PAN	Lease document being prepared by Commonwealth Government	Derby Airport - Lease Area 19			

<b>Derby Community</b>	Ngunga Group Ladies Aboriginal Corporation	Lease being prepared. Discussions with DoL and NGWAC	Part of Crown Reserve 24904			
<b>Derby Community</b>	One Tree Community Services Inc.	Lease discussions occurring for multi-year lease extension, in conjunction with capital upgrade paid by Lessee/Grants.	One Tree Childcare Facility, Lot 1220, Ashley Street	5	5	1/06/2025
<b>Derby Community</b>	Children Services Support Unit	No action required. To be combined with next Child Care Centre Lease.	Residence at 2 Holman Street, Derby (Lot 1143)	N/A	No	Open
<b>Derby Community</b>	Derby Rodeo Club	No action required	Lot 3033, Part Reserve 23127, 61 Ashley Street	10	10	23/05/2026
<b>Derby Community</b>	Red Shed: Derby's Women's Collective	No action required	Lot 656, Reserve 6929 On Plan 210827	2	2+2	1/10/2025
<b>Derby Community</b>	Derby Speedway Club	No action required	Reserve 35129 Lot 226 on Plan 187656 Worsley Road, Derby	10	10	28/10/2031
<b>Derby Community</b>	Derby Pistol Club	No action required	Reserve 35130, Lot 1271 on Plan 189172	10	10	28/10/2031
<b>Derby Community</b>	Derby Sporting Shooters Aust Inc. (Rifle Club)	No action required	Reserve 35130, Lot 1271 on Plan 189172	10	10	31/12/2031
<b>Derby Community</b>	West Kimberley Turf Club	No action required	Lot 3033, Part Reserve 23127, Guildford Road	21	No	30/06/2030
<b>Derby Community</b>	Derby Sportsman Club (Golf Club)	No action required	Lot 3033, Part Reserve 23127, Guildford Road	21	No	30/06/2030
<b>Derby Community</b>		Vacant	Derby Recreation Centre			Vacant

Derby Community	Kimberley Enduro Club Motocross	No action required. Can be re-leased if the club re-activates itself.	Portion of reserve 35129, Lot 226 Plan 187656	5	5	19/09/2024
Derby Community	Ngamang Barwoona Frail Aged Home	Reconsideration of the future of this lease now timely.	Reserve 42140 Lot 1287 DP 190598	10	Yes	30/09/2025
Derby Community	Regional Power Corp. (trading as Horizon Power)	No action required	Lot 296 on Plan 222380, being the whole of the land contained in Certificate of Title Volume 1636 Folio 900, being located at 55 Clarendon Street, Derby	10	5	30/06/2032
Derby Community	Bush Fire Brigades	Research and report on tenure and relevance to DFES management Bush Fires Act in SDWK.				
Derby Community	SDWK/Derby Golf Club/Water Corporation	To be researched	Lot 3033, Part Reserve 23127, Guildford Road			
Derby Community	Horizon Power - Community Battery	No action required	Nicholson Road - Reserve 26179, Lot 1402 on plan 193851	Ongoing	n/a	Ongoing
Derby Community	Dept of Education	Currently a Deed with no specific end date. DoE drafting up new agreement (Deed or Lease). Proposing a 5+5 years.	Lot 254, Reserve 24594	n/a		Ongoing (currently)
Derby Wharf	Shire of Derby/West Kimberley	No action required	Derby Port Jetty	21	No	29/06/2040
Derby Wharf	Shire of Derby/West Kimberley	No action required	Derby Port Jetty	21	No	29/06/2040

<b>Derby Wharf</b>	Shire of Derby/West Kimberley	No action required	Derby Port (SW Side Nr Boat Slipway.	21	Yes	30/04/2038
<b>Derby Port</b>	Colonial Marine Consultants (CMC)	In Holding over. Awaiting advise from CMC if they want a new lease. No action required unless something changes.	PT Reserve 26818 - Derby Wharf			31/10/2016
<b>Derby Port</b>	Derby Volunteer Marine Rescue Group	No action required	Lot 293 of Deposited Plan 243258, PT Reserve 26818	10	No	31/01/2030
<b>Derby Port</b>	Mary Island Fishing Club	No action required	Reserve 10831 being land more particularly described as Lot 643 on Deposited Plan 222380 and being the whole of the land comprised in Crown land Certificate of Title volume LR3007 Folio 47	10	10	30/09/2031
<b>Derby Port</b>	Tassal Operations Pty Ltd	No action required	PT Reserve 26818, Lease Area 2 - Transit Shed; and Lease Area 3 - Transit Shed	1	1 + 1 + 1 + 1	28/02/2025
<b>Derby Port</b>	Thunderbird Operations (Sheffield Resources)	Lease finalised. (including Mt Gibson Iron Ore licence)	Main Sub-lease Wharf Bulk Handling Facility	22	No	28/06/2040
<b>Derby Port</b>	VACANT	Tidy up the site to occur if funds permit	Elder Street Derby, PT Reserve 26818 Lot 639			VACANT
<b>Derby Port</b>	Mt Gibson Iron (Koolan Island Operations)	No action required	Derby Port (SW Side Nr Boat Slipway.	21	TBC	30/04/2038

<b>Fitzroy X Community</b>	Fitzroy Valley Rodeo Club	No action required	Lot 106, Reserve 36669 on Deposited Plan 213657			7/09/2035
<b>Fitzroy X Community</b>	Department of Education	No action required	Lot 199 on Deposited Plan 186944 and being the whole of the land in qualified certificate of crown land Title Volume 3146 Folio 699	N/A	N/A	30/09/2031
<b>Fitzroy X Community</b>	Department of Education	No action required	Lot 199 on Deposited Plan 186944 and being the whole of the land in qualified certificate of crown land Title Volume 3146 Folio 699	N/A	N/A	31/12/2029
<b>Fitzroy X Community</b>	Karrayili Adult Education Centre	No action required	Reserve 36824 Flynn Drive, Fitzroy Crossing	17	No	30/06/2039
<b>Fitzroy X Community</b>	The Housing Authority	Formalise with DoE/Housing Authority in August 2024 to confirm the extension, which ideally needs to be undertaken between 24 September and 24 December 2024 (vis. clause 26 - between 6 and three months from expiry).	Lot 199, Reserve 39671, Fitzroy Crossing	10	6	24/03/2025
<b>Fitzroy X Community</b>	Regional Power Corp. (trading as Horizon Power)	No action required	Lot 302 on Deposited Plan 76781, being the whole of the land contained in Qualified Certificate of Crown land title volume LR3163 Folio 729, being located at Lot 302 Gret Northern Hwy, Fitzroy Crossing	10	See item 2.3 of agreement	30/06/2032

<b>Fitzroy Crossing Airport</b>	Fuel Trans Australia Pty Ltd	No action required	FX Airport PT Reserve 20668 LOC 32, 40, 47 & 72, Area 1	10	10	14/05/2033
<b>Fitzroy Crossing Airport</b>	Fitzroy Helicopters	No action required	FX Airport PT Reserve 20668 LOC 32, 40, 47 & 72, Area 2	10	10	26/05/2031
<b>Fitzroy Crossing Airport</b>	Fitzroy Helicopters I52145 Original in Strong Room	No action required	FX Airport Area 3	10	10	19/04/2027
<b>Fitzroy Crossing Airport</b>	All North Helicopters	No action required	FX Airport PT Reserve 20668 LOC 32, 40, 47 & 72	10	-	12/02/2027
<b>Fitzroy Crossing Airport</b>	Bureau of Meteorology	No action required	Fitzroy Crossing Crown Land Record Volume 3101 265	10	No	31/03/2022

- Neil Hartley to manage
- No action required, lease is insitu
- Liz progressing - Awaiting information (signatures etc)
- Council agenda item
- Vacant and can be leased
- On Hold

## 8.4 OVERVIEW OF GRANTS AND FUNDING OPPORTUNITIES - MAY TO JULY 2024

**File Number:** GS/055

**Author:** Christie Mildenhall, Manager Community Services

**Responsible Officer:** Tamara Clarkson, Acting Chief Executive Officer

**Authority/Discretion:** Executive

### SUMMARY

This report provides an overview of the funding opportunities investigated and sought by Officers and seeks Council support for the proposed projects. This report provides a quarterly update regarding the outcome of applications submitted this financial year, covering grant activity from the period 1 May to 31 July 2024.

The purpose of this report is to inform Council about how community and program grants are obtained, and how the funding risk is being managed by Shire Officers.

Funding received annually and ongoing including Financial Assistance Grants, Roads and other infrastructure grants are registered and tracked separately currently.

### DISCLOSURE OF ANY INTEREST

Nil by Author or Responsible Officer.

### BACKGROUND

The Shire of Derby / West Kimberley relies heavily on grant and other funding opportunities to support the delivery of projects, programs, services, and events. This report provides an overview of the funding which is confirmed or applied for (and pending outcome) during the period 1 May to 31 July 2024.

### STATUTORY ENVIRONMENT

Part 6 – Financial Management of the *Local Government Act 1995* provides for the financial management of local governments.

### POLICY IMPLICATIONS

The following policies should be considered in relation to this report;

- PC1 – Risk and Opportunity Management Policy
- F3 – Significant Accounting Policies
- F19 – Community Funding Scheme

### FINANCIAL IMPLICATIONS

This report outlines funding which has been obtained or is being sought to support the delivery of projects, programs, services and events of the Shire. With the exception of multi-year grants most of these grants are not included in the 2024/25 financial year budget as they had not been confirmed at the time of the budget being developed. Where grants have been obtained that were not included in the budget Council these grants will be incorporated into the budget as part of the first quarter budget review.

**STRATEGIC IMPLICATIONS**

<b>GOAL</b>	<b>OUR PRIORITIES</b>	<b>WE WILL</b>
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.4 Attract and effectively use resources to meet community needs

**RISK MANAGEMENT CONSIDERATIONS**

<b>RISK</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	<b>RISK ANALYSIS</b>	<b>MITIGATION</b>
<b>Business Interruption:</b> Lack of funding may result in the non-performance of functions	Likely	Moderate	High	Ensure Shire activities are conducted efficiently to allow spread of funding. Apply for grants wherever possible to support Shire’s activities. Delay commencement of activities until funding is confirmed.
<b>Financial:</b> Poor management of grant funding may impact the Shire’s ability to get funding in the future.	Likely	Moderate	High	Ensure a process is established and implemented to allow good governance and compliance of grant funding.
<b>Organisation's Operations:</b> Lack of processes relating to grant management may result in failure to meet grant requirements and deliver funded programs.	Likely	Moderate	High	Ensure a process is established and implemented to allow good governance and compliance of grant funding.

**CONSULTATION**

Executive team and finance contributed to the structure and content of this report.

**COMMENT**

To support the projects, programs and services of the Shire a number of funding arrangements are entered into with a variety of Government (State and Federal) agencies, not for profit organisations and philanthropic foundations. Some of the funding received is used to allow the Shire to deliver its core business which is focused on community services and supports. Other funding is used to provide ‘add on’ activities for which the community expects the Shire to do. In many cases, if the Shire does not receive this funding the projects will not go ahead.

Below is a summary of the grants which have been applied for during this reporting period and the outcome of those applications and grants which have been acquitted.

In the case of some of the larger grants the funders seek confirmation that the project has been approved by Council prior to executing the funding agreements. Council is requested to provide their support for these projects.

Funding received during the period 1 May to 31 July 2024

Grant Program and Funder	Project Description	Funding Received (Ex GST)	Funding Period
<b>RECREATION AND CULTURE - OTHER CULTURE (Community Development)</b>			
Regional Events Scheme – Tourism WA	Sponsorship of Kimberley Art and Photographic Prize	\$15,000	Exhibition Period
Streets Alive – Town Team Movement	Community consultation to identify initiatives to improve road safety in the area around Marmion / Rowan Street, McGovern way, Ashley, Heytesbury and Kunamarra Streets, Derby.	\$5,000	1 July 2024 to 31 March 2025
<b>TOTAL AMOUNT - OTHER CULTURE</b>		<b>\$20,000</b>	
<b>RECREATION AND CULTURE - LIBRARIES</b>			
LBW Trust & Friends of Libraries Australia	Purchase of smart TV and trolley stand for Derby Library.	\$1,500	One-off
Public Library Materials Funding Allocation – State Library of Western Australia	Provision of physical and online resources for the libraries.	Value \$32,200 (non-cash funding)	Annual
<b>TOTAL AMOUNT LIBRARY SERVICES</b>		<b>\$1,500 cash, \$32,200 materials</b>	
<b>EDUCATION AND WELFARE – OTHER WELFARE (Youth Services)</b>			
Youth Partnership Agreement - Rio Tinto / Pilbara Iron Ore	Variation to existing youth partnership agreement	\$10,000 additional to existing agreement	One-off
Cash donation - Mount Gibson Iron Ore	Cash donation to purchase tickets to the 2024 Mowanjum Festival and 2024 Derby Rodeo and Campdraft	\$1,500	One-off
<b>TOTAL AMOUNT – OTHER WELFARE</b>		<b>\$11,500</b>	
<b>HEALTH - Aboriginal and Environmental Health Unit</b>			
Department of Primary Industries and Regional Development – Animal Welfare Grant (Round 4)	Animal de-sexing program in remote communities	\$50,000	1 July to 30 June 2025
<b>TOTAL AMOUNT - ABORIGINAL ENVIRONMENTAL HEALTH UNIT</b>		<b>\$50,000</b>	
<b>TOTAL FUNDING RECEIVED</b>		<b>\$83,000 cash, \$32,200 materials</b>	

Unsuccessful applications

Grant Program and Funder	Project Description	Funding Requested (Ex GST)	Comment / Implication
Department of Communities - Australian Early Development Census	In partnership with the Derby Early Years Network, implement the Making TRAKS program which analysed AEDC results and seeks to improve early childhood outcomes for Derby.	\$75,000	Add-on project. No impact on core operational business.
Department of Infrastructure – Housing Support Program	Enhancing planning and development services capacity through improved processes, systems, employment pathways.	\$1,160,000	Add-on project. Funding would have provided for the recruitment of trainee planning staff and service improvements.
National Australia Bank – Community Grants	Bench seating to Fitzroy Crossing Rec Centre. Funds for long table dinner.	\$20,000	Add-on project. No impact for program delivery. Have identifies alternative funding source for Long Table Dinner event.
<b>TOTAL AMOUNTS</b>		<b>\$1,255,000.00</b>	

Applications pending outcome

Grant Program and Funder	Project Description	Funding Requested (Ex GST)	Expected Shire Contribution (Ex GST)	Funding Period	Expected Notification of Outcome
Department of Social Services – Strong and Resilient Communities	Youth activities with partnership referral program focussing on community, culture, education.	\$354,020 across two years	Nil	1 July 2024 to 30 June 2026	30 May 2024
Department of Health – Play Our Way Stream 1	Funding for facility upgrades (lights and changerooms) at Derby Rec Centre and Derby Town Oval to encourage women’s participation in sport	\$2,302,000 across two years	\$303,000 across two years (project management, staffing)	1 August 2024 to 30 Jun 2027	10 June 2024
Department of Health – Play Our Way Stream 2	Female sports participation program in Derby and Fitzroy Crossing	\$765,160 across 2 years	\$177,000 across 2 years (in-kind staffing, facilities and promotion)	1 August 2024 to 27 June 2026	10 June 2024

Department of Infrastructure - Regional Precincts and Partnerships Program – Stream 1 (Precinct development and planning)	Derby Recreation Precinct and other sporting facilities master planning	\$669,448 across the project	Nil	1 August 2024 to 30 September 2025	30 June 2024 * Note – assessment of round 1 was announced 5 months later than expected.
Bridge Alliance – Community Partnership	Provision of cooking equipment for the Fitzroy Crossing Youth Cooking Program	\$50,000	Nil	TBC	September 2024
Thank a Volunteer Day – Department of Communities	Thank a Volunteer Day event in Derby	\$1,000.00	\$3,500 cash, approx. \$4,300 in-kind	5 December 2024	24 October 2024
2024 Community Stewardship Grants (Large) – Department of Primary Industries and Regional Development	Auspiced an application for the Land Alliance / Fitzroy Fire Forum to implement supports for stations and communities in the valley to reduce fire risk	\$436,600	In-kind only	1 January 2025 to 30 June 2028	Unsure
WA Football Facilities Fund (Small grants) – WA Football Commission	Upgrade to playing facilities at Fitzroy Crossing	\$50,000	In-kind	1 November 2024 to 30 June 2025	Unsure
<b>TOTAL AMOUNTS</b>		<b>\$4,140,628.00</b>			

Whilst the Shire is the recipients of funding support from Federal and State Government, not for profit organisations and philanthropic organisations the Shire also provides supports to local community groups. Below is an overview of the support the Shire has given the community during the 2023/24 financial year (as at 31 July).

Community Development Grants;

Nil – no applications received for round 4 of the 2023/24 Community Development Grants Program.

Events sponsorship approved in the 2023/24 budget

Nil – no requests received for event sponsorship

Ad-hoc requests considered by Council;

Organisation Name	Description Project	Amount (ex GST)
Derby Netball Association Inc.	Assistance to send an Under 17's team to the North West Regional Netball Championships	\$5,000.00
Winun Ngari Aboriginal Corporation	Funding for NAIDOC Family Fun Day	\$2,727.27
<b>TOTAL</b>		<b>\$7,727.27</b>

Throughout the year the Shire has also provided a number of in-kind donations which have not been captured in the above decisions of Council. These include;

- Admin support for event planning,
- Event support / assistance,
- Equipment hire – tables, chairs, PA systems, projector screens,
- Facility hire,
- Ground works (e.g.: grass slashing, erection of temporary fences), and
- Marketing and promotion.

This report will be provided to the Audit and Risk Committee on a quarterly basis to provide an updated list of funding programs and applications. Report will include update on above listed funded programs, and the newly identified funding opportunities

#### VOTING REQUIREMENT

Simple majority

#### ATTACHMENTS

Nil

#### COMMITTEE RESOLUTION AC19/24

**Moved:** Cr Brett Angwin

**Seconded:** Cr Geoff Haerewa

**That the Audit and Risk Committee recommends that Council:**

1. **Notes the summary of grant and funding applications which have been submitted by Officers;**
2. **Provides in principle support for the outlined projects for which funding is being sought; and**
3. **Notes the in-kind and financial supports provided to local community organisations by the Shire.**

In Favour: Mr Peter McCumstie and Crs Andrew Twaddle, Brett Angwin and Geoff Haerewa

Against: Nil

**CARRIED 4/0**

## 8.5 SWIMMING POOL BARRIER INSPECTIONS - RESPONSE TO BUILDING COMMISSIONER

**File Number:** 7035

**Author:** Mark Chadwick, Manager of Development Services

**Responsible Officer:** Tamara Clarkson, Acting Chief Executive Officer

**Authority/Discretion:** Information

### SUMMARY

The purpose of this agenda report is to inform Council of the requirement for private swimming pool barrier inspections to be reported to the Department of Energy, Mines, Industry Regulation and Safety (DMIRS). It also provides Council an update on the status of these inspections year on year between the months 1 July to 30 June.

### DISCLOSURE OF ANY INTEREST

Nil by Author or Responsible Officer.

### BACKGROUND

The Shire of Derby West Kimberley (the Shire) is required to report to the Building Commissioner yearly regarding the current status of private swimming pool barriers inspected throughout the district at the end of each financial year. This letter is provided as attachment 1.

A response has been provided by the CEO regarding the current inspection status of private swimming pool barriers, as attachment 3.

The Department of Energy, Mines, Industry Regulation and Safety monitors trends in the data and publishes a report each year to be tabled in Parliament. The 2022 to 2023 state annual report is provided as attachment 4.

### STATUTORY ENVIRONMENT

The requirement for private swimming pool barrier inspections is stipulated by *regulation 4A of the Building Regulations 2012*. It states;

#### **4A . Authorised persons (s. 93(2)(d))**

(1) *In this regulation —*

*specified Part 8 provisions*, in relation to a designation under subregulation (2), means provisions of Part 8 that are specified in the designation.

(2) *A local government may, by instrument in writing, designate a person as an authorised person to inspect or test existing buildings located in the district of the local government for the purpose of monitoring whether specified Part 8 provisions are being complied with.*

(3) *A person may be designated under subregulation (2) for a fixed or indefinite period.*

(4) *A local government may, by instrument in writing, revoke a designation under subregulation (2) at any time."*

In December 2023, the *Building Amendment Regulations 2023* came into effect which introduced a new authorised person pathway for contractors undertaking inspections of safety barriers to private swimming pools.

This information refers to the regulations mentioned above.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

There are no financial implications as part of this report.

**STRATEGIC IMPLICATIONS**

GOAL	OUR PRIORITIES	WE WILL
2. Community	2.1 Safe Communities	2.1.1 Encourage community safety to be a whole-of-community responsibility

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<p><b>Legal &amp; Compliance:</b> The Shire is required to arrange and keep a list of private swimming pool barriers that are due for inspection on an ongoing basis as required by <i>regulation 4A of the Building Regulations 2012.</i></p>	Almost Certain	Moderate	Low	The Shire has an existing list of private swimming pool barriers which is available to officers responsible and reporting agencies. The list is used to schedule inspections when they are due i.e. every four years.

**CONSULTATION**

The Manager Community Environments has consulted with the Senior Technical Officer, Building and Energy Division of the Department of Energy, Mines, Industry Regulation and Safety regarding the responsibilities, obligations and reporting requirements of private swimming pool barrier inspections. The consultation is provided in attachment 2. It provides comments regarding the opportunities for Council to appoint contractors and training of authorised persons.

**COMMENT**

The number and status of private swimming pools inspected is summarised in the following table;

COMPLIES CURRENTLY	94
NOT COMPLIANT CURRENTLY	0
OUTSTANDING INSPECTIONS	5
<b>TOTAL</b>	<b>99</b>

The Shire has since written to DEMIRS to inform them of the above and that the reason five (5) of the private pools are currently outstanding is that staff have made multiple attempts to contact

them. The Shire has and will continue to correspond with each outstanding pool owner and the staff will continue to visit each site.

The majority of private swimming pools are due for four-year inspections from March 2025.

### VOTING REQUIREMENT

Simple majority

### ATTACHMENTS

1. Swimming Pool Letter DMIRS [↓](#) 
2. Email from Martin Roddis DMIRS [↓](#) 
3. Response letter to Building Commissioner on Status of Private Swimming Pools [↓](#) 
4. Progress Report to DMIRS 2022 to 2023 [↓](#) 

### COMMITTEE RESOLUTION AC20/24

**Moved:** Cr Geoff Haerewa

**Seconded:** Cr Brett Angwin

**That the Audit and Risk Committee:**

1. Notes the response to the Building Commissioner for the status of Private Swimming Pools, as submitted by the CEO; and
2. Notes the associated attachments provided in this report.

**In Favour:** Mr Peter McCumstie and Andrew Twaddle, Brett Angwin and Geoff Haerewa

**Against:** Nil

**CARRIED 4/0**



Department of Energy, Mines,  
Industry Regulation and Safety



27 June 2024

Our Ref: A77744786

Enquiries: Martin Roddis 6251 1012

Ms Amanda Dexter  
Chief Executive Officer  
Shire of Derby-West Kimberley

CEO@sdwk.wa.gov.au

Dear Ms Dexter

**FORMAL REQUEST FOR INFORMATION – POOL INSPECTION REPORT  
2023-24**

In response to recommendation 7 of the Ombudsman Western Australia report *Investigation into ways to prevent or reduce deaths of children by drowning* (Ombudsman Western Australia, 2017), I am preparing an annual report to the Parliament on progress made by local governments in carrying out their private swimming pool safety barrier inspections.

In accordance with regulation 53B of the Building Regulations 2012 (the Regulations), please provide the following information for the period 1 July 2023 to 30 June 2024:

1. the number of private swimming pools in your district that were subject to Part 8 Division 2 of the Regulations as at 30 June 2024;

Of those private swimming pools:

2. the number that were inspected between 1 July 2023 and 30 June 2024;
3. the number that were not inspected by an authorised person, at an inspection arranged under regulation 53(2)(b) of the Regulations, within four years of its previous inspection (i.e. safety barriers that were last inspected\* prior to 1 July 2020).

\* *'inspected' means a local government authorised person has physically attended the property and has completed an inspection of the pool safety barriers to monitor if the barrier is compliant with the Regulations.*

Should your local government have pools that have not been inspected within the required four-year period, you are encouraged to provide a short summary of reasons as to why this has not occurred. Building and Energy will likely include a summary of those responses in the report.

I would appreciate your response to me by **Thursday 1 August 2024** by email to [pools@dmirs.wa.gov.au](mailto:pools@dmirs.wa.gov.au).

- 2 -

If you require assistance in this matter, please contact Mr Martin Roddis, Senior Technical Officer on 6251 1012 or by email to [martin.roddis@dmirs.wa.gov.au](mailto:martin.roddis@dmirs.wa.gov.au).

Thank you for your cooperation with this important safety initiative.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Saj Abdoolakhan', with a long horizontal flourish extending to the right.

Saj Abdoolakhan  
**BUILDING COMMISSIONER**

**Mark Chadwick**

**From:** Pool Review <PoolReview@dmirs.wa.gov.au>  
**Sent:** Monday, 8 July 2024 10:13 AM  
**To:** Mark Chadwick  
**Subject:** RE: Inspectors for 2024

Hi Mark

Thank you for the email.

Please note that the Building Amendment Regulations 2023 came into effect in December 2023 and introduced a new authorised person pathway (regulation 4A of the Building Regulations 2012) for contractors undertaking inspections of safety barriers to private swimming pools.

Inspectors are required to be authorised persons to carry out their function of inspecting the safety barrier to a private swimming pool.

For the purpose of safety barrier inspections, authorised persons are not limited to being employees, with contractors able to fulfil the role.

The designation of an authorised person by the local government must be in a written document/record.

Authorised persons can have more powers than just safety barrier inspections, including, but not limited to:

- powers of entry,
- seize a record or document,
- direct a person to provide certain information or do something particular,
- conduct an inspection or test,
- use assistance and force,
- apply to a JP for an entry warrant,
- take action specified in a building order,
- cause specified actions to cease as detailed in a building order,
- for the purpose of an occupancy permit, to inspect or test equipment, machinery or systems, on a specified day, at specified intervals or when a specified event occurs,

It is important that the authorised person only have the appropriate powers for their particular role. The powers of the authorised person should be limited in the written document/record of the authorised person’s designation or by written notice to the authorised person from the local government.

The authorised person is required to have an identity card. The card must identify the person as being an authorised person and contain a recent photograph of the person.

An authorised person must carry the identity card with them at all times when exercising powers or performing functions of an authorised person.

The identity card should be produced for the property owner/occupier prior to the exercise of any power. Alternatively the identity card can be displayed so that it is clearly visible. However, the card can be produced at the first reasonable opportunity where the above cannot be done for any practical reason.

Within 14 days of ceasing to be an authorised person the identity card must be returned to the permit authority.

<b>Simplified table of common delegations and authorisations for safety barrier inspections</b>	
<b>Authorised person</b>	<ul style="list-style-type: none"> <li>• Inspect safety barriers to private swimming pools</li> <li>• Powers of entry</li> </ul>

	<ul style="list-style-type: none"> <li>• ID card</li> </ul>
<b>Authorised officer; and Authorised person</b>	<ul style="list-style-type: none"> <li>• Issue infringement notices</li> </ul>
<b>Approved officer; and Delegated authority by CEO</b>	<ul style="list-style-type: none"> <li>• Withdrawing or extending the time of infringement notices</li> </ul>
<p>Notes:</p> <ul style="list-style-type: none"> <li>• a person cannot be both an authorised officer and an approved officer.</li> <li>• the designation of an authorised person for the purpose of safety barrier inspections is not the same as the appointment of an authorised person for the purposes of issuing an infringement notice as an authorised officer.</li> </ul>	

Building and Energy have published guidance available on the [Local Government Extranet](#) as well as its [swimming pool webpage](#) that can assist inspectors. Typically, in November/December, Building and Energy typically conduct professional development for pool inspectors.

I hope this helps.

Kind regards

**Martin Roddis** | Senior Technical Officer  
Building and Energy Division

**Department of Energy, Mines, Industry Regulation and Safety**  
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**Department of Energy, Mines, Industry Regulation and Safety**

We respectfully acknowledge Aboriginal peoples as the Traditional Custodians of this land on which we deliver our services to the communities throughout Western Australia. We acknowledge their enduring connection to the lands, waterways and communities and pay our respects to Elders past and present.

**From:** Mark Chadwick <Mark.Chadwick@sdwk.wa.gov.au>  
**Sent:** Wednesday, July 3, 2024 2:34 PM  
**To:** Pool Review <PoolReview@dmirs.wa.gov.au>  
**Subject:** Inspectors for 2024

You don't often get email from [mark.chadwick@sdwk.wa.gov.au](mailto:mark.chadwick@sdwk.wa.gov.au). [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender's full email address and know the content is safe.

Hi

Previously I called about having inspectors provided delegations and ID to conduct swimming pool barrier inspections.

Previously the Shire used a consultant and we are hoping we can add new staff names to the list including an ID and whether any training is offered by DMIRS?

Regards

**Mark Chadwick**

Manager Community Environments

P 9191 0999

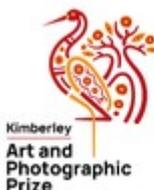
E [Mark.Chadwick@sdwk.wa.gov.au](mailto:Mark.Chadwick@sdwk.wa.gov.au)



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*The Shire of Derby/West Kimberley acknowledges the Traditional Owners of the lands on which we live, learn and work, and pay our respects to Elders past and present.*



**Event Dates**

- Opening Night:** 29 June 2024
- Exhibition:** June 30 - July 13 2024
- Auction:** 13 July 2024



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**OUR REF:** 7035  
**YOUR REF:** A77744786  
**DATE:** 1 August 2024

Saj Abdoolakhan  
Building Commissioner  
Department of Energy, Mines, Industry Regulation and Safety  
Locked Bag 100  
East Perth WA 6892

Via email: [pools@dmirs.wa.gov.au](mailto:pools@dmirs.wa.gov.au)

Dear Saj

**FORMAL REQUEST FOR INFORMATION - POOL INSPECTION REPORT 2023-24**

Thank you for your letter dated 27 June 2024.

The Shire of Derby/West Kimberley responds to items 1 to 3 as follows;

1. The number of private swimming pools in the district that were subject to Part 8 Division 2 of the Regulations as at 30 June 2024 is 99.

Of those private swimming pools:

2. The number that were inspected between 1 July 2023 and June 2024 is 3.
3. The number that were not inspected by an authorised person at an inspection arranged under regulation 53 (2) (b) of the Regulations within four years of its previous inspection is 5.

The reason private swimming pools have not been inspected within the required four-year period is due to the Shire not yet receiving a response from multiple attempts to the private swimming pool owners, follow up with these properties will be undertaken this month.

If you require further information please contact Mark Chadwick via email [mark.chadwick@sdwk.wa.gov.au](mailto:mark.chadwick@sdwk.wa.gov.au).

Yours sincerely



Amanda Dexter  
Chief Executive Officer

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Government of **Western Australia**  
Department of **Mines, Industry Regulation and Safety**



# Progress report

## Local governments' periodic inspections of private swimming pool safety barriers



**2022/23**

Local governments' periodic inspections of private swimming pool safety barriers 2022/23

## Executive summary

This Report has been prepared by the Department of Mines, Industry Regulation and Safety - Building and Energy Division (Building and Energy).

Pool safety barriers are known to be effective in helping to restrict the unsupervised access of young children into swimming pool areas, reducing the likelihood of a drowning incident.

Local governments are required to inspect the safety barriers of private swimming pools within their district at intervals not exceeding four years. These inspections monitor the compliance of those safety barriers. Local governments have powers under the *Building Act 2011* to assist them in enforcing compliance.

Local governments were formally requested to voluntarily provide data on their pool safety barrier inspection progress in June 2023. An early notification email was sent in March, and a reminder email in July to those that had not yet responded. The due date was 1 August. Where responses were received after this date they have been included in the Report where possible.

Of 139 local governments in Western Australia, 135 provided a response prior to the preparation of this Report. Where a local government's data was not received it has been recorded in the Report as 'Data not provided by deadline'.

This Report is the fifth annual report on the progress of local governments' pool inspection programs and is in response to recommendation 7 of the Ombudsman WA report [Investigation into ways to prevent or reduce deaths of children by drowning](#), tabled in Parliament on 23 November 2017.

Building and Energy is currently undertaking a review of the regulatory requirements for pools and their safety barriers. It is anticipated that the provision of the data presented in this Report will become a mandatory annual requirement for local governments.

Some local governments, in their responses, detailed reasons why some inspections had not been conducted within the four year maximum period. These included:

- the vast size of some local government districts (predominantly regional areas);
- competing workloads and projects;
- difficulties organising access to some properties; and
- staff resourcing.

Summary	2022/23	2021/22	2020/21	2018/19	2017/18
Total number of pools	175,535	170,975	166,709	161,960	159,183
Total number pools overdue	2,722	2,571	2,673	2,545	3,632
Total pools overdue %	1.6%	1.5%	1.6%	1.6%	2.3%
Local governments with overdue inspections	52	49	54	40	44
Local governments that did not provide data	4	9	14	17	20

Local governments' periodic inspections of private swimming pool safety barriers 2022/23

### Progress report - Local governments' periodic inspections of private swimming pool safety barriers 2022/23

Local government	Total no. pools	Inspected in 2022/23	Overdue	Overdue Percentage
City of Albany	135	44	2	1.5%
City of Armadale	5,318	2,006	0	0.0%
Shire of Ashburton	537	0	323	60.1%
Shire of Augusta-Margaret River	242	167	75	31.0%
Town of Bassendean	866	20	0	0.0%
City of Bayswater	3,037	674	0	0.0%
City of Belmont	1,249	232	163	13.1%
Shire of Beverley	30	3	0	0.0%
Shire of Boddington	58	13	1	1.7%
Shire of Boyup Brook	4	0	0	0.0%
Shire of Bridgetown-Greenbushes	50	2	0	0.0%
Shire of Brookton	22	22	0	0.0%
Shire of Broome	1,867	524	0	0.0%
Shire of Broomehill-Tambellup	9	9	0	0.0%
Shire of Bruce Rock	8	0	0	0.0%
City of Bunbury	1,342	426	0	0.0%
City of Busselton	1,827	418	5	0.3%
Town of Cambridge	3,543	921	32	0.9%
City of Canning	6,287	2,142	56	0.9%
Shire of Capel	1,192	385	0	0.0%
Shire of Carnamah	1	1	0	0.0%

Local governments' periodic inspections of private swimming pool safety barriers 2022/23

### Progress report - Local governments' periodic inspections of private swimming pool safety barriers 2022/23

Local government	Total no. pools	Inspected in 2022/23	Overdue	Overdue Percentage
Shire of Carnarvon	109	6	84	77.1%
Shire of Chapman Valley	140	0	62	44.3%
Shire of Chittering	64	48	16	25.0%
Shire of Christmas Island	5	5	0	0.0%
Town of Claremont	879	224	0	0.0%
City of Cockburn	8,108	1,705	9	0.1%
Shire of Cocos (Keeling) Islands	2	0	0	0.0%
Shire of Collie	334	83	0	0.0%
Shire of Coolgardie	99	13	0	0.0%
Shire of Coorow	30	27	1	3.3%
Shire of Corrigin	16	17	0	0.0%
Town of Cottesloe	757	207	0	0.0%
Shire of Cranbrook	unknown	0	unknown	
Shire of Cuballing	38	38	0	0.0%
Shire of Cue	7	0	0	0.0%
Shire of Cunderdin	13	7	0	0.0%
Shire of Dalwallinu	17	2	1	5.9%
Shire of Dandaragan	69	3	5	7.2%
Shire of Dardanup	936	287	0	0.0%
Shire of Denmark	12	0	0	0.0%
Shire of Derby-West Kimberley	82	0	1	1.2%

Local governments' periodic inspections of private swimming pool safety barriers 2022/23

### Progress report - Local governments' periodic inspections of private swimming pool safety barriers 2022/23

Local government	Total no. pools	Inspected in 2022/23	Overdue	Overdue Percentage
Shire of Donnybrook-Balingup	201	26	0	0.0%
Shire of Dowerin	6	6	0	0.0%
Shire of Dumbleyung	12	0	1	8.3%
Shire of Dundas	<i>Data not provided by deadline</i>			
Town of East Fremantle	639	0	0	0.0%
Shire of East Pilbara	298	169	29	9.7%
Shire of Esperance	128	26	0	0.0%
Shire of Exmouth	146	23	0	0.0%
City of Fremantle	1,024	391	26	2.5%
Shire of Gingin	275	77	6	2.2%
Shire of Gnowangerup	12	3	0	0.0%
Shire of Goomalling	20	5	0	0.0%
City of Gosnells	7,444	2,351	0	0.0%
City of Greater Geraldton	2,065	600	22	1.1%
Shire of Halls Creek	<i>Data not provided by deadline</i>			
Shire of Harvey	1,663	609	0	0.0%
Shire of Irwin	166	3	11	6.6%
Shire of Jerramungup	1	0	0	0.0%
City of Joondalup	23,140	7,737	0	0.0%
City of Kalamunda	5,821	1,377	2	0.0%
City of Kalgoorlie-Boulder	2,309	307	656	28.4%

Local governments' periodic inspections of private swimming pool safety barriers 2022/23

### Progress report - Local governments' periodic inspections of private swimming pool safety barriers 2022/23

Local government	Total no. pools	Inspected in 2022/23	Overdue	Overdue Percentage
City of Karratha	1,999	506	0	0.0%
Shire of Katanning	110	14	0	0.0%
Shire of Kellerberrin	20	20	0	0.0%
Shire of Kent	6	1	0	0.0%
Shire of Kojonup	17	0	0	0.0%
Shire of Kondinin	3	0	0	0.0%
Shire of Koorda	3	3	0	0.0%
Shire of Kulin	7	0	0	0.0%
City of Kwinana	1,873	863	0	0.0%
Shire of Lake Grace	11	2	0	0.0%
Shire of Laverton	1	1	0	0.0%
Shire of Leonora	4	4	0	0.0%
City of Mandurah	6,304	2,264	8	0.1%
Shire of Manjimup	64	18	0	0.0%
Shire of Meekatharra	2	2	0	0.0%
City of Melville	10,738	2,221	0	0.0%
Shire of Menzies	0	0	0	0.0%
Shire of Merredin	101	21	5	5.0%
Shire of Mingenew	28	4	6	21.4%
Shire of Moora	74	0	0	0.0%
Shire of Morawa	0	0	0	0.0%

Where total number of pools is recorded as '0' this indicates the local government has no registered pools in their jurisdiction.

Local governments' periodic inspections of private swimming pool safety barriers 2022/23

### Progress report - Local governments' periodic inspections of private swimming pool safety barriers 2022/23

Local government	Total no. pools	Inspected in 2022/23	Overdue	Overdue Percentage
Town of Mosman Park	963	374	36	3.7%
Shire of Mount Magnet	8	0	2	25.0%
Shire of Mount Marshall	5	5	0	0.0%
Shire of Mukinbudin	2	0	1	50.0%
Shire of Mundaring	3,756	1,496	155	4.1%
Shire of Murchison	0	0	0	0.0%
Shire of Murray	1,245	225	0	0.0%
Shire of Nannup	11	0	1	9.1%
Shire of Narembeen	12	0	0	0.0%
Shire of Narrogin	138	11	0	0.0%
City of Nedlands	3,019	697	0	0.0%
Shire of Ngaanyatjaraku	0	0	0	0.0%
Shire of Northam	528	130	57	10.8%
Shire of Northampton	173	44	68	39.3%
Shire of Nungarin	0	0	0	0.0%
Shire of Peppermint Grove	280	81	0	0.0%
Shire of Perenjori	5	4	1	20.0%
City of Perth	221	109	0	0.0%
Shire of Pingelly	34	6	0	0.0%
Shire of Plantagenet	18	17	0	0.0%
Town of Port Hedland	947	605	44	4.6%

Where total number of pools is recorded as '0' this indicates the local government has no registered pools in their jurisdiction.

Local governments' periodic inspections of private swimming pool safety barriers 2022/23

### Progress report - Local governments' periodic inspections of private swimming pool safety barriers 2022/23

Local government	Total no. pools	Inspected in 2022/23	Overdue	Overdue Percentage
Shire of Quairading	<i>Data not provided by deadline</i>			
Shire of Ravensthorpe	0	0	0	0.0%
City of Rockingham	10,991	3,193	4	0.0%
Shire of Sandstone	3	2	0	0.0%
Shire of Serpentine-Jarrahdale	2666	659	16	0.6%
Shire of Shark Bay	7	6	1	14.3%
City of South Perth	2,966	1,235	495	16.7%
City of Stirling	13,280	3,473	13	0.1%
City of Subiaco	773	90	15	1.9%
City of Swan	8,877	3,355	3	0.0%
Shire of Tammin	1	1	0	0.0%
Shire of Three Springs	2	2	0	0.0%
Shire of Toodyay	102	3	76	74.5%
Shire of Trayning	3	0	0	0.0%
Shire of Upper Gascoyne	<i>Data not provided by deadline</i>			
Town of Victoria Park	987	0	0	0.0%
Shire of Victoria Plains	19	18	1	5.3%
City of Vincent	1,215	266	44	3.6%
Shire of Wagin	82	1	0	0.0%
Shire of Wandering	20	20	0	0.0%
City of Wanneroo	15,295	3,485	20	0.1%

Where total number of pools is recorded as '0' this indicates the local government has no registered pools in their jurisdiction.

Local governments' periodic inspections of private swimming pool safety barriers 2022/23

### Progress report - Local governments' periodic inspections of private swimming pool safety barriers 2022/23

Local government	Total no. pools	Inspected in 2022/23	Overdue	Overdue Percentage
Shire of Waroona	194	70	5	2.6%
Shire of West Arthur	4	0	0	0.0%
Shire of Westonia	0	0	0	0.0%
Shire of Wickepin	2	0	0	0.0%
Shire of Williams	28	0	1	3.6%
Shire of Wiluna	0	0	0	0.0%
Shire of Wongan-Ballidu	36	0	0	0.0%
Shire of Woodanilling	10	0	0	0.0%
Shire of Wyalkatchem	17	0	9	52.9%
Shire of Wyndham-East Kimberley	308	81	23	7.5%
Shire of Yalgoo	0	0	0	0.0%
Shire of Yilgarn	35	15	0	0.0%
Shire of York	171	144	23	13.5%
<b>TOTAL:</b>	<b>175,535</b>	<b>50,258</b>	<b>2,722</b>	<b>1.6%</b>

Where total number of pools is recorded as '0' this indicates the local government has no registered pools in their jurisdiction.

**Department of Mines, Industry Regulation and Safety  
Building and Energy**

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National Relay Service: 13 36 77

Quality of service feedback line: 1800 304 059

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At 4:15 pm, Cr Geoff Davis entered to the meeting.

## **8.6 ENVIRONMENTAL HEALTH COMPLIANCE PROCESS AND ANNUAL REPORTING UNDER THE FOOD ACT 2008 AND PUBLIC HEALTH ACT 2016**

**File Number:** 7035

**Author:** Mark Chadwick, Manager of Development Services

**Responsible Officer:** Tamara Clarkson, Acting Chief Executive Officer

**Authority/Discretion:** Information

### **SUMMARY**

The purpose of this report is to inform Council of activities undertaken by the Shires Environmental Health team function and of the requirement to report on certain activities to the Department of Health Western Australia annually.

### **DISCLOSURE OF ANY INTEREST**

Nil by Author or Responsible Officer.

### **BACKGROUND**

Environmental Health is a service function provided by the Shire of Derby West Kimberley (SDWK) which aims to protect, reduce and mitigate health hazards associated with diseases such those caused by mosquito's, contaminated food, overcrowded accommodation, polluted drinking water, effluent any many others. The service assesses health risks in the environment, develops mitigation strategies, enforces and monitors local laws and regulations governing public health, in order to uphold and advance good environmental health practices that aims to safeguard and enhance human health.

The Department of Health Western Australia requires local government enforcement agencies to submit an annual report on their performance under the:

- *Food Act 2008 (section 121)*
- *Public Health Act 2016 (section 22)*

Reports are mandatory and must be submitted each financial year between 1 July to 31 August. Examples of the Food Act 2008 and Public Health Act 2016 reports are provided as attachment 3 and 4 respectively.

These reports assist the CEO of the Department of Health and the Chief Health Officer to anticipate: issues associated with the administration of public health legislation, gauge the level of consistency in which public health legislation is being administered across WA and identify knowledge gaps and areas for future policy development.

The Department of Health releases at the completion of each financial year an online reporting template, which includes details on what a local government will be required to report on. This guideline for the report is provided as attachment 2.

**STATUTORY ENVIRONMENT**

The following Acts and Regulations that are also used when ensuring health premises and other businesses are compliant within the shire. Officers are delegated powers and authorisations under most of the following acts and regulations to undertake their normal duties. These are as follows:

**Environmental health hazards**

*Health (Miscellaneous Provisions) Act 1911*

*Food Regulations 2009*

*Construction Camp Regulations*

*Fly Eradication Regulations*

*Health (Air-handling and Water Systems) Regulations 1994*

*Health (Asbestos) Regulations 1992*

*Health (Construction Work) Regulations 1973*

*Health Act (Laundries and Bathrooms) Regulations*

*Health (Public Buildings) Regulations 1992*

*Health (Pesticides) Regulations 2011*

*Health (Prescribed Insect Pests) Regulations 1991*

*Health (Notification of Lead Poisoning) Regulations 1985*

*Registration, Enforcement and Discharge of Local Authority Charges on Land Regulations*

*Sewerage (Lighting, Ventilation and Construction) Regulations 1971*

**Tobacco products control**

*Tobacco Products Control Act 2006*

*Tobacco Products Control Regulations 2006*

**Water**

*Fluoridation of Public Water Supplies Act 1996*

*Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*

*Health (Temporary Sanitary Conveniences) Regulations 1997*

*Health Act (Underground Water Supply) Regulations 1959*

*Health (Aquatic Facilities) Regulations 2007*

In addition, the service function also enforces other legislation relevant to **Waste Facilities** and reporting, **Contaminated sites**, **Environmental Protection** and others, which are not the subject of this agenda report.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

The Shire adopts a budget each year to ensure the legislative requirements are being met.

**STRATEGIC IMPLICATIONS**

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.1 Collaboration and partnership	1.2.2 Provide strong governance

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Legal &amp; Compliance:</b> Environmental Health compliance processes support businesses and the community be helping them to comply with regulatory requirements through education, promotion and enforcement strategies.	Likely	Moderate	Low	The Shire mitigates unlawful practices conducted by businesses and in the community by engaging in preventative actions and statutory compliance.

**CONSULTATION**

The Department of Health WA is consulted regarding all aspects of Environmental Health and this includes regular annual reporting as provided in attachment 1. Other stakeholders are also consulted such as Department of Water Environmental Regulation, Department of Energy, Mines, Industry Regulation and Safety, Department of Agriculture and Food, Department of Communities, Department of Housing and others.

**COMMENT**

Environmental health is effectively managed by the staff available within the Shire. An excel spreadsheet is used to track registrations and licences of businesses. General correspondence is also captured in Synergy Soft within the health premises module, and as part of the Shires overall records management system.

The excel spreadsheet generated from the Health Premises module in Synergy, provides the source of data for the annual report provided to the Department of Health WA in attachment 1. This serves as the baseline for registration, licensing and surveillance work carried out by the environmental health team.

Other programs that are implemented within the service include implementing the mosquito management plan, investigation of health-related customer complaints, water sampling, maintaining an asbestos register, development referrals, septic tank approvals, investigation of pollution incidents, annual waste management reporting and others.

Process mapping for the environmental health team is still in progress, whilst an environmental health procedures manual exists it is used as a referral document for all environmental health related procedures. The Department of Health WA has also provided a Public Health Act Manual

which is published on its website. This manual is very detailed (i.e. 119 pages) and provides all the relevant details relating to public health that local government is expected to implement.

### VOTING REQUIREMENT

Simple majority

### ATTACHMENTS

1. **Shire Response to Annual Reporting under the Food Act 20028 and Public Health Act 2016**  
[↓](#) 
2. **Department of Health WA Reporting Guidelines for Annual Reports** [↓](#) 
3. **Food Act Report 2022** [↓](#) 
4. **Public Health Act 2020 Summary** [↓](#) 

### COMMITTEE RESOLUTION AC21/24

**Moved:** Cr Brett Angwin

**Seconded:** Cr Geoff Haerewa

**That the Audit and Risk Committee:**

1. **Notes the response to the Department of Health Western Australia for the Annual Reporting under the Food Act 2008 and Public Health Act 2016, as submitted by Officers; and**
2. **Notes the associated attachments provided in this report.**

**In Favour:** Mr Peter McCumstie and Crs Andrew Twaddle, Brett Angwin, Geoff Davis and Geoff Haerewa

**Against:** Nil

**CARRIED 5/0**

## Response ID ANON-XXMP-2MH8-C

Submitted to 2023-2024 Food Act 2008 and Public Health Act 2016 Reporting  
Submitted on 2024-07-04 09:53:42

## Food Act 2008 and Public Health Act 2016 Reporting

1 What is your Local Government name?

LGA:  
Shire of Derby West Kimberley

## Part A

2 How many Full-time Equivalent (FTE) Public Health Act authorised officers worked in your local government?

Number:  
1.2

3 How many FTE persons that assisted authorised officers with their duties in your LG worked in your LG?

Number:  
0.05

4 Did your local government experienced difficulties recruiting appropriately qualified persons to be designated as authorised officers under the Public Health Act during the reporting period?

Yes

If yes, please specify.:

The Shire appointed a EH technical officer to replace the vacancy of EHO in March 2024.

5 Did your local government have any authorised officers return their certificate of authority (i.e. cease to be authorised officers) during the reporting period?

Yes

If yes, how many?:

1

## Part B

6 What is the number of FTE authorised officers? (as at 30 June 2024)

Number:  
0.1

7 What is the number of FTE authorised officers - persons to assist with the discharge of duties of an authorised officer? (as at 30 June 2024)

Number:  
1

8 If you had Food Act authorised officers who are not Environmental Health Officers, what were their primary qualifications?

Non-EHO qualifications

If non-EHO qualifications, specify type and number of each:

One was qualified from Kenya, the other with Environmental Science degree enrolled in Edith Cowan University. The subsequent EH Technical Officer joined in March 2024.

## Food Businesses

9 What is the total number of food businesses in the enforcement agency's jurisdiction? (as at 30 June 2024)

Number:  
43

10 How many food businesses were assessed at the frequency that was determined by the enforcement agency?

Number:

42

11 How many routine food safety assessments were conducted?

Number:

42

12 What is the number of food businesses by risk rating? (as at 30 June 2024)

High:

3

Medium:

33

Low:

4

Very low/exempt:

0

Not determined/other risk categories used:

2

#### Food Act compliance and enforcement activities

13 Number of prosecutions instigated

Number of prosecutions instigated:

0

14 Number of successful prosecutions

number of successful prosecutions:

0

15 Number of improvement notices served

Number of improvement notices served:

3

16 Number of infringement notices served

Number of infringement notices served:

0

17 Number of prohibition orders served

Number of prohibition orders served:

1

18 Number of seizures performed

Number of seizures performed:

0

#### Part C

19 What is the total number of food businesses captured under Standard 3.3.1? (as at 30 June 2024)

Number:

1

20 Does your LG conduct routine inspections of these premises in addition to reviewing regulatory food safety auditor reports?

No

21 How many of these food businesses have a food safety program that is verified?

Number:

1

22 How many of these food businesses are undergoing regulatory food safety auditing?

Number:

1

23 How many food businesses were not audited at their required frequency?

Number:

0

24 How many regulatory food safety audits led to compliance and enforcement action during the reporting year?

number:

0

### Primary Production and Processing

25 What is the total number of food businesses captured by the Standard/s? (as at 30 June 2024)

Seafood primary producer/processor (other than bivalve molluscs) (Standard 4.2.1):

0

Poultry producer (Standard 4.2.2):

0

Poultry processor (Standard 4.2.2):

0

Meat producer/processor (Australian Standards related to meat and Standard 4.2.3):

0

Dairy primary producer/processor (Standard 4.2.4) Department of Health only:

0

Egg producer/processor (Standard 4.2.5):

0

Seed sprouts producer/processor (Standard 4.2.6):

0

26 How many of these food businesses are registered?

Seafood primary producer/processor (other than bivalve molluscs) (Standard 4.2.1):

0

Poultry producer (Standard 4.2.2):

0

Poultry processor (Standard 4.2.2):

0

Meat producer/processor (Australian Standards related to meat and Standard 4.2.3):

0

Dairy primary producer/processor (Standard 4.2.4) Department of Health only:

0

Egg producer/processor (Standard 4.2.5):

0

Seed sprout producer/processor (Standard 4.2.6):

0

27 How many of these food businesses have a food safety program / management system/ management statement / approved arrangement that has been verified, approved or recognised?

Seafood primary producer/processor (Standard 4.2.1) Department of Health only, not applicable to Division 2 - general seafood safety requirements:  
0

Poultry producer (Standard 4.2.2):  
0

Poultry processor (Standard 4.2.2):  
0

Meat producer/processor (Australian Standards related to meat and Standard 4.2.3):  
0

Dairy primary producer/processor (Standard 4.2.4) Department of Health only:  
0

Egg producer/processor (Standard 4.2.5):  
0

Seed sprout producer/processor (Standard 4.2.6):  
0

28 How many of these food businesses were assessed or audited in relation to the Standard/s during the reporting year?

Seafood primary producer/processor (other than bivalve molluscs) (Standard 4.2.1):  
0

Poultry producer (Standard 4.2.2):  
0

Poultry processor (Standard 4.2.2):  
0

Meat producer/processor (Australian Standards related to meat and Standard 4.2.3):  
0

Dairy primary producer/processor (Standard 4.2.4) Department of Health only:  
0

Egg producer/processor (Standard 4.2.5):  
0

Seed sprout producer/processor (Standard 4.2.6):  
0

#### Part D

29 How many food businesses considered allergen management as part of their food operations?

nearly all

30 What is the number of food businesses captured by Standard 3.2.2A

number:  
1

31 How many of these have appointed a Food Safety Supervisor?

number:  
0

32 Number of re-inspections

number:  
6

33 Number of food complaints investigated

number:  
2

Feedback

34 Is there any feedback or suggestions that you would like to provide?

Please specify:

The Shire delivered a short food handler awareness session to promote the food handler supervisors' course. It was held in December 2023 and had 10% or so of businesses represented. Businesses have been also reminded to enrol in the available courses during routine inspections. The Shire completed food sampling of locally manufactured food and no adverse findings were made.

Signed declaration by enforcement agency

35 Enforcement Agency

Enforcement Agency:  
Shire of Derby West Kimberley

36 Declaration

By checking this box, I declare that this is a true and accurate report on the performance of the functions during the 2023/2024 financial year and that I have the authorisation to submit this report on behalf of the Chief Executive Officer of the Local Government stated above. I understand that this declaration and the information I have provided will be retained according to the government record keeping laws.:

Yes

37 Authorisation

Name :  
Mark Chadwick

Position:  
Manager Community Environments

Date:  
4 July 2024

Email:  
Mark.Chadwick@sdwk.wa.gov.au

Generic email address for the environmental health team:  
Mark.Chadwick@sdwk.wa.gov.au



Government of **Western Australia**  
Department of **Health**

## Guideline on *Food Act 2008* and *Public Health Act 2016* Enforcement Agency Reporting

Local government enforcement agencies are required to report to the Department of Health on their performance of functions under the *Food Act 2008* (Food Act) (as required by section 121) and the *Public Health Act 2016* (Public Health Act) (as required by section 22).

This document provides guidance on the questions and should be read when compiling your responses. Your response must be submitted to the Department of Health online at [2023-2024 Food Act 2008 and Public Health Act 2016 Reporting - Western Australia Department of Health - Citizen Space](#) by **31 August**.

If you require any further assistance with these reporting requirements, please contact the Food Team, Environmental Health Directorate on (08) 9222 2000 or email [foodsafety@health.wa.gov.au](mailto:foodsafety@health.wa.gov.au)

### Part A – Public Health Act functions

The information gathered in this part relates to your functions under the Public Health Act.

#### Public Health Act authorised officers

**Question 2:** How many Full Time Equivalent (FTE) Public Health Act authorised officers worked in your LG?

**Question 3:** How many FTE persons that assist authorised officers with their duties in your LG worked in your LG?

Authorised officers are persons who are designated the authority to administer and enforce provisions of the Public Health Act on behalf of the enforcement agency. They are designated by the enforcement agency (LG) under section 24 of the Public Health Act. It is the responsibility of the enforcement agency under section 27 to keep a list of all authorised officers.

Persons that assist authorised officers with their duties may be involved in a range of activities such as collection of public health data, drafting of correspondence, or reviewing and verifying compliance of public health activities. The specific role of this class of person may vary from local government to local government. For example, administration/customer service, finance, legal, rangers, and Environmental Health officers. Question 3 enables the Department of Health to monitor the total numbers of personnel involved with legislative functions under the Act. It is suggested that each local government keeps a record of the specific roles and job descriptions of persons that assist authorised officers with their duties so that a full-time equivalent estimate can be maintained consistently for all future reporting.

Further information about Public Health Act authorised officers can be found on the [Department of Health website](#). The response to these questions should be on a full-time equivalent basis, which is a calculation of the total time that all authorised officers in your local government perform Public Health Act functions, where one day per week is 0.2 full-time equivalent. The response is numeric (decimals accepted).

**Question 4:** Did your LG experience difficulties recruiting appropriately qualified persons to be designated as authorised officers under the Public Health Act during the reporting period? If yes, please specify.

An enforcement agency may designate as an authorised officer:

- environmental health officers, as appointed under the Act, or
- persons who are not appointed environmental health officers, but who possess other appropriate qualifications and experience to perform particular functions under the Act.

Further information about qualifications of Public Health Act authorised officers is on the [Department of Health website](#).

Please advise if you have experienced difficulties recruiting appropriately qualified persons to be designated as authorised officers under the Public Health Act during the reporting period. The response is a choice of 'Yes' or 'No'. If your response is 'Yes' please provide further information about your recruiting difficulties.

**Questions 5:** Did any authorised officers return their certificate of authority (i.e. cease to be authorised officers) during the reporting period? If yes, how many?

The response to this question is a choice of 'Yes' or 'No'. If your response is 'Yes' please advise how many (this response is numeric, whole numbers only).

## Part B – Food Act functions

The information gathered in this section relates to your core functions under the Food Act.

### Food Act authorised officers

**Question 6:** What is the number of FTE Food Act authorised officers? (as at 30 June 2024)

**Question 7:** What is the number of FTE authorised officers - persons to assist with the discharge of duties of an authorised officer? (as at 30 June 2024)

Food Act authorised officers are persons appointed by enforcement agencies under Part 10 Division 3 of the Food Act or designated by a local government as an authorised officer under section 24(1) of the Public Health Act for the purposes of the Food Act.

Persons to assist with the discharge of duties of Food Act authorised officers have some but not all of the powers and functions under the Food Act of authorised officers, in accordance with the [CEO Guideline on the appointment of persons to assist with the discharge of duties of an authorised officer \(PDF 244KB\)](#).

The response to this question should include Food Act authorised officers that are local government employees as well as contractors. The response should be on a full-time equivalent basis, which is a calculation of the total time that all Food Act authorised officers in your enforcement agency perform Food Act/food safety activities, where one day per week is 0.2 full-time equivalent. The response must be numeric (decimals accepted).

**Question 8:** If you had Food Act authorised officers who are not Environmental Health Officers, what were their primary qualification?

Food Act authorised officers are persons appointed by enforcement agencies under Part 10 Division 3 of the Food Act or designated by a local government as an authorised officer under the *Public Health Act 2016* section 24(1), for the purposes of the Food Act.

Food Act enforcement agencies may appoint a Food Act authorised officer if they are an environmental health officer, or if the enforcement agency, having regard to guidelines issued by the CEO, considers the person has appropriate qualifications and experience to perform the functions of an authorised officer.

Qualifications suitable to be appointed as an Environmental Health Officer can be found on the [Department of Health website](#).

The response to this question should include each qualification type and subject, and the number of Food Act authorised officers that hold the qualification (the total number of officers, not full-time equivalent). This is the primary qualification for appointment of authorised officers who are not environmental health officers. Please do not include ancillary qualifications.

The response to this question enables the Department of Health to monitor the types of qualifications (other than environmental health officer qualifications) that enforcement agencies consider are appropriate for appointment as Food Act authorised officers.

## Food businesses

Data obtained from the following questions enables the Department of Health to monitor the size and composition of the food industry that is regulated by Western Australian (WA) enforcement agencies, as well as the food safety assessment activities of enforcement agencies. Data on the type of food businesses is used to inform state and national food regulatory activities, where specific food industry sector data is required.

**Question 9:** What is the total number of food businesses in the enforcement agency's jurisdiction? (as at 30 June 2024)

The total number of food businesses includes all food businesses (as defined in section 10 of the Food Act) within an enforcement agency's district. This includes both food businesses that are registered under Part 9 the Food Act with the enforcement agency, and those that have notified only (exempted food businesses (section 109 (2) of the Food Act)).

Do not include temporary and mobile food businesses that are registered (i.e. primarily located) with other enforcement agencies and operate temporarily within your enforcement agency district.

The response is numeric (whole number).

**Question 10:** How many food businesses were assessed at the frequency that was determined by the enforcement agency?

Of the total number of food businesses within your jurisdiction (response to question 9), please advise how many of these were assessed at the assessment frequency that was determined by the enforcement agency. Also include those that were assessed at a higher frequency than determined.

The response is numeric (whole number).

[health.wa.gov.au](http://health.wa.gov.au)

**Question 11: How many routine food safety assessments were conducted?**

Routine food safety assessments are assessments performed at a food premises by authorised officers to assess food business' compliance with the food safety legislation. This does not include assessments to investigate complaints, or to follow-up from previous assessments or enforcement action. See food act compliance and enforcement activities to answer these questions.

The response is numeric (whole number).

**Question 12: What is the number of food businesses by risk rating? (as at 30 June 2024)**

The Department of Health encourages enforcement agencies to undertake risk profiling of food businesses to assist with determining an appropriate frequency and scope of food safety assessments. The Department of Health [Food business risk classification system \(PDF 257KB\)](#) guidance on the classification of food businesses is provided to assist enforcement agencies with risk profiling, which is based on the Food Standards Australia New Zealand priority classification system for food businesses.

The total number of food businesses per risk rating should be entered into the respective category. The response must be numeric and a whole number.

Please include all food businesses in your jurisdiction including those that are registered under the Food Act with your enforcement agency, and food businesses exempted from registration (notified only). Do not include temporary and mobile food businesses from other local government enforcement agency districts.

If food businesses have not been risk classified, or if you have used other risk classifications, include the number of food businesses in 'not determined/other risk categorises used'.

Please check that the total number of food businesses in response to this question is equal to the total number of food businesses in Question 9.

The response is numeric (whole number).

## Food Act compliance and enforcement activities

**Question 13:** Number of prosecutions instigated

**Question 14:** Number of successful prosecutions.

**Question 15:** Number of improvement notices served.

**Question 16:** Number of infringement notices served.

**Question 17:** Number of prohibition orders served.

**Question 18:** Number of seizures performed.

Questions 13 to 18 relate to the number of enforcement actions taken. The response must be numeric (whole number). Please provide the following data for enforcement activities:

- The number of prosecutions instigated under the Food Act, and the number of prosecutions that were successful during the reporting year. Note that some of the successful prosecutions may have been instigated prior to the reporting period.

- The number of seizures performed, which is the number of occasions that seizure powers were utilised (in accordance with Part 5 of the Food Act), not the number of individual items seized.
- The number of improvement notices served in accordance with Part 6, Division 1 of the Food Act.
- The number of infringement notices served in accordance with section 126 of the Food Act.
- The number of prohibition orders served under Part 6, Division 2 of the Food Act.

The data obtained from these questions allows for the monitoring of frequency and trends in the use of Food Act enforcement provisions.

**Part C** The information gathered in this section relates to a focus area for the reporting period.

### Regulatory food safety auditing

Questions 19 to 24 relate to implementation of Part 8 – Auditing of the Food Act and the WA regulatory food safety auditing system. Information about the WA regulatory food safety auditing system including guidelines and forms is available on the [Department of Health website](#).

This data is used by the Department of Health to monitor the implementation of key regulatory functions for food safety auditing, as well as the size of this food industry sector.

Note that for local government, the responses do not include public hospitals as they are enforced by the WA Department of Health.

The response to these questions are numeric, whole number.

**Question 19:** What is the total number of food businesses captured under Standard 3.3.1? (as at 30 June 2024)

Standard 3.3.1 (Food safety programs for food service to vulnerable persons) of the Australia New Zealand Food Standards Code (the Code) requires certain food businesses involved in food service where potentially hazardous food is served to vulnerable people to implement a documented and audited Food Safety Program (FSP). The response to this question is the total number of food businesses in your jurisdiction that are required to comply with Standard 3.3.1 e.g. aged care facilities, childcare facilities, delivered meals to vulnerable persons, private hospitals etc. Note that this does not include public hospitals as they are enforced by the WA Department of Health.

**Question 20:** Does your LG conduct routine inspections of these premises in addition to reviewing regulatory food safety auditor reports?

The Department is seeking confirmation that these food businesses are being routinely inspected by local government authorised officers in addition to having regulatory food safety audits required under Standard 3.3.1.

[health.wa.gov.au](http://health.wa.gov.au)

**Question 21:** How many of these food businesses have a food safety program that is verified?

In accordance with [Food Act 2008 Regulatory Guideline 6 – Regulatory Food Safety Auditing in Western Australia \(PDF 95KB\)](#) (previously Regulatory Guideline 1: Introduction of Regulatory Food Safety Auditing in Western Australia), enforcement agencies are required to verify that a food safety program substantially complies with the requirements of Standard 3.2.1 – Food Safety Programs, of the Code.

Of the total number of food businesses captured by Standard 3.3.1 (response to question 21) please provide the number that have a food safety program that has been verified by your local government enforcement agency to substantially comply with Standard 3.2.1 of the Code.

**Question 22:** How many of these food businesses are undergoing regulatory food safety auditing?

In accordance with Part 8 of the Food Act and the WA regulatory food safety auditing system, food businesses captured by Standard 3.3.1 of the Code must commence regulatory food safety auditing within 6 months of the date of verification (refer to [Food Act 2008 Regulatory Guideline 6 – Regulatory Food Safety Auditing in Western Australia \(PDF 95KB\)](#)).

Of the total number of food businesses captured by Standard 3.3.1 (response to question 19) please provide the number that are undergoing regulatory food safety auditing.

**Question 23:** How many businesses were not audited at their required frequency?

Food businesses captured by Standard 3.3.1 of the Code are required to be audited under the Food Act at the frequency determined by the enforcement agency using the [WA Priority Classification System \(PDF 73KB\)](#).

Please provide the total number of food businesses that were not audited at their required frequency during the reporting year.

**Question 24:** How many regulatory food safety audits led to compliance and enforcement action during the reporting year?

Enforcement agencies are responsible for responding to audit findings where they require a compliance and/or enforcement response (i.e. where issues have been identified that relate to non-compliance with the Code or offences against the Food Act). Please provide the number of audits that resulted in the enforcement agency taking compliance and enforcement action during the reporting year.

This includes the issuing of improvement notices, infringement notices, prohibition orders or prosecution through the courts.

## Primary production and processing

Questions 25 to 28 relate to food regulatory activities for businesses captured by the Chapter 4 Standards of the Code, and meat producers/processors that are required to comply with the Australian Standards related to meat. This data is used by the Department of Health to monitor the implementation of these Standards in WA, identify areas that may require additional support, and to inform work on state-wide food-borne illness reduction.

Note that whilst the Department of Health is the controlling authority for meat food businesses, it is the enforcement agency (local government) that is required to report this data. These questions do not apply to export food businesses.

From 12 February 2025, Standards 4.2.7 (Berries), 4.2.8 (Leafy Vegetables) and 4.2.9 (Melons) come into effect. Local governments will be asked to report activities relating to these horticultural food businesses, some of which will require to be registered under the Act.

The response to these questions are numeric, whole number.

**Question 25:** How many food businesses captured by the Standard/s?

**Question 26:** How many of these food businesses are registered?

Provide the total number of food businesses that are captured by each of the Standards that are in your jurisdiction. Note that dairy and bivalve mollusc food businesses are enforced by the WA Department of Health and therefore data should not be provided for these businesses by local governments.

Under these standards, “processors” generally exclude manufacturing and retail sale activities. Manufacturers and retailers are captured by Chapter 3 of the Food Standards Code.

Of these food businesses, provide the number that you have registered under the Food Act. This would exclude export registered establishments exempted from registration under Section 109 / Regulation 13.

**Question 27:** How many of these food businesses have a food safety program/ management system/ statement/ approved arrangement that has been verified or approved or recognised?

The food businesses captured by the Chapter 4 Standards of the Code and the Australian Standards related to meat are required to implement some form of food safety management system, as required by the relevant standard. Depending on the requirements of the standard, this includes food safety programs, food safety management systems, food safety management statements or approved arrangements. These systems must be verified, or approve or recognise, in accordance with the relevant standard.

Please provide the total number of food businesses that have a food safety program/ management system/ statement/ approved arrangement that has been verified or approved or recognised.

Note that this question does not apply to Division 2 – general seafood safety requirements of Standard 4.2.1, and only bivalve molluscs (which are enforced by the WA Department of Health). Therefore, the response to this question for Standard 4.2.1 by local governments should be 0.

This question does not apply to export food businesses.

[health.wa.gov.au](http://health.wa.gov.au)

**Question 28:** How many of these food businesses were assessed or audited in relation to the standard/s during the reporting year?

Food businesses required to comply with these standards should be assessed or audited (depending on the specific regulatory requirements) against the standard. Please provide the total number of food businesses that were assessed or audited in relation to the standard/s during the reporting year.

Depending on the requirements of each standard, the assessments or audits may be conducted by the appropriate enforcement agency, the controlling authority (WA Department of Health), or an approved regulatory food safety auditor (part 8 of the Food Act).

Where the audits are conducted by the WA Department of Health as the controlling authority (for meat) the local government enforcement agency is required to report this data.

**Part D** The information gathered in this section relates to new questions for this reporting period.

This section has been introduced to highlight specific focus areas and these questions may change year to year. Please note, if you have not collected the information requested at Q29 to Q33, these will be repeated in the 2024/25 reporting year.

**Question 29:** How many food businesses considered allergen management as part of their food operations?

What level of consideration food businesses are applying to allergen awareness in their food operations. Answer using one of the following options.

- only a few, or
- around a quarter, or
- around half, or
- nearly all of the food businesses

**Question 30:** What is the number of Food businesses captured by standard 3.2.2A?

**Question 31:** How many of these have appointed a Food Safety Supervisor?

**Question 32:** Number of re-inspections

The number of re-inspections conducted of food businesses following routine inspections.

**Question 33:** Number of complaints investigated.

The number of complaints received that were investigated by the local government. This includes all allegations investigated (whether confirmed or not if a breach of the Food Act has occurred).

**Question 34:** Is there any other feedback or suggestions you would like to provide?

**Signed declaration by enforcement agency.**

The report must be authorised by the Chief Executive Officer of the enforcement agency. This signed form is not required to be sent to the Department of Health, please keep it for your records. When submitting the report online, the person submitting the report will need to check the following declaration:

*“By checking this box, I declare that this is a true and accurate report on the performance of the functions during the <year> financial year and that I have the authorisation to submit this report on behalf of the Chief Executive Officer of the Local Government stated above. I understand that this declaration and the information I have provided will be retained according to the government record keeping laws.”*

**Submitting the report**

The report must be submitted to the Department of Health online at <https://consultation.health.wa.gov.au> by **31 August**.

**This document can be made available in alternative formats on request for a person with disability.**

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Government of **Western Australia**  
Department of **Health**

# *Food Act 2008* Enforcement Agency Reporting 1 July 2019 to 30 June 2022



[health.wa.gov.au](http://health.wa.gov.au)

Prepared by the Department of Health

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## Acknowledgements

The Department of Health would like to thank the people and organisations who contributed to this report.

The following agencies contributed to this report:

### Local government authorities

Albany (C), Armadale (C), Ashburton (S), Augusta-Margaret River (S), Bassendean (T), Bayswater (C), Belmont (C), Beverley (S), Boddington (S), Boyup Brook (S), Bridgetown-Greenbushes (S), Brookton (S), Broome (S), Broomehill-Tambellup (S), Bruce Rock (S), Bunbury (C), Busselton (C), Cambridge (T), Canning (C), Capel (S), Carnamah (S), Carnarvon (S), Chapman Valley (S), Chittering (S), Claremont (S), Cockburn (C), Collie (S), Coolgardie (S), Coorow (S), Corrigin (S), Cottesloe (T), Cranbrook (S), Cuballing (S), Cue (S), Cunderdin (S), Dalwallinu (S), Dandaragan (S), Dardanup (S), Denmark (S), Derby/West Kimberley (S), Donnybrook-Balingup (S), Dowerin (S), Dumbleyung (S), Dundas (S), East Fremantle (T), East Pilbara (S), Esperance (S), Exmouth (S), Fremantle (C), Gingin (S), Gnowangerup (S), Goomalling (S), Gosnells (C), Greater Geraldton (C), Halls Creek (S), Harvey (S), Irwin (S), Jerramungup (S), Joondalup (C), Kalamunda (C), Kalgoorlie-Boulder (C), Karratha (C), Katanning (S), Kellerberrin (S), Kent (S), Kojonup (S), Kondinin (S), Koorda (S), Kulin (S), Kwinana (C), Lake Grace (S), Laverton (S), Leonora (S), Mandurah (C), Manjimup (S), Meekatharra (S), Melville (T), Menzies (S), Merredin (S), Mingenew (S), Moora (S), Morawa (S), Mosman Park (T), Mount Magnet (S), Mt Marshall (S), Mukinbudin (S), Mundaring (S), Murchison (S), Murray (S), Nannup (S), Narembeen (S), Narrogin (S), Nedlands (C), Ngaanyatjaraku (S), Northam (S), Northampton (S), Nungarin (S), Peppermint Grove (S), Perenjori (S), Perth (C), Pingelly (S), Plantagenet (S), Port Hedland (T), Quairading (S), Ravensthorpe (S), Rockingham (C), Sandstone (S), Serpentine Jarrahdale (S), Shark Bay (S), South Perth (C), Stirling (C), Subiaco (C), Swan (C), Tammin (S), Three Springs (S), Toodyay (S), Trayning (S), Upper Gascoyne (S), Victoria Park (T), Victoria Plains (S), Vincent (C), Wagin (S), Wandering (S), Wanneroo (C), Waroona (S), West Arthur (S), Westonia (S), Wickiepin (S), Williams (S), Wiluna (S), Wongan-Ballidu (S), Woodanilling (S), Wyalkatchem (S), Wyndham East Kimberley (S), Yalgoo (S), Yilgarn (S), York (S).

### Department of Health

Environmental Health Directorate

Communications Directorate

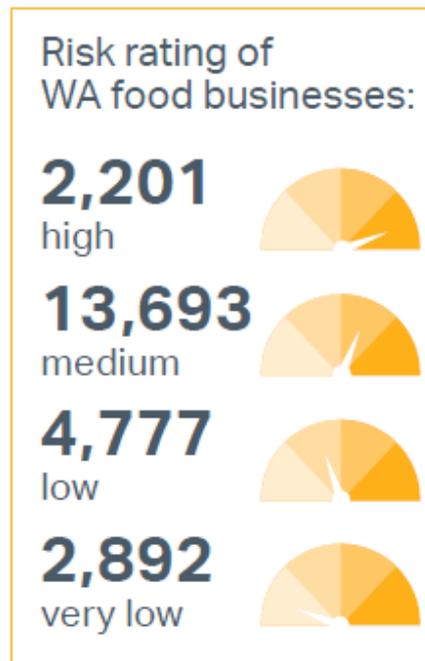
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## Abbreviations, acronyms, initialisms and definitions

Authorised officer	means a person appointed under Part 10 Division 3 of the Food Act
CEO	Chief Executive Officer (Director General) of the Department of Health
Code	Australia New Zealand Food Standards Code
Enforcement agency	the CEO of the Department of Health, or the local government
Food Act	<i>Food Act 2008</i>
Food business	means a business, enterprise or activity that involves the handling of food intended for sale or the sale of food
FSMS	food safety management statement
FTE	full-time equivalent
WA	Western Australia

### 2021/22 Food Act reporting data summary



- **875** improvement notices
- **275** infringement notices
- **10** prosecutions instigated
- **2** seizures
- **13** prohibition orders

## Introduction

*Food Act 2008* (Food Act) enforcement agencies are required to report to the Chief Executive Officer of the Department of Health (the CEO) on the performance of food regulatory functions, in accordance with section 121(1) of the Food Act. The CEO has determined that enforcement agency reporting is undertaken annually in line with the financial year.

This summary report on the performance by enforcement agencies of functions under the Food Act is for the three financial years from 1 July 2019 to 30 June 2022.

There are 138 enforcement agencies in Western Australia (WA) consisting of 137 local governments and the Department of Health. The number of enforcement agencies that submitted a report each year was:

- 2019/20: 138 enforcement agencies (100%)
- 2020/21: 134 enforcement agencies (97%)
- 2021/22: 124 enforcement agencies (90%)

This report contains information received from enforcement agencies across seven key reporting areas:

- authorised officers,
- food businesses,
- compliance and enforcement activities,
- regulatory food safety auditing,
- primary production and processing,
- food safety education and training, and
- enforcement agency highlights.

## Limitations and considerations

The data contained in this report is self-reported by enforcement agencies. The Department of Health takes steps to verify the data and follow-up anomalies, however, cannot guarantee that the data is free from error.

This report provides data on a range of regulatory activities. In addition to these reported regulatory activities enforcement agencies have an array of strategies to assist to achieve food business compliance and positive food safety outcomes, and autonomy in their application. There are therefore limitations to conclusions that can be drawn from the data in this report on the performance of regulatory functions.

There are many factors that can impact enforcement agencies' regulatory activities, and these may vary across enforcement agencies and regions of WA. For example, there is variation in the type of food businesses, the geographical area of an enforcement agency's jurisdiction, and distribution of food businesses which should be taken into consideration when comparing enforcement agency and geographical region data.

As the number of enforcement agencies that submitted a report varied each year, this should be considered when looking at trends across the three reporting years. In 2020/21 and 2021/22 there was not a 100% enforcement agency response rate and therefore this data cannot be used to represent all of WA.

## Key reporting areas and findings

### Food Act authorised officers

Food Act authorised officers perform a range of food business monitoring, compliance and enforcement activities, including undertaking specific functions of the Food Act. Persons to assist with the discharge of duties of authorised officers have some but not all Food Act authorised officer powers and functions.

The following table gives the number of fulltime equivalent (FTE) authorised officers each year and the percentage change on the previous year.

	2019/20	2020/21	2021/22
<b>FTE authorised officers in WA</b>	278.7	266.5	243.6
(percentage change on previous year)	(-4.6%)	(-4.5%)	(-8.6%)
<b>FTE persons that assist</b>	54.9	60.8	63
(percentage change on previous year)	(-25.8%)	(+10.5%)	(+3.6%)

There has been a decrease in the number of authorised officers across the three years. Some of this decrease can be accounted for by reduced enforcement agency reporting rates. In 2020/21 four enforcement agencies did not provide a response which accounts for 2.9 FTE authorised officers out of the 12.5 FTE decrease on the previous year. In 2021/22 14 enforcement agencies did not provide a response which accounts for 16.4 FTE authorised officers out of the 22.9 FTE decrease on the previous year.

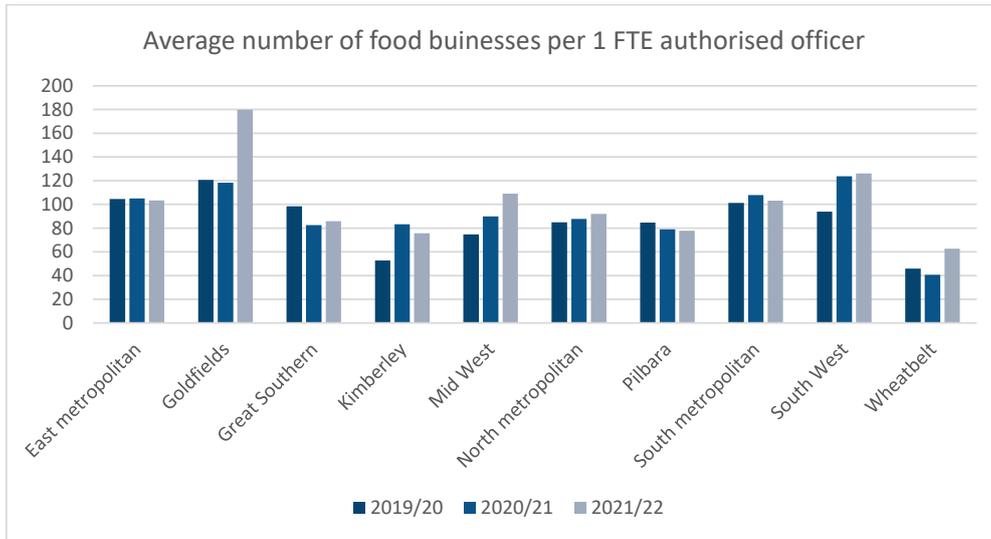
In 2019/20 a single enforcement agency reported a decrease of 14.9 FTE persons that assist authorised officers from the previous year, which forms a large portion of the decrease of 19 FTE in WA. The following two years saw an increase in the number of FTE persons that assist authorised officers, even with the lower response rate from enforcement agencies in these years. In 2020/21 a single enforcement agency reported an increase of 10.9 FTE from the previous year.

The number of FTE authorised officers per enforcement agency ranged from 13 in the largest, whilst two enforcement agencies reported that they did not have any authorised officers. These enforcement agencies still reported that regulatory activities were carried out during the year, therefore they may have contracted out this work or the officer may have recently resigned.

Most enforcement agency Food Act authorised officers are environmental health officers. Under the Food Act enforcement agencies may appoint a person to be an authorised officer if the enforcement agency considers the person has appropriate qualifications and experience to perform the functions of an authorised officer. Non-environmental health qualifications of authorised officers that were reported include building surveying, and food science/technology.

In WA the average number of food businesses per one FTE authorised officer was 88.5 in 2019/20, 95 in 2020/21 and 98.6 in 2021/22.

The following chart gives the average number of food businesses per 1 FTE authorised officer in each of the health regions in WA across the three reporting years.



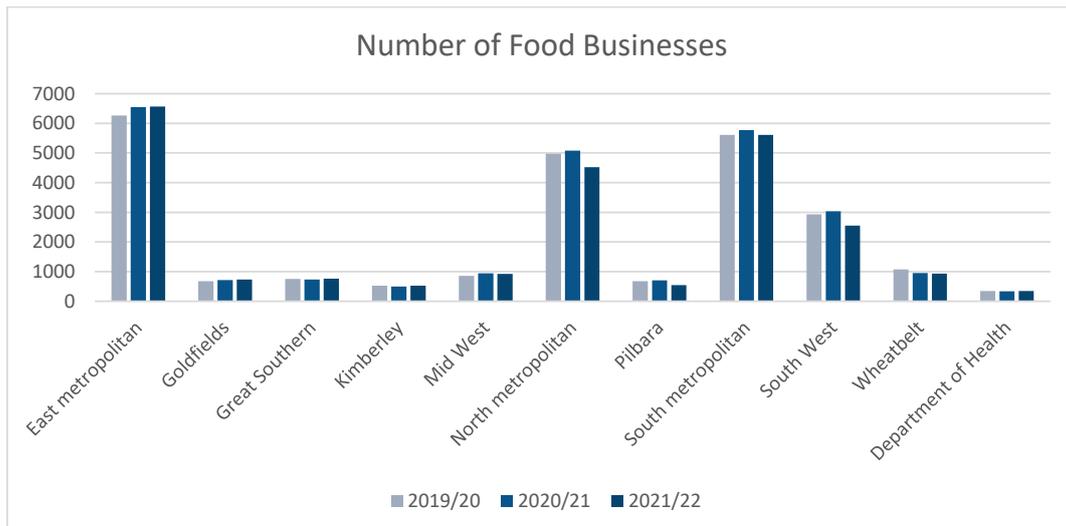
The Goldfields region saw an increase in the average number of food businesses per 1 FTE authorised officer in 2021/22 due to three enforcement agencies reporting decreases in their number of authorised officers.

**Food businesses**

**Number of food businesses**

The number of food businesses in WA reported by enforcement agencies was 24 669 in 2019/20, which increased to 25 325 in 2020/21 and decreased to 24 021 in 2021/22. In 2021/22 14 enforcement agencies did not provide a response which accounts for a reduction of 1459 food businesses from the previous year.

The following chart gives the number of food businesses by health region across the three years.



The number of food businesses per enforcement agency ranged from 1 in the smallest to 1588 in the largest in 2021/22.

**Frequency of onsite food safety assessments**

In 2020/21 and 2021/22 enforcement agencies were asked to provide information on how they determine the frequency of routine onsite food safety assessments, and how many of their food businesses were assessed at their assigned assessment frequency.

Enforcement agencies are encouraged to adopt a risk-based approach to food safety assessments. The WA Food Business Risk Profiling Tool was developed to assist enforcement agencies determine a suitable assessment frequency based on the risk of a food business.

The following table gives the breakdown of the methods used by enforcement agencies to determine the frequency of food safety assessments.

	2020/21	2021/22
Number of enforcement agencies that provided information on their method of determining food business assessment frequency	129	111
Number that used a risk-based approach	124 (96.1%)	105 (94.6%)
Number that used the WA risk profiling tool	69 (53.5%)	64 (57.7%)
Number that used a modified version of the WA risk profiling tool	14 (10.9%)	10 (9%)
Number that used a risk-based approach but did not specify the method	34 (26.4%)	26 (23.4%)
Number that developed their own risk classification tool	1 (0.8%)	1 (0.9%)
Number that used the FSANZ priority classification system	3 (2.3%)	4 (3.6%)
Number that based assessments on the performance of food businesses	3 (2.3%)	0
Number that had a set frequency of assessments regardless of risk	4 (3.1%)	5 (4.5%)
Number that conducted assessments based on staff resourcing	1 (0.8%)	1 (0.9%)

The information reported by enforcement agencies found that the majority (96% in 2020/21 and 95% in 2021/22) use a risk-based approach when determining assessment frequency. Most used the WA Risk Profiling Tool (54% in 2020/21 and 58% in 2021/22). Some enforcement agencies used a modified version of the WA Risk Profiling Tool. The modifications included adjusting the assessment frequency for: food businesses subject to regulatory food safety auditing, businesses implementing certain risk management practices such as undertaking food safety training, businesses handling raw egg products, and smaller and home-based food businesses. One enforcement agency developed their own tool, and the FSANZ priority classification system was also used.

One enforcement agency each reporting year advised that they perform food safety assessments when staff resources are available. Four enforcement agencies in 2020/21 and five in 2021/22 had a set frequency of assessments for all food businesses regardless of risk. The frequency ranged from annually to 2-monthly. One enforcement agency performed assessments on a needs basis and did not have a schedule.

In 2020/21 41.1% of enforcement agencies assessed all food businesses at their assigned assessment frequency, and in 2021/22 it was 36.7%. Some enforcement agencies commented that it had not been possible to achieve a 100% assessment rate due to COVID-19 causing a diversion of resources and food business closures, and some had adopted an educational approach rather than compliance and enforcement as a result. Some enforcement agencies also cited staff resourcing challenges as a reason for not completing all assessments.

#### Number of food safety assessments

Authorised officers perform routine onsite food safety assessments to monitor food regulatory compliance of food businesses. The total number of routine onsite food safety assessments reported by enforcement agencies was 30 928 in 2019/20, 28 982 in 2020/21, and 26 225 in 2021/22. Several enforcement agencies commented that the number of routine onsite assessments was lower than planned due to the impacts of COVID-19 (such as food business closures). Some enforcement agencies provided increased education and guidance to food businesses during this time as an alternative to premises inspections (such as via email, phone and mail out). Staff resourcing was also cited as a reason for lower than planned assessment rates by a few enforcement agencies (2 in 2019/20, 4 in 2020/21 and 3 in 2021/22).

The average number of routine onsite food safety assessments per food business by health region is given in the following table.

Health region	2019/20	2020/21	2021/22
East metropolitan	1.4	1.5	1.3
Goldfields	1.6	1.1	0.7
Great Southern	1.3	0.7	0.5
Kimberley	0.7	0.5	0.5
Mid West	1.1	0.9	0.7
North metropolitan	1.3	1.2	1.2
Pilbara	1.0	0.9	0.6
South metropolitan	1.5	1.3	1.4

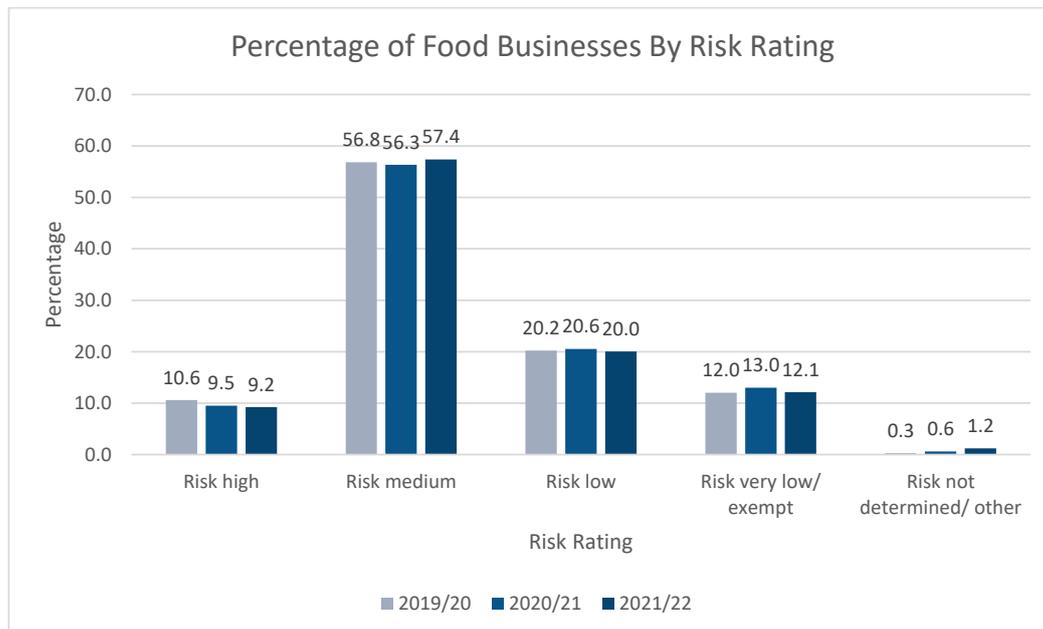
Health region	2019/20	2020/21	2021/22
South West	0.6	0.6	0.6
Wheatbelt	1.0	1.0	0.8
WA TOTAL	1.3	1.1	0.9

In addition to routine onsite food safety assessments, authorised officers perform a range of other compliance assessments such as complaint investigations, follow-up assessments, initial/registration assessments, and desktop assessments (for example of food safety programs, recipe/food process risks, labels, and premises design and fit out plans).

Many enforcement agencies also have many temporary and mobile food businesses operating in their district that are registered with another enforcement agency. This is not captured through the reporting requirements due to duplication; however authorised officers will also undertake assessments of these food businesses.

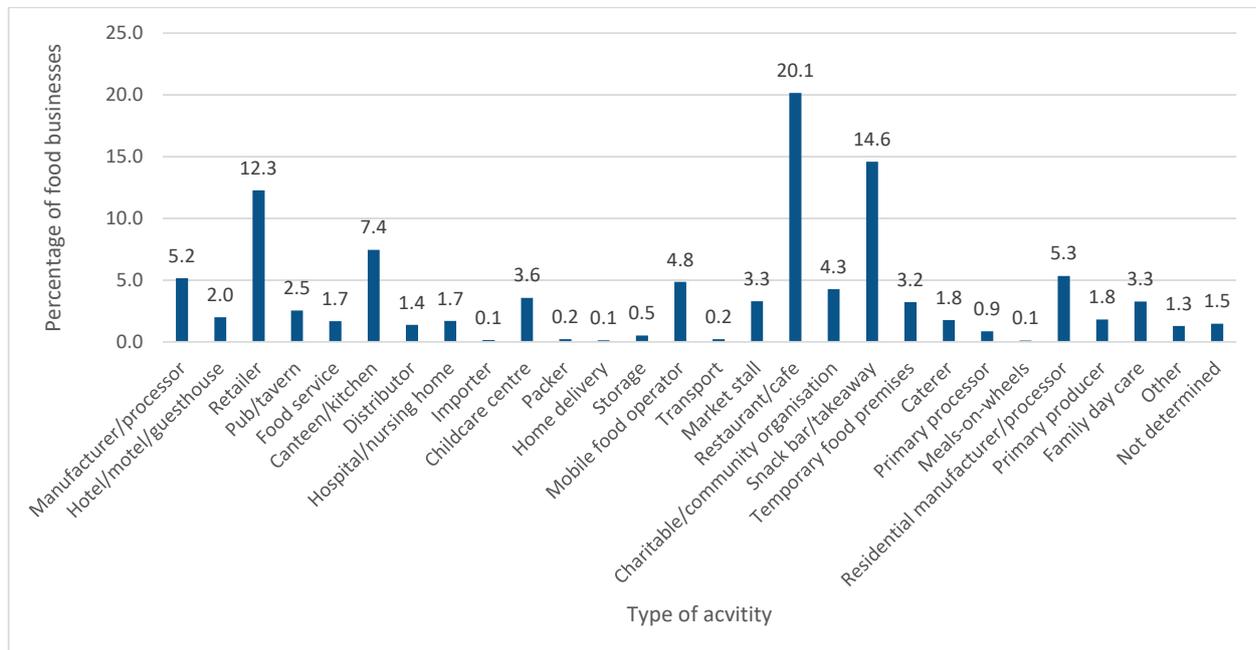
**Risk profiling**

Risk profiling of food businesses may assist enforcement agencies to determine an appropriate frequency and scope of food safety assessment. The following chart gives the percentage of food businesses by risk rating in WA. The proportion of food businesses in each risk category has remained quite consistent across the three reporting years. The majority of food businesses have been classified as medium risk.



**Principal type of activity**

The following chart gives the percentage of food businesses by principal type of activity in WA in 2021/22. This is the main activity of a food business (where it may have more than one activity).



**Temperature monitoring of raw poultry meat**

In 2019/20 data was collected on whether enforcement agencies measure the refrigerated storage and display temperatures of raw poultry meat for compliance during onsite food safety assessments. This was to gather information to inform work being undertaken as part of the WA foodborne illness reduction strategy. There were 81% of enforcement agencies that reported that they do measure these temperatures.

**Food Act compliance and enforcement activities**

Enforcement agencies are encouraged to implement a compliance and enforcement policy to guide decision making for appropriate enforcement action in response to non-compliance by a food business. In 2019/20 40% of WA enforcement agencies had a Food Act compliance and enforcement policy, in 2020/21 it was 44% and 56% in 2021/22.

The reasons given for not having a compliance and enforcement policy included:

- a policy has not yet been developed/ is currently being developed/ is due to be developed
- there is a management practice/ operational procedure/ process map/ work instruction instead of a policy
- the Department of Health compliance and enforcement policy/ guideline is used
- the enforcement agency is small/ there is only one officer therefore there is already consistency in decision making.

There are a range of enforcement options under the Food Act including improvement notices, infringement notices, prohibition orders, seizures, and prosecutions.

The following table gives the number of enforcement options used and outcomes in WA for each reporting year.

	2019/20	2020/21	2021/22
<b>Prosecutions instigated</b>	16	18	10
<b>Prosecutions successful*</b>	11	18	13
<b>Prosecutions unsuccessful</b>	0	Data not collected	Data not collected
<b>Seizures</b>	9	3	2
<b>Improvement notices served</b>	1179	1335	875
<b>Improvement notices not complied with</b>	57	Data not collected	Data not collected
<b>Infringement notices served</b>	405	328	275
<b>Infringement notices withdrawn</b>	38	Data not collected	Data not collected
<b>Prohibition orders served</b>	27	26	13
<b>Prohibition orders not complied with</b>	1	Data not collected	Data not collected
<b>Prohibition for which compensation was paid</b>	0	Data not collected	Data not collected

\*Note that the data on successful prosecutions may include prosecutions that were instigated in previous reporting years.

Several enforcement agencies advised that they use an educational approach and issue letters to address non-compliances with positive outcomes. Some noted overall improved compliance resulting in less enforcement action. The impacts of COVID-19 causing food business closures and a reduction in onsite food safety assessments were also reported as reasons for reduced enforcement action.

### Regulatory food safety auditing

Food businesses captured by Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons of the Australia New Zealand Food Standards Code (the Code) must implement a documented food safety program which is verified by the enforcement agency for compliance with Standard 3.2.1 - Food Safety Programs of the Code and are required to undergo regulatory food safety auditing.

The following table gives the number of food businesses required to comply with Standard 3.3.1 and the percentage of which have verified food safety programs and are undergoing regulatory food safety auditing.

	2019/20	2020/21	2021/22
<b>Total number of food businesses captured by Standard 3.3.1</b>	1126	1245	1144
<b>Number (and percentage of total) with a verified food safety program</b>	940 (83%)	1170 (94%)	1024 (90%)
<b>Number (and percentage of total) undergoing regulatory food safety auditing</b>	923 (82%)	956 (77%)	995 (87%)
<b>Number of regulatory food safety audits conducted during the year</b>	1157	1202	1414
<b>Number of audits that led to compliance and enforcement action</b>	30	36	24

In 2019 the Department of Health temporarily suspended regulatory food safety audits of premises serving food to vulnerable persons in response to COVID-19. Several enforcement agencies reported that not all scheduled regulatory food safety audits were conducted due to restricted access to these food businesses because of COVID-19.

#### **Auditing of childcare centres, private hospitals and nursing homes**

From the 2020/21 to the 2021/22 reporting year there was an increase in the percentage of childcare centres that were audited at least once from 84% to 90%, and an increase from 87% to 95% for private hospitals and nursing homes.

	2020/21	2021/22
Number of childcare centres	642	683
Number (and percentage) that had at least one audit	540 (84%)	617 (90%)
Number of private hospitals and nursing homes	318	269
Number (and percentage) that had at least one audit	278 (87%)	256 (95%)

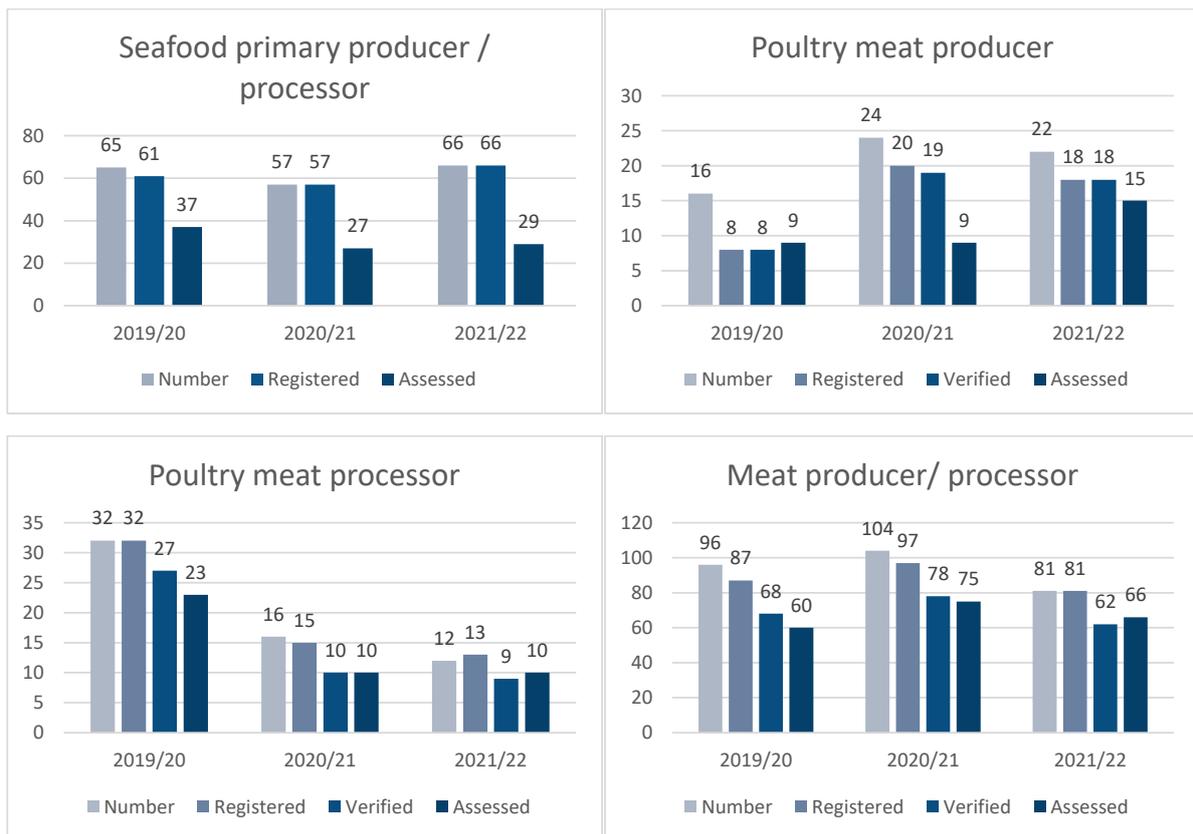
### Primary production and processing

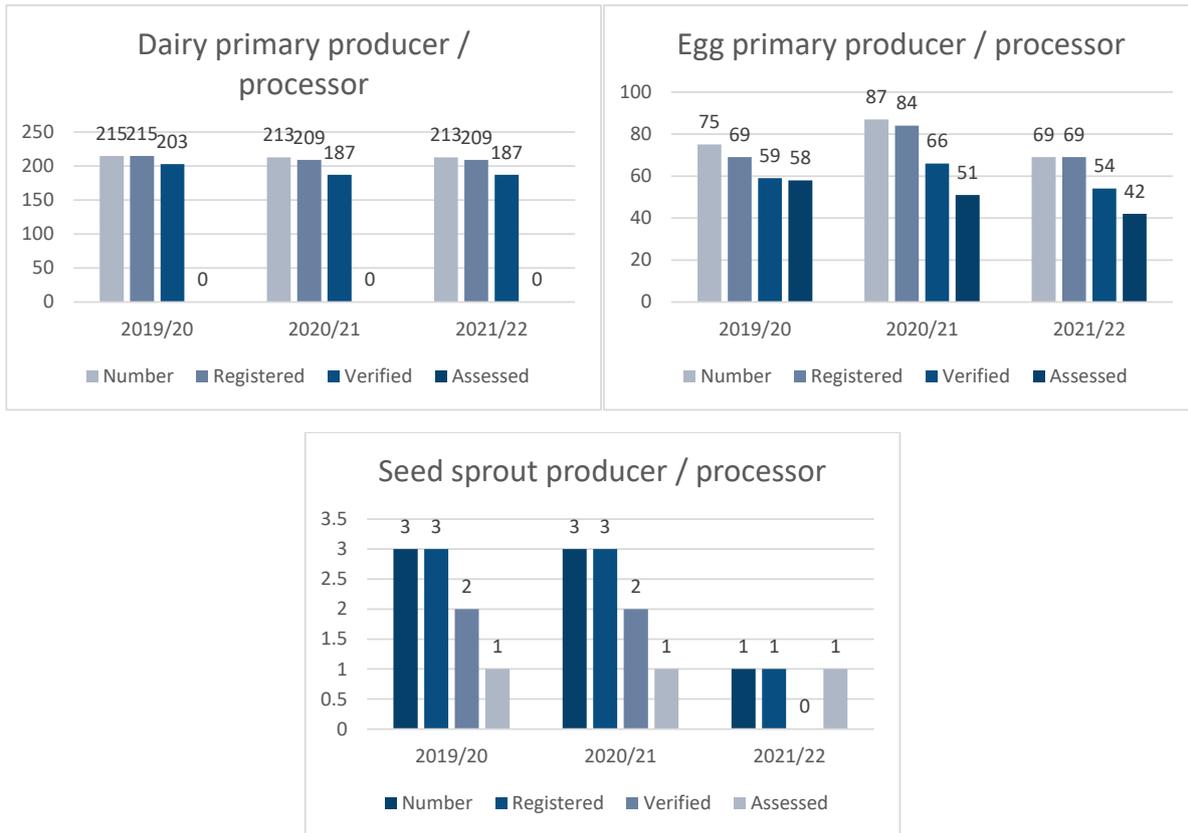
The primary production and processing standards of the Code currently in force are:

- Standard 4.2.2 Primary production and processing standard for poultry meat
- Standard 4.2.1 Primary production and processing standard for seafood
- Standard 4.2.3 Primary production and processing standard for meat
- Standard 4.2.4 Primary production and processing standard for dairy products
- Standard 4.2.5 Primary production and processing standard for eggs and egg product
- Standard 4.2.6 Production and processing standard for seed sprouts.

The food legislation requires that businesses captured by these standards register with the appropriate enforcement agency and implement a food safety program / management system / statement / approved arrangement, which the enforcement agency is required to verify, approve or recognise. These businesses are audited or assessed against these standards by the appropriate enforcement agency.

The following charts give the number of each of these food businesses in WA, how many have registered under the Food Act, the number with a verified food safety management system, and how many of the food businesses were assessed or audited against the relevant standard across the three reporting years.





The seafood primary producers and processors have had a 100% registration rate in the final two reporting years. Most seafood businesses are not required to implement a documented food safety program as this only applies to bivalve mollusc seafood businesses, therefore data on rates of verification of food safety programs is not included. The rates of assessment of these businesses have remained at about a third of all businesses each year.

Registration of poultry producers increased from 50% of businesses in 2019/20 to 83% and 82% in 2020/21 and 2021/22. The percentage of poultry producers with a verified food safety management statement have also increased from 50% in 2019/20 to 79% and 82% in 2020/21 and 2021/22. Rates of assessment have fluctuated with 56% assessed in 2019/20, 38% in 2020/21 and 68% in 2021/22.

Poultry processors had a 100% registration rate. Verifications of food safety management statements fluctuated with 84%, 62% and 75% verified across the three years. Assessment rates were 72%, 63% and 83%.

Meat producers / processors had high registration rates (100% in 2021/22). Verification rates fluctuated at 68%, 78% and 62% over the three years. Assessment rates increased over the three years from 63%, to 72% and 82%.

Dairy primary producers and processors had a high registration rate (nearly all were registered). The proportion of dairy food businesses with verified food safety programs was also high. The assessment rate remained low over the three years as dairy food businesses are transitioning to third party regulatory food safety audits.

Egg primary producers and processors were all registered in 2021/22, and 78% had their food safety management statement verified. 61% were assessed during 2021/22.

There are only a few seed sprout businesses, all of which are registered. Verification of general food safety management requirements had been conducted for two out of the three food businesses. Only one of the businesses has been assessed each reporting year.

### Egg safety

Regulatory Guideline 5 – The preparation of raw egg-based products – consistent approach to be adopted by enforcement agencies provides for a consistent approach to monitoring, compliance and enforcement of raw egg handling in food businesses.

Of the enforcement agencies with food businesses that handle raw egg-based products, the percentage that implemented Regulatory Guideline 5 increased from 69.2% in 2019/20 to 76.4% in 2020/21 and reduced to 66.7% in 2021/22. Reasons cited for not implementing the Regulatory Guideline included that there were few food businesses that handled raw egg-based products, authorised officers were already incorporating egg safety into food safety assessments, lack of awareness of the Regulatory Guideline, impacts of COVID-19 and reduced onsite food safety assessments, and insufficient staffing resources.

The data for the implementation of Regulatory Guideline 5 is given in the below table.

	2019/20	2020/21	2021/22
<b>Number of enforcement agencies that implemented Regulatory Guideline 5</b>	36	42	36
<b>Number of enforcement agencies that used the egg inspection checklist</b>	26	31	21
<b>Number of assessments conducted using the egg inspection checklist</b>	85	488	33
<b>Number of enforcement agencies that used the advisory letter for Council</b>	8	12	3
<b>Number of enforcement agencies that used the compliance strategy</b>	10	14	8
<b>Number of improvement notices served in relation to raw egg-based product handling</b>	100	109	4
<b>Number prohibition orders served in relation to raw egg-based product handling</b>	5	2	0
<b>Number of enforcement agencies that used the template prohibition order</b>	4	0	0

In 2019/20 and 2020/21 most improvement notices (94 and 101) were served by a single enforcement agency. In 2020/21 a single enforcement agency reported 396 assessments conducted using the egg inspection checklist. In general implementation of Regulatory Guideline 5 and the supporting tools has declined in 2021/22 with a reduction in use of the egg inspection checklist, advisory letter for Council, and compliance strategy, as well as less enforcement action taken in relation to raw egg-based product handling.

### **Food safety education and training**

Food safety education and training was provided by 128 (93%) enforcement agencies in 2019/20, 118 (88%) in 2020/21 and 112 (90%) in 2021/22. This can assist to achieve safe food handling practices and food regulatory compliance. Enforcement agencies reported a wide range of types of education and training, summarised below.

#### **Face-to-face training**

Workshop for temporary and mobile food businesses, presentation to students, class based training, food safety seminars and workshops, food safety education program for underperforming food businesses,

#### **Online training**

I'm Alert and FoodSafe online training, website link to free online allergen labelling, AHA COVID online training.

#### **Written resources**

Information sheets on food safety and labelling, food safety newsletter, allergy awareness pamphlet, egg safety pamphlet, topic specific monthly mailout to all food businesses, posters and flyers, website content on food safety, provided food safety and information brochures to new food businesses, food safety posters and stickers distributed to food businesses.

#### **Targeted/ ad hoc/ on demand training**

Informal guidance during onsite assessments, attended events and provided guidance on food handling, guidance via phone calls, food handler training for events, educated food handlers on temperature control, storage, cleaning and personal hygiene, phone and email-based education, ad hoc to food businesses and members of the public when requested or during an inspection or complaint investigation, discussed allergens during assessments, educated on food safety culture during assessments.

#### **Social media messaging**

Food safety messaging on social media, social media posts during food safety week and Christmas, social media egg safety education campaign.

### **Key highlights and issues of enforcement agencies**

Enforcement agencies commented on a range of highlights and issues regarding their food regulatory activities. COVID-19 made a significant impact and enforcement agencies reported issues and work highlights related to the pandemic. The below summarises some of the different matters that were raised.

#### **Food safety education and awareness**

- educated food businesses about egg safety and Salmonella

- uptake of FoodSafe online training
- food safety communication activities in response to the impacts of COVID-19 on food business and regulatory activities
- success of food safety training videos delivered as part of a food safety recognition program
- participation at face-to-face food handler training
- activities to promote food safety week
- development of food safety training sessions, guidelines and newsletters
- participated in the Play it Food Safe campaign
- developed a food safety education program for underperforming food businesses.

**Staff resourcing**

- officers completed auditor training
- COVID-19 put pressure on EHO resourcing
- challenges with attraction and retention of qualified environmental health staff in regional areas
- secured a full team of EHOs.

**Food monitoring**

- participated in coordinated food sampling programs (pesticides, food allergens, ready to eat foods, LHAAC)
- successful use of swabbing and sampling to support and demonstrate unsuitable practices
- sampling of high risk and “allergen free” foods
- conducted routine chemical and microbiological sampling
- implemented a food sampling program based on compliance history and nature of food handling, with a 90% compliance rate.

**Food business monitoring, compliance and enforcement**

- joint inspection with the Department of Health of egg producer/processor
- KPI met for food business assessments
- reduction in improvement notices issued due to improving standards in food businesses
- inspections reduced due to COVID-19, additional food business education and guidance provided
- reduction in complaints
- no reported cases of food poisoning
- all improvement notices were complied with
- largest monetary Food Act prosecution penalty in WA history
- improving the City's food safety compliance program systems as part of an audit by the Office of the Auditor General
- implementation and success of the egg compliance strategy
- developed new management practices around inspection frequencies
- increase in the number of new food businesses registrations
- successful prosecution for inadequate skills and knowledge
- improvement in adhering to recommended inspection frequencies
- investigated and resolved foodborne disease outbreak
- work to develop positive food safety culture in food businesses

### **Administration**

- reviewed the approval and assessment process, including consistency, record keeping and inspection frequencies
- adopted inspection fees for food premises for the first time, then refunded a portion due to COVID-19
- food safety program and annual report was circulated to elected members and the CEO
- introduced paperless applications, inspections and approvals
- Council decision to wave fees due to COVID-19
- commenced using new digital inspection form.

### **Nutrition related public health initiatives**

- delivered healthy eating programs as part of the City's community health and wellbeing plan
- two food sensations courses delivered to educate and encourage healthy eating
- supported the community garden, edible plants distributed, and a seed library established to encourage health eating and food security
- developed a health and wellbeing strategy with key objectives to support food safety and healthy food choices.

### **Food safety recognition programs**

- very successful 5 star program which includes online food safety training videos (63% of premises are rated as 5 Star, 32% rated as 4 Star and 5% rated as 3 Star)
- 41 food businesses are 5 star rated on the Town's scores on doors program
- the scores on doors hygiene recognition scheme had good take up from businesses.

### **COVID-19**

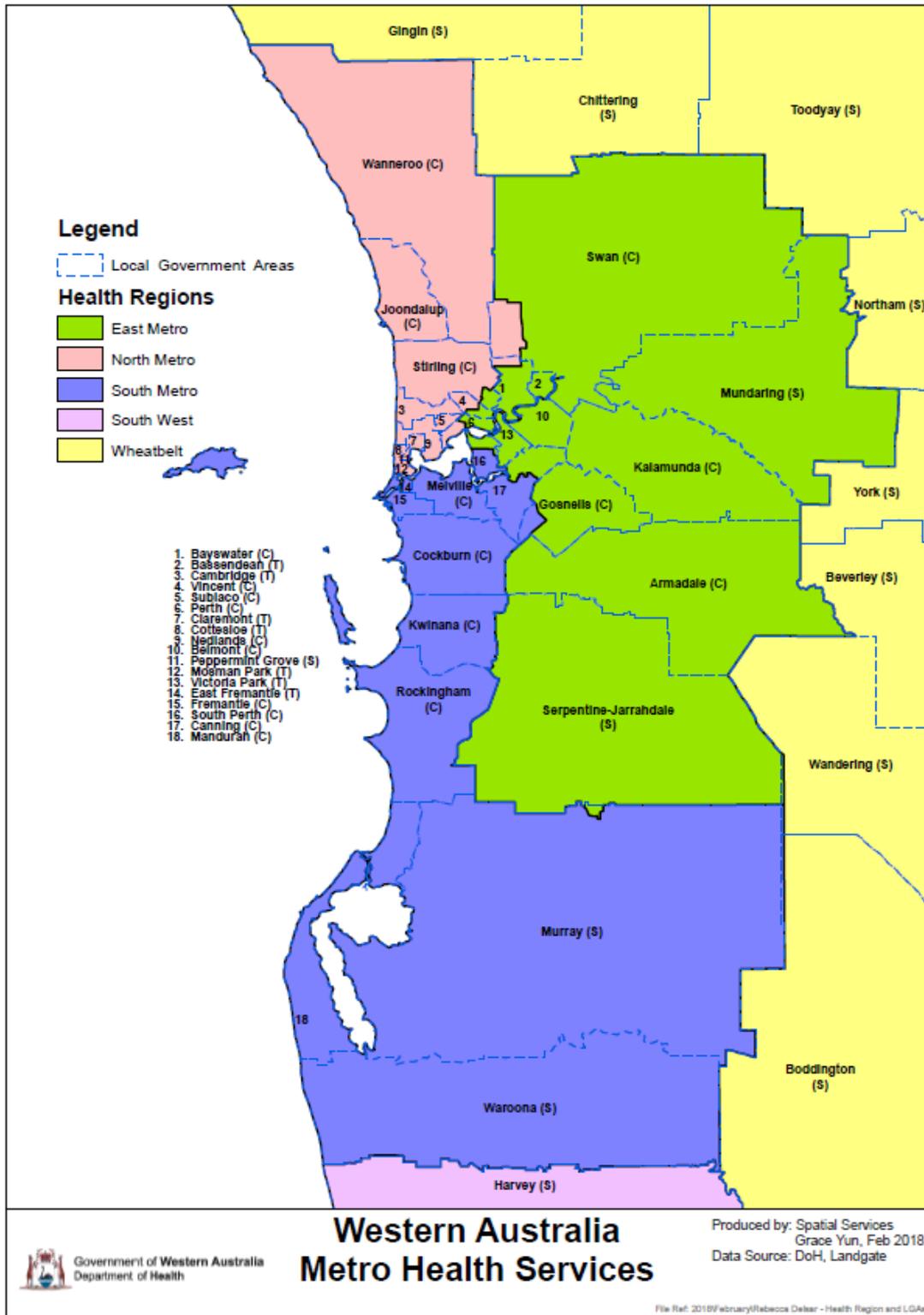
- provided education, information and support to food businesses
- worked to assist with implementation of COVID-19 directions such as ensuring social distancing was maintained
- supported food businesses with COVID-19 safety plans and operational changes
- EHOs were very instrumental in getting the food premises open and assisted in preparing businesses to be compliant with government requirements
- food businesses responded well to the COVID-19 requirements and took pride in setting up a front shop that was inviting and safe
- provided support to our community around COVID-19 training, COVID-19 safety plans and general information
- very positive feedback from the community via councillors and the police sergeant also came to the Shire and thanked us in person for our assistance with the COVID-19 Safety Plans at all our food premises
- despite the impacts of COVID-19 100% of all inspections were completed
- response to COVID-19 by the Environmental Health team was rapid and effective
- COVID-19 has been a challenging time but one that EHO's have the necessary skills for.

Enforcement agencies were faced with additional challenges due to the impact of the COVID-19 pandemic and resulting restrictions, including restricted access to perform onsite food business assessments, closure of food businesses, change in food business activities, and diversion of enforcement agency resources to assist with compliance with COVID-19 directions.

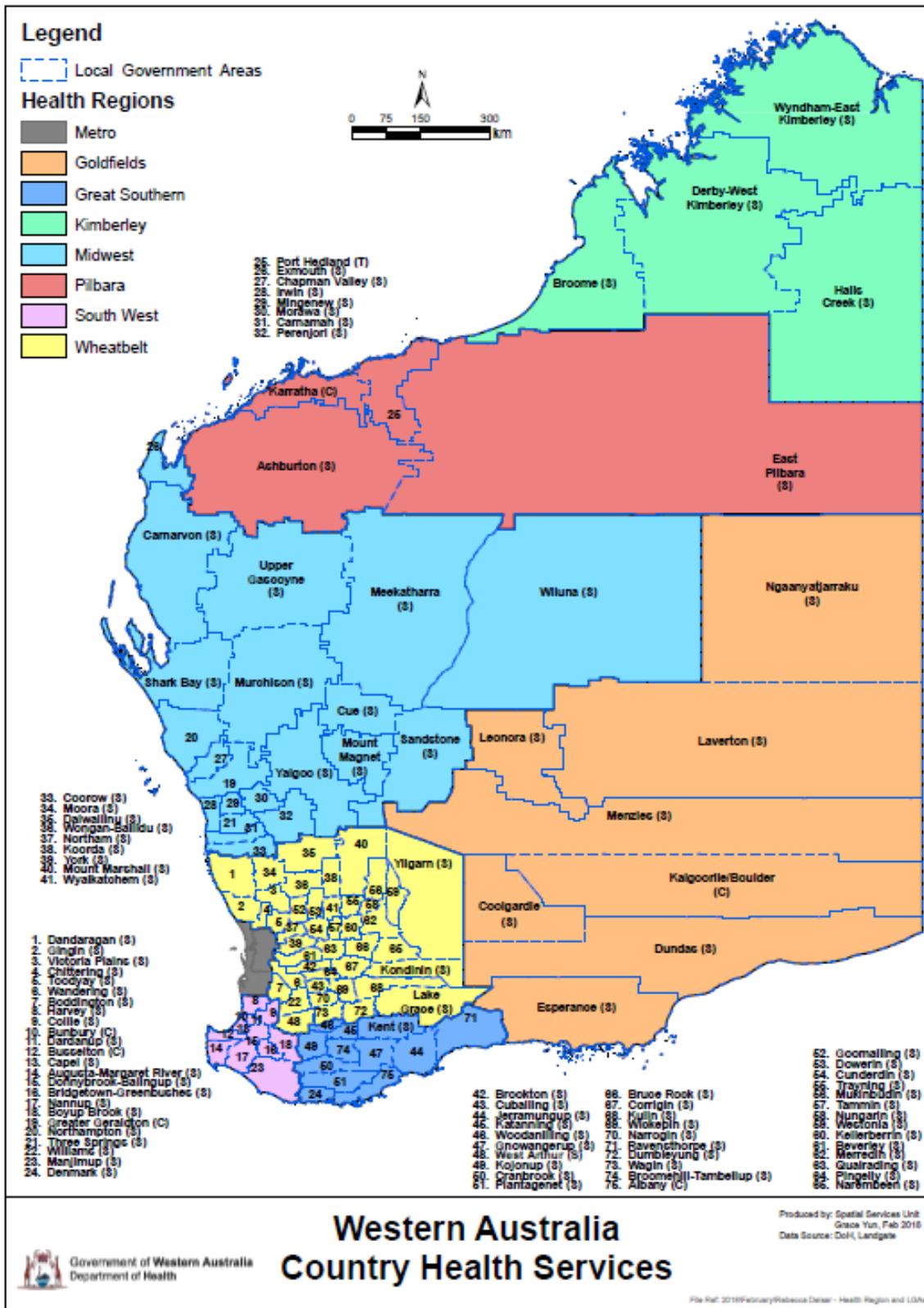
Enforcement agencies demonstrated adaptability and innovation in responding to this situation, whilst maintaining the delivery of their food regulatory functions to continue to ensure good food safety outcomes.

## Appendices

### Appendix 1: Map of WA metropolitan health regions



Appendix 2: Map of WA country health regions



### Appendix 3: Enforcement agencies by health region

#### East metropolitan

Cities of Armadale, Bayswater, Belmont, Gosnells, Kalamunda, Perth, Swan; Towns of Bassendean, Victoria Park; Shires of Mundaring, Serpentine-Jarrahdale.

#### Goldfields

City of Kalgoorlie-Boulder. Shires of Coolgardie, Dundas, Esperance, Laverton, Leonora, Menzies, Ngaanyatjarraku.

#### Great Southern

City of Albany. Shires of Broomehill-Tambellup, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Plantagenet, Ravensthorpe, Woodanilling.

#### Kimberley

Shires of Broome, Derby-West Kimberley, Halls Creek, Wyndham-East Kimberley.

#### Midwest

Cities of Greater Geraldton. Shires of Carnamah, Carnarvon, Chapman Valley, Coorow, Cue, Exmouth, Irwin, Meekatharra, Mingenew, Morawa, Mt Magnet, Murchison, Northampton, Perenjori, Sandstone, Shark Bay, Three Springs, Upper Gascoyne, Wiluna, Yalgoo.

#### North metropolitan

Cities of Joondalup, Nedlands, Stirling, Subiaco, Vincent, Wanneroo. Towns of Cambridge, Claremont, Cottesloe, Mosman Park. Shire of Peppermint Grove.

#### Pilbara

City of Karratha, Town of Port Hedland, Shires of Ashburton, East Pilbara.

#### South metropolitan

Cities of Canning, Cockburn, Fremantle, Mandurah, Melville, Rockingham, South Perth. Towns of East Fremantle, Kwinana. Shires of Murray, Waroona.

#### South West

Cities of Bunbury, Busselton, Shires of Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Capel, Collie, Dardanup, Donnybrook-Balingup, Harvey, Manjimup, Nannup.

#### Wheatbelt

Shires of Beverley, Boddington, Brookton, Bruce Rock, Chittering, Corrigin, Cuballing, Cunderdin, Dalwallinu, Dandaragan, Dowerin, Dumbleyung, Gingin, Goomalling, Kellerberrin, Kondinin, Koorda, Kulin, Lake Grace, Merredin, Moora, Mt Marshall, Mukinbudin, Narembeen, Narrogin, Northam, Nungarin, Pingelly, Quairading, Tammin, Toodyay, Trayning, Victoria Plains, Wagin, Wandering, West Arthur, Westonia, Wickepin, Williams, Wongan-Ballidu, Wyalkatchem, Yilgarn, York.

**Appendix 4: Food Act Section 121 reporting questions**

**Food Act authorised officers**

1.	What is the number of FTE Food Act authorised officers?
2.	What is the number of FTE persons that assist with the discharge of duties of Food Act authorised officers?
3.	What are the primary qualifications of Food Act authorised officers that do not hold qualifications suitable to be appointed as an Environmental Health Officer, and the number of Food Act authorised officers with this qualification? (list each qualification type, subject and number of officers)
4.	Please provide comments in relation to the questions on Food Act authorised officers

**Food businesses**

5.	What is the total number of food businesses in the enforcement agency’s jurisdiction?	
6.	Explain how the enforcement agency determines the frequency of routine onsite food safety assessments of food businesses (please advise if the WA risk priority classification tool is used)	
7.	How many food businesses were assessed at the frequency that was determined by the enforcement agency?	
8.	What is the total number of routine onsite food safety assessments that were conducted?	
9.	During food safety assessments of retail food businesses do you measure the refrigerated storage and display temperatures of raw poultry meat for compliance?	
10.	What is the number of food businesses by risk rating? High / medium / low / very low/exempt / not determined / other	
11.	What is the number of food businesses by principal type of activity?	
	Manufacturer/processor	Caterer
	Retailer	Meals-on-wheels
	Food service	Primary producer
	Distributor	Other
	Importer	Hotel/motel/guesthouse
	Packer	Pub/tavern
	Storage	Canteen/kitchen
	Transport	Hospital/nursing home
	Restaurant/café	Childcare centre
	Snack bar/takeaway	Home delivery
12.	Please provide comments in relation to the questions on food businesses	

### Food Act compliance and enforcement activities

13.	Does the enforcement agency have a compliance and enforcement policy in place? If no, why?
14.	Number of prosecutions instigated, number of successful prosecutions, number of unsuccessful prosecutions
15.	Number of seizures performed
16.	Number of improvement notices served, number of improvement notices not complied with
17.	Number of infringement notices served, number of infringement notices withdrawn
18.	Number of prohibition orders served, number of prohibition orders not complied with (under Food Act section 68), number of prohibition orders for which compensation was paid (under Food Act section 70)
19.	Please provide comments in relation to the questions on compliance and enforcement activities

### Regulatory food safety auditing

20.	What is the total number of food businesses captured under Standard 3.3.1?
21.	How many of these food businesses have a food safety program that is verified?
22.	How many of these food businesses are undergoing regulatory food safety auditing?
23.	How many regulatory food safety audits were conducted during the reporting year?
24.	How many regulatory food safety audits led to compliance and enforcement action during the reporting year?
25.	What is the total number of childcare centres captured by Standard 3.3.1, and private hospitals and nursing homes captured by Standard 3.3.1?
26.	How many childcare centres, and private hospitals and nursing homes had at least one regulatory food safety audit during the reporting year?
27.	Please provide comments in relation to the questions on regulatory food safety auditing

### Primary production and processing

28.	What is the total number of food businesses captured by Standard 4.2.1 (seafood), Standard 4.2.2 (poultry producer), Standard 4.2.2 (poultry processor), Australia Standards related to meat (meat producer/processor), Standard 4.2.4 (dairy), Standard 4.2.5 (eggs), Standard 4.2.6 (seed sprouts)?
29.	How many of these food businesses are registered? (seafood, poultry producer, poultry processor, meat producer/processor, dairy, eggs, seed sprouts)
30.	How many of these food businesses have a food safety program/ management system/ statement/ approved arrangement that has been verified or approved or recognised? (seafood, poultry producer, poultry processor, meat producer/processor, dairy, eggs, seed sprouts)

31.	How many of these food businesses were assessed or audited in relation to the Standard/s during the reporting year? (seafood, poultry producer, poultry processor, meat producer/processor, dairy, eggs, seed sprouts)
32.	Please provide comments in relation to the questions on the implementation of the primary production and processing / Australian Standards
<b>Regulatory Guideline 5</b>	
33.	Did the enforcement agency implement Regulatory Guideline 5 and the “raw egg package”?
34.	Has the enforcement agency used the following “raw egg package” resources: egg inspection checklist (how many assessments were conducted using the checklist); advisory letter for council; compliance strategy
35.	How many improvement notices were served in relation to raw egg-based product handling assessments?
36.	How many prohibition orders were served in relation to raw egg-based product handling assessments?
	If prohibition orders were served was the template prohibition order used?
37.	Please provide comments in relation to the questions on Regulatory Guideline 5 and the raw egg package

**Part C**

38.	What food safety education or training did your enforcement agency provide during the reporting year?
39.	Please provide your key highlights and issues over the last 12 months

**Appendix 5: Summary of data from enforcement agencies on Food Act activities for 1 July 2019 to 30 June 2020**

<b>Authorised Officers</b>	<b>East metro</b>	<b>Goldfields</b>	<b>Great Southern</b>	<b>Kimberley</b>	<b>Midwest</b>	<b>North metro</b>	<b>Pilbara</b>	<b>South metro</b>	<b>South West</b>	<b>Wheatbelt</b>	<b>Department of Health</b>	<b>TOTAL</b>
<b>Number of enforcement agencies</b>	<b>11</b>	<b>8</b>	<b>12</b>	<b>4</b>	<b>21</b>	<b>11</b>	<b>4</b>	<b>11</b>	<b>12</b>	<b>43</b>	<b>1</b>	<b>138</b>
Number of FTE Food Act authorised officers	59.9	5.6	7.6	10	11.4	58.6	8	55.4	31.2	23.4	7.6	<b>278.7</b>
Number of FTE persons that assist with the discharge of duties of Food Act authorised officers	10.5	3.0	5.0	1.2	1.8	12.3	1.2	4.3	6.8	8.8	0	<b>54.9</b>

Appendix 5: data 1 July 2019 to 30 June 2020

Registration and assessment of food businesses		East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
<b>Number of enforcement agencies</b>		<b>11</b>	<b>8</b>	<b>12</b>	<b>4</b>	<b>21</b>	<b>11</b>	<b>4</b>	<b>11</b>	<b>12</b>	<b>43</b>	<b>1</b>	<b>138</b>
Total number of food businesses		6263	673	751	528	853	4972	677	5611	2927	1071	343	<b>24669</b>
Number of assessments conducted		8944	1071	996	366	943	6519	688	8360	1866	1121	54	<b>30928</b>
Number of enforcement agencies that monitor retail raw poultry meat temperature		8.0	4	7	4	14	10	3	11	10	41	0	<b>112</b>
Number of food businesses by risk rating	High	640	124	66	36	96	409	111	551	155	72	318	<b>2578</b>
	Medium	3850	284	351	344	459	3209	401	2958	1283	639	21	<b>13799</b>
	Low	1109	113	235	97	203	911	118	1145	705	267	1	<b>4904</b>
	Very low/exempt	619	123	20	51	90	409	29	741	743	94	3	<b>2922</b>
	Not determined	7	1	2	0	0	40	0	6	9	0	0	<b>65</b>
	Other	5	0	0	0	0	0	0	0	0	0	1	0
Number of food businesses by principal type of activity	Manufacturer/processor	255	37	43	21	23	220	1	354	304	52	0	<b>1310</b>
	Hotel/motel/guest house	75	26	55	27	86	20	37	29	128	99	3	<b>585</b>
	Retailer	615	79	151	81	88	746	48	679	347	121	2	<b>2957</b>
	Pub/tavern	169	27	24	12	35	73	48	104	66	84	0	<b>642</b>
	Food service	95	20	0	40	3	46	13	124	32	16	1	<b>390</b>
	Canteen/kitchen	225	66	79	45	116	296	177	294	170	112	1	<b>1581</b>
	Distributor	48	9	16	6	9	37	7	78	15	6	1	<b>232</b>
	Hospital/nursing home	97	8	12	11	6	96	5	83	23	14	87	<b>442</b>

Appendix 5: data 1 July 2019 to 30 June 2020

Registration and assessment of food businesses		East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
Number of food businesses by principal type of activity	Importer	8	1	0	0	0	3	0	18	0	0	0	30
	Childcare centre	176	8	12	12	15	293	18	184	48	6	0	772
	Packer	9	1	8	0	1	6	0	40	20	2	0	87
	Home delivery	9	2	5	1	0	4	2	2	28	4	0	57
	Storage	54	2	5	1	1	28	0	83	23	1	0	198
	Mobile food operator	265	50	42	66	60	215	53	185	124	50	2	1112
	Transport	16	5	10	1	1	3	0	2	13	1	1	53
	Market stall	47	49	127	29	14	58	52	160	148	8	0	692
	Restaurant/cafe	1335	70	176	80	130	1152	110	1267	469	121	11	4921
	Charitable/community	167	39	72	10	31	113	80	180	382	104	0	1178
	Snack bar/takeaway	1313	90	124	51	82	799	28	815	196	96	7	3601
	Temporary food premises	103	161	26	42	1	284	43	738	32	63	1	1494
	Caterer	123	6	15	9	12	139	7	62	66	30	0	469
	Primary processor	43	12	43	0	2	16	0	20	74	13	65	288
	Meal-on-wheels	2	6	3	1	0	2	1	6	6	3	0	30
	Residential manufacturer	314	0	78	16	48	209	7	318	149	68	0	1207
	Primary producer	45	10	32	0	4	2	0	12	61	21	156	343
	Family daycare	230	28	26	5	31	166	11	295	31	10	0	833
Other	227	4	0	0	0	11	0	1	0	0	4	243	
Not determined	206	1	2	3	0	199	0	10	25	0	0	446	

Appendix 5: data 1 July 2019 to 30 June 2020

Compliance and enforcement activities		East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
<b>Number of enforcement agencies</b>		<b>11</b>	<b>8</b>	<b>12</b>	<b>4</b>	<b>21</b>	<b>11</b>	<b>4</b>	<b>11</b>	<b>12</b>	<b>43</b>	<b>1</b>	<b>138</b>
Number of enforcement agencies with a compliance and enforcement policy		6	2	2	3	5	7	1	24	7	16	1	55
Prosecutions	number instigated	6	0	0	0	0	2	0	8	0	0	0	16
	number successful	5	0	0	0	0	1	0	5	0	0	0	11
	number unsuccessful	0	0	0	0	0	0	0	0	0	0	0	0
Seizure powers performed		1	0	0	0	0	0	0	0	3	5	0	9
Improvement notices	number served	624	4	0	4	18	120	141	186	20	43	19	1179
	number not complied with	1	4	0	0	1	10	20	10	9	2	0	57
Infringement notices	served	191	2	0	0	0	36	0	165	9	0	2	405
	withdrawn	33	1	0	0	0	2	0	2	0	0	0	38
Prohibition orders	number served	15	0	1	0	0	5	0	4	2	0	0	27
	number not complied with	0	0	0	0	0	0	0	1	0	0	0	1
	compensation paid	0	0	0	0	0	0	0	0	0	0	0	0

**Appendix 5: data 1 July 2019 to 30 June 2020**

<b>Regulatory food safety auditing</b>	<b>East metro</b>	<b>Goldfields</b>	<b>Great Southern</b>	<b>Kimberley</b>	<b>Midwest</b>	<b>North metro</b>	<b>Pilbara</b>	<b>South metro</b>	<b>South West</b>	<b>Wheatbelt</b>	<b>Department of Health</b>	<b>TOTAL</b>
<b>Number of enforcement agencies</b>	<b>11</b>	<b>8</b>	<b>12</b>	<b>4</b>	<b>21</b>	<b>11</b>	<b>4</b>	<b>11</b>	<b>12</b>	<b>43</b>	<b>1</b>	<b>138</b>
Number of food businesses captured under Standard 3.3.1	245	46	15	25	21	362	19	239	46	21	87	<b>1126</b>
Number of food safety programs verified	236	15	14	23	20	227	18	236	45	21	85	<b>940</b>
Number of food businesses that are undergoing regulatory food safety auditing	235	15	14	17	20	223	19	231	43	21	85	<b>923</b>
Number of regulatory food safety audits conducted	302	16	18	16	22	316	19	297	48	29	74	<b>1157</b>
Number of regulatory food safety audits that led to enforcement action	0	0	3	1	0	2	7	0	9	8	0	<b>30</b>

Appendix 5: data 1 July 2019 to 30 June 2020

Primary production and processing standards		East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
<b>Number of enforcement agencies</b>		<b>11</b>	<b>8</b>	<b>12</b>	<b>4</b>	<b>21</b>	<b>11</b>	<b>4</b>	<b>11</b>	<b>12</b>	<b>43</b>	<b>1</b>	<b>138</b>
Seafood primary producer/processor (Standard 4.2.1)	Number of food businesses	3	6	1	0	13	2	0	15	17	2	6	<b>65</b>
	Number registered	3	6	1	0	9	2	0	15	17	2	6	<b>61</b>
	Number of FSMS recognised/verified	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	6	<b>6</b>
	Number that were assessed	2	1	1	0	5	2	0	14	7	2	3	<b>37</b>
Poultry producer (Standard 4.2.2)	Number of food businesses	6	0	0	0	0	9	0	0	0	1	0	<b>16</b>
	Number registered	5	0	0	0	0	2	0	0	0	1	0	<b>8</b>
	Number of FSMS recognised/verified	5	0	0	0	0	2	0	0	0	1	0	<b>8</b>
	Number that were assessed	6	0	0	0	0	2	0	0	0	1	0	<b>9</b>
Poultry processor (Standard 4.2.2)	Number of food businesses	19	0	1	0	0	7	0	3	0	2	0	<b>32</b>
	Number registered	19	0	1	0	0	7	0	3	0	2	0	<b>32</b>
	Number of FSMS recognised/verified	17	0	1	0	0	4	0	3	0	2	0	<b>27</b>
	Number that were assessed	17	0	1	0	0	1	0	2	0	2	0	<b>23</b>

Appendix 5: data 1 July 2019 to 30 June 2020

Primary production and processing standards		East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
Meat producer/processor (Australian Standards related to meat)	Number of food businesses	4	0	2	0	8	22	0	26	24	6	4	<b>96</b>
	Number registered	2	0	2	0	2	22	0	26	24	5	4	<b>87</b>
	Number of FSMS recognised/verified	3	0	2	0	2	14	0	25	14	4	4	<b>68</b>
	Number that were assessed	3	0	2	0	2	10	0	26	11	2	4	<b>60</b>
Dairy primary producer/processor (Standard 4.2.4)	Number of food businesses	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	215	<b>215</b>
	Number registered	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	215	<b>215</b>
	Number of FSMS recognised/verified	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	203	<b>203</b>
	Number that were assessed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	<b>0</b>
Egg producer/processor (Standard 4.2.5)	Number of food businesses	8	2	3	0	3	1	0	14	23	21	0	<b>75</b>
	Number registered	6	2	2	0	3	1	0	12	23	20	0	<b>69</b>
	Number of FSMS recognised/verified	4	2	2	0	2	1	0	12	18	18	0	<b>59</b>
	Number that were assessed	7	2	2	0	0	1	0	10	19	17	0	<b>58</b>
Seed sprout producer/processor (Standard 4.2.6)	Number of food businesses	0	0	0	0	0	1	0	1	0	1	0	<b>3</b>
	Number registered	0	0	0	0	0	1	0	1	0	1	0	<b>3</b>
	Number of FSMS recognised/verified	0	0	0	0	0	0	0	1	0	1	0	<b>2</b>
	Number that were assessed	0	0	0	0	0	0	0	0	0	1	0	<b>1</b>

Appendix 5: data 1 July 2019 to 30 June 2020

Regulatory Guideline 5	East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
<b>Number of enforcement agencies</b>	<b>11</b>	<b>8</b>	<b>12</b>	<b>4</b>	<b>21</b>	<b>11</b>	<b>4</b>	<b>11</b>	<b>12</b>	<b>43</b>	<b>1</b>	<b>138</b>
Number of enforcement agencies that implemented Regulatory Guideline 5	7	2	1	1	4	6	1	6	5	2	1	<b>36</b>
Number of enforcement agencies that used the egg inspection checklist	2	1	0	1	3	7	1	5	4	1	1	<b>26</b>
Number of enforcement agencies that used the advisory letter for Council	0	0	1	0	0	4	1	1	1	0	0	<b>8</b>
Number of enforcement agencies that used the compliance strategy	1	1	0	0	0	4	0	1	2	0	1	<b>10</b>
Number of assessments that were conducted using the egg inspection checklist	12	1	0	1	12	13	1	17	14	8	6	<b>85</b>
Number of improvement notices served in relation to raw-egg based product handling assessments	94	1	0	0	0	1	0	2	1	0	1	<b>100</b>
Number of prohibition orders served in relation to raw-egg based product handling assessments	1	0	0	0	0	4	0	0	0	0	0	<b>5</b>

**Appendix 6: Summary of data from enforcement agencies on Food Act activities for 1 July 2020 to 30 June 2021**

<b>Authorised officers</b>	<b>East metro</b>	<b>Goldfields</b>	<b>Great Southern</b>	<b>Kimberley</b>	<b>Midwest</b>	<b>North metro</b>	<b>Pilbara</b>	<b>South metro</b>	<b>South West</b>	<b>Wheatbelt</b>	<b>Department of Health</b>	<b>TOTAL</b>
<b>Number of enforcement agencies that reported / total enforcement agencies</b>	11/11	8/8	12/12	3/4	21/21	10/11	4/4	11/11	12/12	41/43	1/1	134/138
Number of FTE Food Act authorised officers	62.3	6.1	8.9	6.0	10.5	58.0	9.0	53.5	24.5	23.4	4.4	<b>266.5</b>
Number of FTE persons that assist with the discharge of duties of Food Act authorised officers	20.9	1.45	4.76	1	2.89	12	2	4.6	3.2	7.95	0	<b>60.75</b>

Appendix 6: data 1 July 2020 to 30 June 2021

Food businesses		East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
<b>Number of enforcement agencies that reported / total enforcement agencies</b>		<b>11/11</b>	<b>8/8</b>	<b>12/12</b>	<b>3/4</b>	<b>21/21</b>	<b>10/11</b>	<b>4/4</b>	<b>11/11</b>	<b>12/12</b>	<b>41/43</b>	<b>1/1</b>	<b>134/138</b>
Total number of food businesses		6546	718	734	499	940	5082	710	5771	3037	951	337	<b>25325</b>
Number of food businesses assessed at the required frequency		6384	370	234	60	579	2937	515	3862	1624	746	31	<b>17342</b>
Number of assessments conducted		9495	775	508	228	821	5848	658	7719	1891	980	59	<b>28982</b>
Number of food businesses by risk rating	High	570	153	58	26	98	404	109	616	154	43	161	<b>2392</b>
	Medium	3846	293	352	313	475	3262	405	3036	1402	647	172	<b>14203</b>
	Low	1244	118	219	102	217	866	133	1338	742	202	1	<b>5182</b>
	Very low/exempt	690	152	105	45	151	476	71	765	755	62	3	<b>3275</b>
	Not determined/other	37	0	3	0	0	37	0	42	25	10	0	<b>154</b>
Number of food businesses by principal type of activity	Manufacturer/processor	321	38	34	31	24	236	1	317	318	68	0	<b>1388</b>
	Hotel/motel/guest house	79	22	47	34	51	19	27	28	125	88	3	<b>523</b>
	Retailer	804	84	134	91	81	768	26	679	320	131	2	<b>3120</b>
	Pub/tavern	175	26	24	16	30	77	49	116	78	71	0	<b>662</b>
	Food service	110	26	0	63	2	22	14	150	35	19	1	<b>442</b>
	Canteen/kitchen	252	77	80	39	113	319	163	330	166	94	1	<b>1634</b>
	Distributor	61	12	14	7	1	38	7	61	28	4	1	<b>234</b>

Appendix 6: data 1 July 2020 to 30 June 2021

Food businesses		East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
<b>Number of enforcement agencies that reported / total enforcement agencies</b>		<b>11/11</b>	<b>8/8</b>	<b>12/12</b>	<b>3/4</b>	<b>21/21</b>	<b>10/11</b>	<b>4/4</b>	<b>11/11</b>	<b>12/12</b>	<b>41/43</b>	<b>1/1</b>	<b>134/138</b>
Number of food businesses by principal type of activity	Hospital/nursing home	78	9	13	7	4	96	5	83	22	15	85	<b>417</b>
	Importer	15	1	0	0	0	1	0	11	0	0	0	<b>28</b>
	Childcare centre	205	8	12	11	15	293	27	201	47	7	0	<b>826</b>
	Packer	10	1	6	0	0	7	0	44	23	2	0	<b>93</b>
	Home delivery	9	2	5	1	1	8	5	2	6	0	0	<b>39</b>
	Storage	58	1	4	1	1	33	0	112	11	1	0	<b>222</b>
	Mobile food operator	289	59	30	70	61	202	38	423	143	57	2	<b>1374</b>
	Transport	15	14	8	2	1	3	0	2	15	0	2	<b>62</b>
	Market stall	193	51	83	34	10	49	52	574	155	12	0	<b>1213</b>
	Restaurant/cafe	1463	74	150	107	128	1246	124	1318	432	120	11	<b>5173</b>
	Charitable/community	154	45	77	13	31	115	63	155	405	76	0	<b>1134</b>
	Snack bar/takeaway	1220	101	105	48	78	744	60	848	233	92	7	<b>3536</b>
	Temporary food premises	108	78	20	51	2	299	47	422	43	32	1	<b>1103</b>
	Caterer	89	8	18	5	17	160	12	64	68	27	0	<b>468</b>
Primary processor	27	17	34	2	2	13	0	10	76	22	176	<b>379</b>	
Meal-on-wheels	3	3	2	1	0	2	1	6	3	1	0	<b>22</b>	

Appendix 6: data 1 July 2020 to 30 June 2021

Food businesses		East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
<b>Number of enforcement agencies that reported / total enforcement agencies</b>		<b>11/11</b>	<b>8/8</b>	<b>12/12</b>	<b>3/4</b>	<b>21/21</b>	<b>10/11</b>	<b>4/4</b>	<b>11/11</b>	<b>12/12</b>	<b>41/43</b>	<b>1/1</b>	<b>134/138</b>
Number of food businesses by principal type of activity	Residential manufacturer	330	2	70	12	62	229	24	296	186	72	0	<b>1283</b>
	Primary producer	51	10	31	2	7	6	0	35	83	31	154	<b>410</b>
	Family daycare	274	30	28	4	28	159	8	305	33	3	0	<b>872</b>
	Other	1	0	0	0	33	0	0	11	0	0	0	<b>45</b>
	Not determined	226	0	0	3	0	256	0	12	3	0	0	<b>500</b>

Appendix 6: data 1 July 2020 to 30 June 2021

Compliance and enforcement activities	East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
Number of enforcement agencies that reported / total enforcement agencies	11/11	8/8	12/12	3/4	21/21	10/11	4/4	11/11	12/12	41/43	1/1	134/138
Number of enforcement agencies with a compliance and enforcement policy	7	2	3	3	9	7	0	6	8	14	0	59
Prosecutions instigated	7	0	0	0	1	3	0	7	0	0	0	18
Prosecutions successful	8	0	0	0	1	2	0	7	0	0	0	18
Seizure powers performed	3	0	0	0	0	0	0	0	0	0	0	3
Improvement notices	696	62	0	3	14	83	85	292	16	55	29	1335
Infringement notices	106	0	0	0	4	44	1	164	4	0	5	328
Prohibition orders	14	0	0	0	1	4	0	6	0	1	0	26

Appendix 6: data 1 July 2020 to 30 June 2021

Regulatory food safety auditing	East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
<b>Number of enforcement agencies that reported / total enforcement agencies</b>	<b>11/11</b>	<b>8/8</b>	<b>12/12</b>	<b>3/4</b>	<b>21/21</b>	<b>10/11</b>	<b>4/4</b>	<b>11/11</b>	<b>12/12</b>	<b>41/43</b>	<b>1/1</b>	<b>134/138</b>
Number of food businesses captured under Standard 3.3.1	242	16	32	19	22	295	11	244	48	10	306	<b>1245</b>
Number of food safety programs verified	241	16	16	16	22	272	10	241	46	10	280	<b>1170</b>
Number of food businesses that are undergoing regulatory food safety auditing	224	16	16	16	21	272	11	240	45	10	85	<b>956</b>
Number of regulatory food safety audits conducted	332	16	21	24	33	384	11	320	42	15	4	<b>1202</b>
Number of regulatory food safety audits that led to enforcement action	10	0	1	2	0	0	11	2	1	8	1	<b>36</b>
Number of childcare centres	176	9	9	12	17	206	11	163	35	4	0	<b>642</b>
Number of private hospitals/ nursing homes	78	7	9	7	4	98	5	83	20	7	0	<b>318</b>
Number of childcare centres audited at least once	167	10	9	8	17	136	6	158	25	4	0	<b>540</b>
Number of private hospitals/ nursing homes audited at least once	65	6	8	6	4	92	1	81	11	4	0	<b>278</b>

Appendix 6: data 1 July 2020 to 30 June 2021

Primary production and processing standards		East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
<b>Number of enforcement agencies that reported / total enforcement agencies</b>		<b>11/11</b>	<b>8/8</b>	<b>12/12</b>	<b>3/4</b>	<b>21/21</b>	<b>10/11</b>	<b>4/4</b>	<b>11/11</b>	<b>12/12</b>	<b>41/43</b>	<b>1/1</b>	<b>134/138</b>
Seafood primary producer/processor (Standard 4.2.1)	Number of food businesses	1	5	5	0	8	2	0	13	16	3	4	<b>57</b>
	Number registered	1	5	5	0	9	2	0	12	15	4	4	<b>57</b>
	Number of FSMS recognised/verified	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	4	<b>4</b>
	Number that were assessed	1	5	1	0	5	1	0	13	0	0	1	<b>27</b>
Poultry producer (Standard 4.2.2)	Number of food businesses	14	0	1	0	0	7	0	0	0	2	0	<b>24</b>
	Number registered	12	0	1	0	0	5	0	0	0	2	0	<b>20</b>
	Number of FSMS recognised/verified	12	0	0	0	0	5	0	0	0	2	0	<b>19</b>
	Number that were assessed	5	0	0	0	0	2	0	0	0	2	0	<b>9</b>
Poultry processor (Standard 4.2.2)	Number of food businesses	3	0	1	0	0	7	0	3	0	2	0	<b>16</b>
	Number registered	1	0	2	0	0	7	0	3	0	2	0	<b>15</b>
	Number of FSMS recognised/verified	0	0	1	0	0	4	0	3	0	2	0	<b>10</b>
	Number that were assessed	1	0	1	0	0	4	0	2	0	2	0	<b>10</b>

Appendix 6: data 1 July 2020 to 30 June 2021

Primary production and processing standards		East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
Meat producer/processor (Australian Standards related to meat)	Number of food businesses	9	0	4	1	2	25	0	34	20	5	4	104
	Number registered	5	0	4	1	3	25	0	34	16	5	4	97
	Number of FSMS recognised/verified	5	0	1	1	2	15	0	31	15	4	4	78
	Number that were assessed	5	0	1	1	1	24	0	28	8	4	3	75
Dairy primary producer/processor (Standard 4.2.4)	Number of food businesses	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	213	213
	Number registered	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	209	209
	Number of FSMS recognised/verified	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	187	187
	Number that were assessed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0
Egg producer/processor (Standard 4.2.5)	Number of food businesses	9	2	6	0	4	1	0	10	31	24	0	87
	Number registered	9	2	5	0	4	1	0	10	30	23	0	84
	Number of FSMS recognised/verified	8	2	2	0	2	1	0	10	23	18	0	66
	Number that were assessed	7	2	0	0	1	1	0	5	19	16	0	51
Seed sprout producer/processor (Standard 4.2.6)	Number of food businesses	0	0	0	0	0	1	0	0	1	1	0	3
	Number registered	0	0	0	0	0	1	0	0	1	1	0	3
	Number of FSMS recognised/verified	0	0	0	0	0	0	0	0	0	2	0	2
	Number that were assessed	0	0	0	0	0	0	0	0	0	1	0	1

Appendix 6: data 1 July 2020 to 30 June 2021

Regulatory Guideline 5	East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
<b>Number of enforcement agencies that reported / total enforcement agencies</b>	<b>11/11</b>	<b>8/8</b>	<b>12/12</b>	<b>3/4</b>	<b>21/21</b>	<b>10/11</b>	<b>4/4</b>	<b>11/11</b>	<b>12/12</b>	<b>41/43</b>	<b>1/1</b>	<b>134/138</b>
Number of enforcement agencies that implemented Regulatory Guideline 5	7	2	1	0	4	8	0	7	6	7	0	42
Number of enforcement agencies that used the egg inspection checklist	3	2	0	0	2	7	0	5	6	6	0	31
Number of enforcement agencies that used the advisory letter for Council	2	0	0	0	0	3	0	4	2	1	0	12
Number of enforcement agencies that used the compliance strategy	3	1	0	0	0	2	0	4	2	2	0	14
Number of assessments that were conducted using the egg inspection checklist	13	3	0	0	396	15	0	12	24	25	0	488
Number of improvement notices served in relation to raw egg-based product handling assessments	102	1	0	0	0	3	0	2	0	1	0	109
Number of prohibition orders served in relation to raw egg-based product handling assessments	0	0	0	0	0	1	0	0	0	1	0	2

**Appendix 7: Summary of data from enforcement agencies on Food Act activities for 1 July 2021 to 30 June 2022**

<b>Authorised officers</b>	<b>East metro</b>	<b>Goldfields</b>	<b>Great Southern</b>	<b>Kimberley</b>	<b>Midwest</b>	<b>North metro</b>	<b>Pilbara</b>	<b>South metro</b>	<b>South West</b>	<b>Wheatbelt</b>	<b>Department of Health</b>	<b>TOTAL</b>
<b>Number of enforcement agencies that reported / total enforcement agencies</b>	11/11	8/8	11/12	4/4	19/21	8/11	3/4	11/11	11/12	37/43	1/1	124/138
Number of FTE Food Act authorised officers	63.5	4.1	8.9	7.0	8.5	49.1	7.0	54.4	20.2	14.9	6.0	<b>243.6</b>
Number of FTE persons that assist with the discharge of duties of Food Act authorised officers	15.8	1.5	5.8	0.0	2.9	12.8	2.0	4.1	6.8	11.3	0.0	<b>63.0</b>

Appendix 7: data 1 July 2021 to 30 June 2022

Food businesses		East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
<b>Number of enforcement agencies that reported / total enforcement agencies</b>		<b>11/11</b>	<b>8/8</b>	<b>11/12</b>	<b>4/4</b>	<b>19/21</b>	<b>8/11</b>	<b>3/4</b>	<b>11/11</b>	<b>11/12</b>	<b>37/43</b>	<b>1/1</b>	<b>124/138</b>
Total number of food businesses		6564	733	763	529	925	4521	544	5614	2551	935	342	<b>24021</b>
Number of food businesses assessed at the required frequency		5915	402	258	116	493	3258	154	3639	1032	604	32	<b>15903</b>
Number of assessments conducted		8532	485	360	285	634	5477	349	7633	1580	775	115	<b>26225</b>
Number of food businesses by risk rating	High	635	111	68	34	60	370	11	566	152	28	166	<b>2201</b>
	Medium	3906	324	383	335	505	2764	437	3108	1160	600	171	<b>13693</b>
	Low	1236	152	219	99	197	878	58	1101	628	207	2	<b>4777</b>
	Very low/exempt	642	127	82	56	46	498	39	749	581	69	3	<b>2892</b>
	Not determined/other	33	0	18	67	80	0	0	54	23	18	0	<b>293</b>
Number of food businesses by principal type of activity	Manufacturer/processor	307	31	48	18	28	190	6	345	180	61	0	<b>1214</b>
	Hotel/motel/guest house	72	22	47	29	52	19	18	32	97	77	3	<b>468</b>
	Retailer	746	81	132	65	73	657	47	685	283	118	0	<b>2887</b>
	Pub/tavern	189	25	24	14	33	55	15	118	61	63	0	<b>597</b>
	Food service	105	23	9	25	14	50	0	112	32	22	1	<b>393</b>
	Canteen/kitchen	270	87	86	47	108	301	173	426	140	113	1	<b>1752</b>
	Distributor	69	13	13	3	10	33	5	144	25	6	1	<b>322</b>

Appendix 7: data 1 July 2021 to 30 June 2022

Food businesses		East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
<b>Number of enforcement agencies that reported / total enforcement agencies</b>		<b>11/11</b>	<b>8/8</b>	<b>11/12</b>	<b>4/4</b>	<b>19/21</b>	<b>8/11</b>	<b>3/4</b>	<b>11/11</b>	<b>11/12</b>	<b>37/43</b>	<b>1/1</b>	<b>124/138</b>
Number of food businesses by principal type of activity	Hospital/nursing home	80	14	14	10	4	67	3	85	20	14	89	<b>400</b>
	Importer	13	0	0	0	0	2	0	16	2	1	0	<b>34</b>
	Childcare centre	234	9	12	15	15	275	24	212	36	6	0	<b>838</b>
	Packer	14	1	5	0	0	3	0	5	21	0	0	<b>49</b>
	Home delivery	11	0	3	1	0	4	3	3	5	0	0	<b>30</b>
	Storage	56	1	4	1	1	19	0	34	7	0	0	<b>123</b>
	Mobile food operator	289	47	40	68	61	198	54	232	102	47	3	<b>1141</b>
	Transport	14	6	6	0	1	4	0	6	11	0	2	<b>50</b>
	Market stall	190	55	71	22	9	225	3	92	102	4	0	<b>773</b>
	Restaurant/cafe	1462	84	147	79	122	877	96	1387	359	121	10	<b>4744</b>
	Charitable/community	195	46	72	16	29	90	10	152	335	62	0	<b>1007</b>
	Snack bar/takeaway	1232	92	103	61	76	721	61	786	209	85	7	<b>3433</b>
	Temporary food premises	104	79	21	72	2	88	0	335	26	30	2	<b>759</b>
	Caterer	98	11	17	8	22	111	5	64	62	20	0	<b>418</b>
Primary processor	34	15	34	4	4	2	0	0	28	22	59	<b>202</b>	
Meal-on-wheels	3	4	1	2	0	2	1	5	4	3	0	<b>25</b>	

Appendix 7: data 1 July 2021 to 30 June 2022

Food businesses		East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
<b>Number of enforcement agencies that reported / total enforcement agencies</b>		<b>11/11</b>	<b>8/8</b>	<b>11/12</b>	<b>4/4</b>	<b>19/21</b>	<b>8/11</b>	<b>3/4</b>	<b>11/11</b>	<b>11/12</b>	<b>37/43</b>	<b>1/1</b>	<b>124/138</b>
Number of food businesses by principal type of activity	Residential manufacturer	420	13	62	10	57	134	15	363	130	52	0	<b>1256</b>
	Primary producer	45	11	42	3	83	2	0	25	40	21	154	<b>426</b>
	Family daycare	219	36	16	4	22	166	0	275	29	4	0	<b>771</b>
	Other	0	0	2	3	0	261	0	19	19	0	4	<b>308</b>
	Not determined	234	0	0	10	24	47	0	19	0	12	0	<b>346</b>

Appendix 7: data 1 July 2021 to 30 June 2022

Compliance and enforcement activities	East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
<b>Number of enforcement agencies that reported / total enforcement agencies</b>	<b>11/11</b>	<b>8/8</b>	<b>11/12</b>	<b>4/4</b>	<b>19/21</b>	<b>8/11</b>	<b>3/4</b>	<b>11/11</b>	<b>11/12</b>	<b>37/43</b>	<b>1/1</b>	<b>124/138</b>
Number of enforcement agencies with a compliance and enforcement policy	9	3	2	4	8	5	1	8	6	22	1	<b>69</b>
Prosecutions instigated	4	0	0	0	0	2	0	4	0	0	0	<b>10</b>
Prosecutions successful	6	0	0	0	0	3	0	4	0	0	0	<b>13</b>
Seizure powers performed	0	0	0	0	0	1	0	1	0	0	0	<b>2</b>
Improvement notices	461	25	0	5	6	114	16	211	18	12	7	<b>875</b>
Infringement notices	73	2	0	3	0	31	0	154	9	0	3	<b>275</b>
Prohibition orders	5	0	0	0	1	3	2	2	0	0	0	<b>13</b>

**Appendix 7: data 1 July 2021 to 30 June 2022**

<b>Regulatory food safety auditing</b>	<b>East metro</b>	<b>Goldfields</b>	<b>Great Southern</b>	<b>Kimberley</b>	<b>Midwest</b>	<b>North metro</b>	<b>Pilbara</b>	<b>South metro</b>	<b>South West</b>	<b>Wheatbelt</b>	<b>Department of Health</b>	<b>TOTAL</b>
<b>Number of enforcement agencies that reported / total enforcement agencies</b>	<b>11/11</b>	<b>8/8</b>	<b>11/12</b>	<b>4/4</b>	<b>19/21</b>	<b>8/11</b>	<b>3/4</b>	<b>11/11</b>	<b>11/12</b>	<b>37/43</b>	<b>1/1</b>	<b>124/138</b>
Number of food businesses captured under Standard 3.3.1	255	20	39	23	19	292	19	270	105	13	89	<b>1144</b>
Number of food safety programs verified	252	19	37	20	19	248	19	266	49	6	89	<b>1024</b>
Number of food businesses that are undergoing regulatory food safety auditing	252	19	15	16	17	247	19	266	46	9	89	<b>995</b>
Number of regulatory food safety audits conducted	339	20	17	10	17	414	14	347	68	5	163	<b>1414</b>
Number of regulatory food safety audits that led to enforcement action	16	0	0	0	0	2	0	1	4	0	1	<b>24</b>
Number of childcare centres	191	9	7	12	14	222	18	170	36	4	0	<b>683</b>
Number of private hospitals/ nursing homes	63	9	10	12	4	59	1	85	17	9	0	<b>269</b>
Number of childcare centres audited at least once	177	9	6	6	12	193	18	161	32	3	0	<b>617</b>
Number of private hospitals/ nursing homes audited at least once	68	9	9	5	4	54	1	84	16	6	0	<b>256</b>

Appendix 7: data 1 July 2021 to 30 June 2022

Primary production and processing standards		East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
<b>Number of enforcement agencies that reported / total enforcement agencies</b>		<b>11/11</b>	<b>8/8</b>	<b>11/12</b>	<b>4/4</b>	<b>19/21</b>	<b>8/11</b>	<b>3/4</b>	<b>11/11</b>	<b>11/12</b>	<b>37/43</b>	<b>1/1</b>	<b>124/138</b>
Seafood primary producer/processor (Standard 4.2.1)	Number of food businesses	6	6	4	1	8	5	0	17	14	1	4	<b>66</b>
	Number registered	6	6	4	1	8	5	0	17	14	1	4	<b>66</b>
	Number of FSMS recognised/verified	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	4	<b>4</b>
	Number that were assessed	6	0	1	0	4	0	0	7	7	0	4	<b>29</b>
Poultry producer (Standard 4.2.2)	Number of food businesses	14	0	0	0	0	5	0	0	3	0	0	<b>22</b>
	Number registered	12	0	0	0	0	3	0	0	3	0	0	<b>18</b>
	Number of FSMS recognised/verified	12	0	0	0	0	3	0	0	3	0	0	<b>18</b>
	Number that were assessed	12	0	0	0	0	0	0	0	3	0	0	<b>15</b>
Poultry processor (Standard 4.2.2)	Number of food businesses	3	0	1	0	0	5	0	2	1	0	0	<b>12</b>
	Number registered	3	0	1	0	0	5	0	2	2	0	0	<b>13</b>
	Number of FSMS recognised/verified	2	0	1	0	0	2	0	2	2	0	0	<b>9</b>
	Number that were assessed	2	0	1	0	0	3	0	2	2	0	0	<b>10</b>

Appendix 7: data 1 July 2021 to 30 June 2022

Primary production and processing standards		East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
Meat producer/processor (Australian Standards related to meat)	Number of food businesses	6	0	3	1	0	11	0	34	12	10	4	81
	Number registered	5	0	3	1	0	11	0	34	12	11	4	81
	Number of FSMS recognised/verified	5	0	1	1	0	1	0	33	10	7	4	62
	Number that were assessed	5	0	1	0	0	11	0	32	10	7	0	66
Dairy primary producer/processor (Standard 4.2.4)	Number of food businesses	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	213	213
	Number registered	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	209	209
	Number of FSMS recognised/verified	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	187	187
	Number that were assessed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0
Egg producer/processor (Standard 4.2.5)	Number of food businesses	10	2	5	0	4	1	0	9	21	17	0	69
	Number registered	10	2	5	0	4	1	0	9	21	17	0	69
	Number of FSMS recognised/verified	10	2	2	0	1	1	0	9	16	13	0	54
	Number that were assessed	9	2	0	0	2	1	0	7	12	9	0	42
Seed sprout producer/processor (Standard 4.2.6)	Number of food businesses	0	0	0	0	1	0	0	0	0	0	0	1
	Number registered	0	0	0	0	1	0	0	0	0	0	0	1
	Number of FSMS recognised/verified	0	0	0	0	0	0	0	0	0	0	0	0
	Number that were assessed	0	0	0	0	1	0	0	0	0	0	0	1

Appendix 7: data 1 July 2021 to 30 June 2022

Regulatory Guideline 5	East metro	Goldfields	Great Southern	Kimberley	Midwest	North metro	Pilbara	South metro	South West	Wheatbelt	Department of Health	TOTAL
<b>Number of enforcement agencies that reported / total enforcement agencies</b>	<b>11/11</b>	<b>8/8</b>	<b>11/12</b>	<b>4/4</b>	<b>19/21</b>	<b>8/11</b>	<b>3/4</b>	<b>11/11</b>	<b>11/12</b>	<b>37/43</b>	<b>1/1</b>	<b>124/138</b>
Number of enforcement agencies that implemented Regulatory Guideline 5	7	5	0	0	7	4	2	6	3	1	1	36
Number of enforcement agencies that used the egg inspection checklist	3	5	0	0	3	2	0	5	3	0	0	21
Number of enforcement agencies that used the advisory letter for Council	0	0	0	0	0	1	0	1	1	0	0	3
Number of enforcement agencies that used the compliance strategy	2	2	0	0	1	1	0	1	1	0	0	8
Number of assessments that were conducted using the egg inspection checklist	3	9	0	0	5	1	0	6	9	0	0	33
Number of improvement notices served in relation to raw egg-based product handling assessments	4	0	0	0	0	0	0	0	0	0	0	4
Number of prohibition orders served in relation to raw egg-based product handling assessments	0	0	0	0	0	0	0	0	0	0	0	0

## Appendix 7: data 1 July 2021 to 30 June 2022

<b>Pet Meat</b>	<b>East metro</b>	<b>Goldfields</b>	<b>Great Southern</b>	<b>Kimberley</b>	<b>Midwest</b>	<b>North metro</b>	<b>Pilbara</b>	<b>South metro</b>	<b>South West</b>	<b>Wheatbelt</b>	<b>Department of Health</b>	<b>TOTAL</b>
<b>Number of enforcement agencies that reported / total enforcement agencies</b>	<b>11/11</b>	<b>8/8</b>	<b>11/12</b>	<b>4/4</b>	<b>19/21</b>	<b>8/11</b>	<b>3/4</b>	<b>11/11</b>	<b>11/12</b>	<b>37/43</b>	<b>1/1</b>	<b>124/138</b>
Number of pet meat processing establishments	4	1	2	0	4	3	1	3	10	0	0	<b>28</b>
Number of retail pet meat shops	24	4	3	0	0	14	1	10	6	2	0	<b>64</b>
Number of knackereries	1	0	0	0	0	0	0	0	0	0	0	<b>1</b>

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Government of **Western Australia**  
Department of **Health**

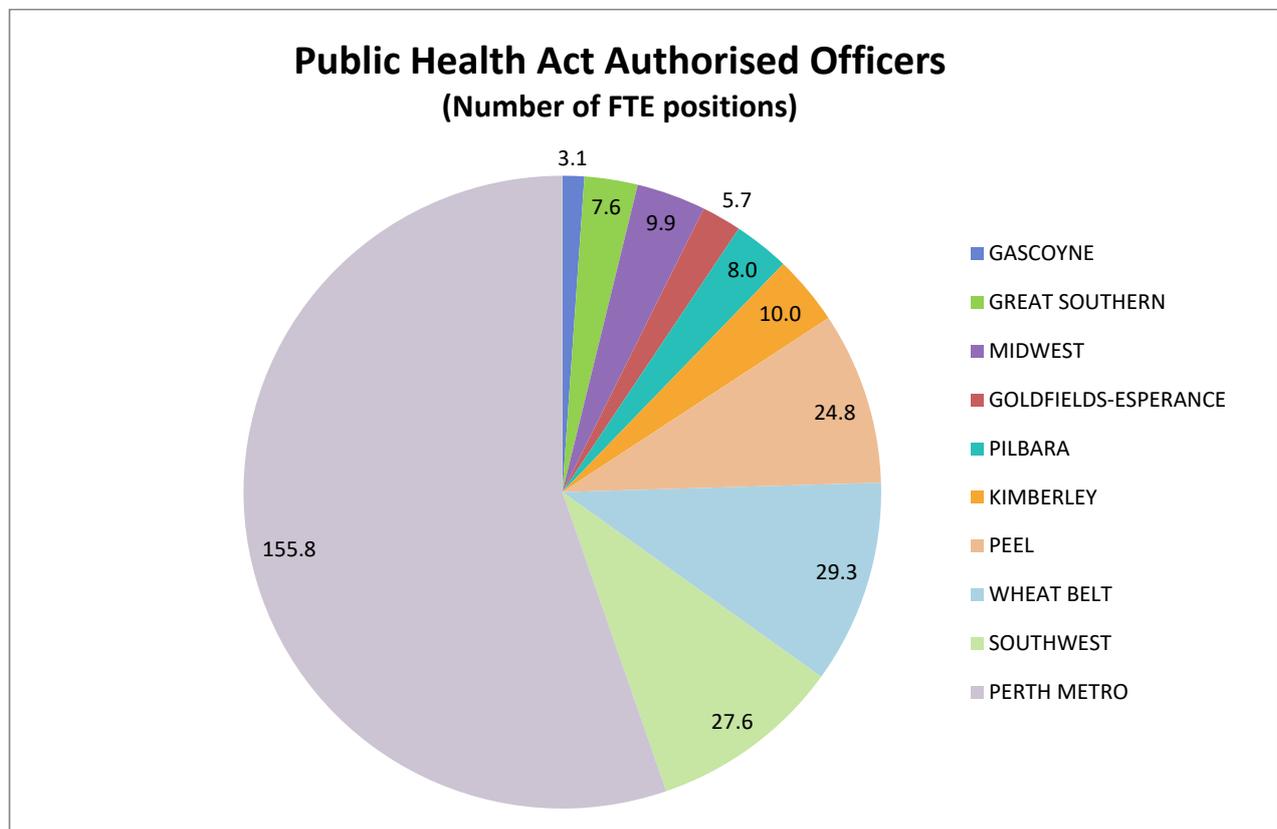
# 2019/2020 *Public Health Act 2016* Enforcement Agency Reporting

Section 22 of the *Public Health Act 2016* (the Public Health Act) requires local government (LG) to report to the Chief Health Officer on the performance of functions under the Public Health Act.

The reporting survey for the period of 2019/2020 was undertaken and 137 of a total of 137 Western Australia LGs provided their response to the survey. The number of LGs that reported in 2018/2019 was also 137.

## Authorised Officers

During the 2019/2020 reporting period, there were 281.7 Full Time Equivalent (FTE) Public Health Act Authorised Officers employed by local governments. A summary is provided below.



The LG with the highest number of authorised officers reported having 11.3 FTE positions, while two LGs reported not having any positions.

There was a total decrease of ten (-3.6%) FTE authorised officer positions in the 2019/2020 reporting period when compared to the 2018/2019 reporting period.

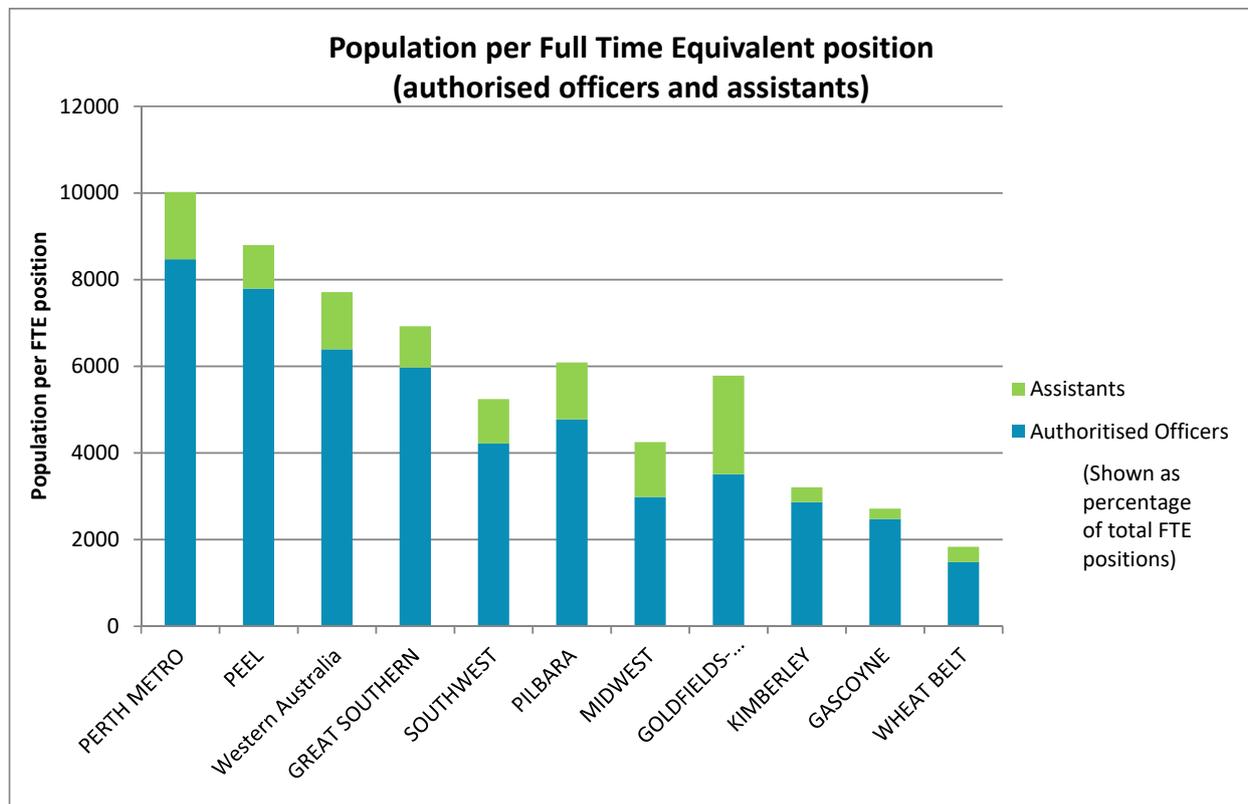
45% of LGs reported a decrease in FTE positions while 28% reported an increase. The remaining 27% of LGs reported no changes in their FTE positions. It should be noted that the 2019/2020 FY was subject to pressures related to the COVID-19 pandemic.

The total number of FTE positions that assisted authorised officers for the 2019/2020 period was 58.2 FTE positions. This total number was down 28% from the 81.7 FTE positions of the 2018/2019 reporting period but similar to the 58.1 FTE positions that assisted authorised officers in the 2017/2018 reporting period after correcting for the 3 local governments that didn't report in that period.

The LG with the highest number of authorised officer assistant positions reported having 4 FTE positions, while 47% (65) of LGs reported not having any.

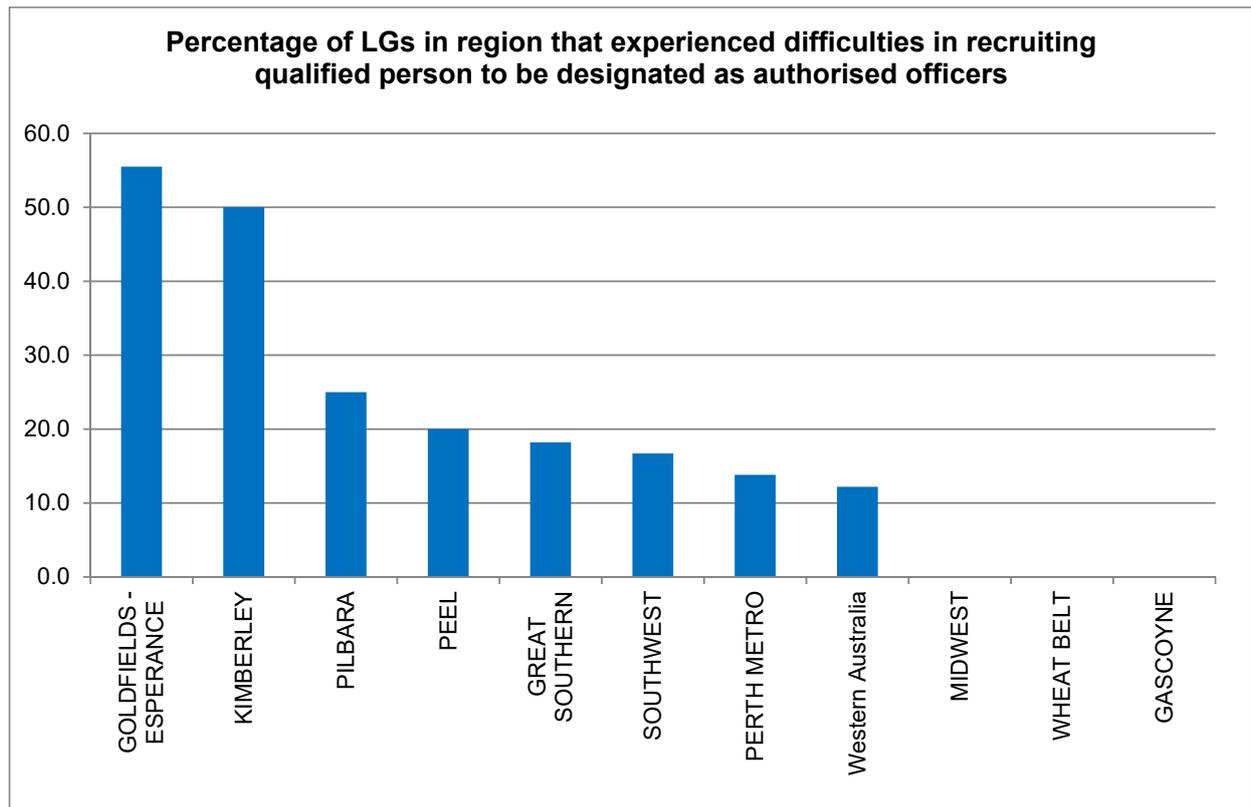
When comparing the average population numbers (ABS, 2018 LGA data) with the combined FTE positions (authorised officers and assistants), Western Australia has an average of 7,710 persons per every FTE position. This number can be compared with the average of 6,900 persons per every FTE position for the 2018/2019 reporting period. The 2017/2018 average was 7,400 persons per every FTE position.

The average population per FTE position for the regions ranged from 1,831 to 10,019 persons per FTE position. This range has increased from the 2018/2019 reporting period where the range was 1,831 to 9,220 persons per FTE position. The difference across the regions for 2018/2019 is shown below.



### Recruitment of appropriately qualified persons

During the 2019/2020 reporting period, 17 LGs (12%) experienced difficulties in recruiting appropriately qualified persons to be designated as authorised officers under the Public Health Act. 13 of these LGs were located in regional WA and 4 were located within the Perth Metropolitan Area. This was an improvement compared to the previous reporting period where 19 LGs experienced difficulties. The difference across the regions is shown below.



### Additional findings

During the 2019/2020 reporting period, 47 Authorised Officers returned their Certificate of Authority.

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**8.7 COMPLIANCE REPORTS - COUNCIL MINUTE MANAGEMENT****File Number:** 4262 - Status Reports**Author:** Sarah Smith, Executive Services Coordinator**Responsible Officer:** Tamara Clarkson, Acting Chief Executive Officer**Authority/Discretion:** Information**SUMMARY**

The Council Minute Management Report provides Council with an update on all actions required to be undertaken by the Administration once a resolution has been adopted by Council at the Ordinary Council and Audit Committee Meetings.

**DISCLOSURE OF ANY INTEREST**

Nil by Author and Responsible Officer.

**BACKGROUND**

Officers are required to provide an accurate update on items to inform the Council on the progress, or any delays or the completion of each recommendation adopted by Council at the Ordinary Council and Audit Committee Meetings.

The report assists the Shire fulfil its corporate governance responsibilities in managing the affairs of the organisation. This includes financial reporting, risk management, compliance requirements and auditing.

**STATUTORY ENVIRONMENT*****Local Government Act 1995***

Section 5.41(a) of the Act requires CEOs to advise councils in relation to the functions of a local government under both the *Local Government Act 1995*, and other legislation.

The CEO's function under section 5.41(b) is to ensure the availability of unbiased, professional and relevant advice and information to elected members for their decision-making purposes.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

<b>GOAL</b>	<b>OUR PRIORITIES</b>	<b>WE WILL</b>
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.1 Provide strong civic leadership 1.2.2 Provide strong governance

**RISK MANAGEMENT CONSIDERATIONS**

<b>RISK</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	<b>RISK ANALYSIS</b>	<b>MITIGATION</b>
<b>Financial:</b> Financial, Legal and Compliance, Organisational Operations and Reputation	Unlikely	Severe	Extreme	Monthly reporting to the Audit Committee for awareness and direction where required.

**CONSULTATION**

Internal consultation has been undertaken with relevant areas to collate information.

**COMMENT**

Most items are up to date within reasonable parameters.

Staff leave, recent resignations and flood recovery impacts have had some impact on progress, and however the delays at this point are not concerning.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

1. **Actions - August 2024**  

**COMMITTEE RESOLUTION AC22/24**

**Moved: Cr Geoff Haerewa**  
**Seconded: Cr Brett Angwin**

**That the Audit and Risk Committee receives the information contained in the report detailing Council Minute Management.**

In Favour: Mr Peter McCumstie and Crs Andrew Twaddle, Brett Angwin, Geoff Davis and Geoff Haerewa

Against: Nil

**CARRIED 5/0**

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Meeting	Officer/Director	Section	Subject
Council 29/02/2024	Chadwick, Mark Karlsson, Jess	Development Services	Proposed Dedication of Portion of Sandford Road, Fitzroy Crossing
<p><b>RESOLUTION 17/24</b></p> <p><b>Moved: Cr Andrew Twaddle</b>  <b>Seconded: Cr Brian Ellison</b></p> <p><b>That Council initiate the process required to dedicate a previously constructed portion of Sandford Road, Fitzroy Crossing through Lot 126 on DP215485 (Reserve 36669) and portion Lot 402 on DP77614 (Reserve 36669) as a public road pursuant to section 56 of the <i>Land Administration Act 1997</i> and associated regulations and direct the Shire Chief Executive Officer to progress the proposal accordingly.</b></p> <p><u>In Favour:</u> Mr Peter McCumstie and Crs Brett Angwin, Geoff Davis, Brian Ellison, Wayne Foley, Kerrissa O'Meara and Andrew Twaddle</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;"><b>CARRIED 7/0</b></p> <p>16 May 2024 2:17pm Chadwick, Mark                      The road dedication process has been initiated with the Lands Division</p>			

Meeting	Officer/Director	Section	Subject
Council 28/03/2024	Chadwick, Mark Karlsson, Jess	Development Services	Local Planning Scheme No. 9 Review - Schedule of Submissions and Modifications
<p><b>RESOLUTION 38/24</b></p> <p><b>Moved: Cr Geoff Davis</b>  <b>Seconded: Cr Geoff Haerewa</b></p> <p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>Pursuant to Regulation 25(2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, acknowledge all submissions received public advertising of the Shire of Derby/West Kimberley Local Planning Scheme No.9 and endorse the recommendations contained in Attachment 2 – Schedule of Submissions prepared in respect of the new Scheme;</b></li> </ol>			

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2. Pursuant to Regulation 25 (3)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, support the Shire of Derby/West Kimberley Local Planning Scheme No.9 subject to the various modifications contained in Attachment 3 – Schedule of Proposed Modifications;
3. Pursuant to Regulation 28 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, forward the advertised version of the Shire of Derby/West Kimberley Local Planning Scheme No.9, the Schedule of Submissions (i.e. Attachment 2), the Schedule of Proposed Modifications (i.e. Attachment 3), and a copy this resolution to the Western Australian Planning Commission for formal consideration and the Hon. Minister for Planning’s final determination;
4. Authorise the Chief Executive Officer to make any additional minor modifications to the Shire of Derby/West Kimberley Local Planning Scheme No.9 Scheme Text and/or Maps as may be required by the Western Australian Planning Commission or authorised person to address any spelling, grammar, legibility issues or mapping anomalies/errors as well as all modifications required by the Hon. Minister for Planning; and
5. Authorise the Chief Executive Officer and President to endorse all final revised documentation required to be prepared in respect of the Shire of Derby/West Kimberley Local Planning Scheme No.9 in due course by affixing the Shire’s common seal and signing the documentation accordingly.

In Favour: Crs Peter McCumstie, Geoff Haerewa, Brett Angwin, Paul Bickerton, Geoff Davis, Brian Ellison, Wayne Foley and Kerrissa O'Meara

Against: Nil

**CARRIED 8/0**

15 May 2024 10:47am Chadwick, Mark

Awaiting confirmation from the Minister of Planning that the Local Planning Scheme may be published.

15 May 2024 10:49am Chadwick, Mark

Awaiting notification from the Minister of Planning that the Local Planning Scheme No. 9 is ready to endorse.

Meeting	Officer/Director	Section	Subject
Council 28/03/2024	Chadwick, Mark Karlsson, Jess	Matters for which the Meeting May Be Closed (Conf)	Waste Facility Site Identification Derby and Fitzroy Crossing 2024
<b>RESOLUTION 42/24</b>			
<b>Moved: Cr Geoff Davis</b>			
<b>Seconded: Cr Geoff Haerewa</b>			
<b>That Council:</b>			

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1. Receives the report Waste Facility Site Identification Derby and Fitzroy Crossing prepared by ASK Waste Management Consulting;
2. Directs the CEO to ensure the potential waste facility sites remain confidential until land tenure agreements are secured.
3. Directs the CEO to complete the following;
  - (a) Identify potential waste facility sites and seek land tenure agreements;
  - (b) Investigate potential waste facility sites in parallel for Derby and Fitzroy Crossing;
  - (c) Complete basic soil test assessments of potential waste facility sites;
  - (d) Conduct a survey to confirm projected operational lifespan of the Derby waste facility site;
  - (e) Engage a suitably qualified and experienced project manager for the two waste facility projects; and
  - (f) Define specific lots for each potential waste facility site where tenure is required and detailed investigations can take place.
4. Considers the full costs of site investigations and construction for inclusion in the long-term financial plan for the waste facility sites in Derby and Fitzroy Crossing; and
5. Directs the CEO to prepare revaluation of future waste facility closure costs for Derby and Fitzroy Crossing and to bring back a report to Council for its consideration in the subsequent budget.

In Favour: Crs Peter McCumstie, Geoff Haerewa, Brett Angwin, Paul Bickerton, Geoff Davis, Brian Ellison, Wayne Foley and Kerrissa O'Meara

Against: Nil

**CARRIED 8/0**

**15 May 2024 10:41am Chadwick, Mark**

The project has commenced; several meetings held and the setting up of a project working group on 17 May 2024., Currently officers are awaiting further advice (i.e. Enquiry Form has been lodged) with Department Planning Lands and Heritage regarding obtaining access to the 5 parcels of land vested with the (DPLH). This is required to conduct the soil site tests. , The expected completion date for this portion of project for reporting back to Council, will be once two sites have been identified for Derby and Fitzroy Crossing; to purchase each of the sites and to secure tenure., Currently in the process of developing a business plan and timeline to be endorse by Council a the OCM in August 2024. Once endorsed it will be presented to DWER and DPLH. , Tenders to be obtained via Vendorpanel for the investigation and construction of the waste facility site in Derby as well as the site testing. The scope of the tenders is pending review via the Waste project meeting group.

Meeting	Officer/Director	Section	Subject
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Council 27/06/2024	Clarkson, Tamara Clarkson, Tamara	Matters for which the Meeting May Be Closed (Confi	Compensation Claim
<b>RESOLUTION 94/24</b>			
<b>Moved: Cr Geoff Davis</b>			
<b>Seconded: Cr Brett Angwin</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li>1. Endorse a without fault “ex-gratia” payment to Ms Pene Brown of up to \$831.30 for replacement of the broken window on her vehicle, upon provision of a repairer receipt (or alternatively, a payment of up to \$831.30 to a licenced local provider to undertake the repair); and</li> <li>2. Instructs the CEO to develop a policy for Council’s consideration, addressing the more likely future damages claims that might be submitted.</li> </ol>			
<u>In Favour:</u> Mr Peter McCumstie and Crs Geoff Haerewa, Brett Angwin, Paul Bickerton, Geoff Davis, Brian Ellison, Wayne Foley, Kerrissa O'Meara and Andrew Twaddle			
<u>Against:</u> Nil			
			<b>CARRIED 9/0</b>

Meeting	Officer/Director	Section	Subject
Council 13/06/2024	Clarkson, Tamara Clarkson, Tamara	Corporate Services	Schedule of Fees and Charges 2024/2025
<b>RESOLUTION 79/24</b>			
<b>Moved: Cr Geoff Haerewa</b>			
<b>Seconded: Cr Brett Angwin</b>			
<b>That Council by ABSOLUTE MAJORITY pursuant to Section 6.16 of the Local Government Act 1995,</b>			
<ol style="list-style-type: none"> <li>1. Adopts the draft 2024/25 Fees and Charges Schedule, as attached; and</li> <li>2. Authorises the CEO to advertise by Local Public Notice the proposed Fees and Charges.</li> </ol>			

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In Favour: Crs Peter McCumstie, Geoff Haerewa, Brett Angwin, Paul Bickerton, Geoff Davis, Brian Ellison, Wayne Foley and Andrew Twaddle

Against: Nil

**CARRIED 8/0 BY ABSOLUTE MAJORITY**

Meeting	Officer/Director	Section	Subject
Council 28/03/2024	Davis, Mark Dexter, Amanda	Executive Services	Delivery of Visitor Servicing (Derby)
<b>RESOLUTION 36/24</b>			
<b>Moved: Cr Brett Angwin</b>			
<b>Seconded: Cr Paul Bickerton</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li>1. <b>Endorses the delivery of face-to-face visitor servicing to be undertaken moving forward by the Shire, and absorbed by the Customer Service Team.</b></li> <li>2. <b>Notes that visitor servicing will be delivered by Shire staff from the Derby Visitor Centre on Loch Street, Derby alongside the Shire’s administrative and Department of Transport services.</b></li> </ol>			
<u>In Favour:</u> Crs Peter McCumstie, Geoff Haerewa, Brett Angwin, Paul Bickerton, Geoff Davis, Brian Ellison, Wayne Foley and Kerrissa O'Meara			
<u>Against:</u> Nil			
<b>CARRIED 8/0</b>			
<b>16 May 2024 5:01pm Davis, Mark</b>			
Work is progressing towards the reopening of the facility at the start of June. The centre has been cleared of merchandise that belongs to the Derby Tourist Bureau, and enquiries continue in regards to ability to dispose of assets previously the property of DTB.			

Meeting	Officer/Director	Section	Subject
Council 30/05/2024	Davis, Mark Dexter, Amanda	Executive Services	Fitzroy Crossing Youth Facilities Concept Design

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**RESOLUTION 68/24**

**Moved: Cr Kerrissa O'Meara**  
**Seconded: Cr Paul Bickerton**

**That Council:**

- 1. Endorses the concept plans for the two preferred sites (Flynn Drive and McLarty Road) for the proposed Fitzroy Crossing Youth Zones;**
- 2. Notes the projects will be delivered in a staged approach dependent on external funding; and**
- 3. Notes that the water and splash play elements received overwhelming community support and will be prioritised for the first stage of funding and construction.**

In Favour: Mr Peter McCumstie and Crs Geoff Haerewa, Brett Angwin, Paul Bickerton, Geoff Davis, Brian Ellison, Wayne Foley, Kerrissa O'Meara and Andrew Twaddle

Against: Nil

**CARRIED 9/0**

Meeting	Officer/Director	Section	Subject
Council 30/05/2024	Davis, Mark Dexter, Amanda	Executive Services	Memorandum of Understanding with Gooniyandi Aboriginal Corporation

**RESOLUTION 67/24**

**Moved: Cr Brett Angwin**  
**Seconded: Cr Paul Bickerton**

**That Council:**

- 1. Endorses the draft MOU and Addendum 1 between the Shire of Derby-West Kimberley and the Gooniyandi Aboriginal Corporation, recognizing its significance in formalizing the cooperative relationship between the two entities;**

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2. Directs the CEO to finalise the MOU and Addendum 1 for execution via signatories from both parties;

3. Notes both parties will continue to engage in open dialogue and collaboration to ensure the effective implementation of the MOU and the achievement of its stated objectives;

4. Notes that this MOU does not supersede the Shire’s responsibilities under the Local Government Act 1995; and

5. Supports the principle of additional MOUs being established with other Aboriginal and Traditional Owner groups throughout the region.

In Favour: Mr Peter McCumstie and Crs Geoff Haerewa, Brett Angwin, Paul Bickerton, Geoff Davis, Brian Ellison, Wayne Foley, Kerrissa O'Meara and Andrew Twaddle

Against: Nil

**CARRIED 9/0**

Meeting	Officer/Director	Section	Subject
Council 30/05/2024	Dexter, Amanda Dexter, Amanda	Matters for which the Meeting May Be Closed (Confi)	Ngunga Early Years - Lease of Land and Proposed Transfer of Reserve - Commercial in Confidence
<b>RESOLUTION 77/24</b>			
<b>Moved: Cr Geoff Davis</b>			
<b>Seconded: Cr Kerrissa O'Meara</b>			
<b>That Council:</b>			
1. Endorses the establishment of a 21-year lease (on a peppercorn style basis) to Ngunga Women’s Group for a 1,300sqm parcel of land from Reserve Number; 24904 (part of 28 Ashley Street) vested in the Shire of Derby/West Kimberley for Recreation and Community Purposes, for the establishment of the Early Years Centre, inclusive of a day care centre with a 30 children capacity;			
2. Authorises the CEO to progress the lease to its conclusion;			
3. Authorises the CEO (once the initial lease has been executed) to apply to the Minister for Lands, for a further 21-year lease as above;			

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4. Approves the CEO to progress the formal transfer of the leased area of land (approximately 1,300sqm) to Ngunga Women’s Group (Aboriginal Corporation) through the Department of Planning, Lands and Heritage, under the authority of the Minister for Lands; and

5. Authorises the CEO to undertake all necessary actions to facilitate the above transfer.

In Favour: Mr Peter McCumstie and Crs Geoff Haerewa, Brett Angwin, Paul Bickerton, Geoff Davis, Brian Ellison, Wayne Foley, Kerrissa O'Meara and Andrew Twaddle

Against: Nil

**CARRIED 9/0 BY ABSOLUTE MAJORITY**

Meeting	Officer/Director	Section	Subject
Council 26/08/2021	Dexter, Amanda Dexter, Amanda	Executive Services	Aboriginal Empowerment Strategy
<b>RESOLUTION 84/21</b>			
<b>Moved: Cr Geoff Davis</b>			
<b>Seconded: Cr Rowena Mouda</b>			
<b>That Council:</b>			
1. Endorses the Workshop Report – 22 July 2021 – Shire of Derby/West Kimberley Aboriginal Empowerment Strategy;			
2. Authorise the CEO to commence a Request for Quote process, to seek out an external consultancy with expertise to support Councillors and the Executive with strategic direction setting and policy development to the Aboriginal Empowerment Strategy; and			
3. Endorse the scoping and development of a senior Aboriginal identified position within the SDWK to operationalise empowerment strategies including economic development and communications.			
<u>In Favour:</u> Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford			
<u>Against:</u> Nil			
<b>CARRIED 8/0</b>			

<p><b>Division:</b> <b>Committee:</b> <b>Officer:</b></p> <p><b>Action Sheets Report</b></p>	<p><b>Date From:</b> <b>Date To:</b></p> <p><b>Printed: 16 August 2024 4:06 PM</b></p>
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**10 Sep 2021 4:12pm Smith, Sarah - Reallocation**  
Action reassigned to O'Halloran, Amanda by: Smith, Sarah for the reason: Sarah Tobias is an external consultant

**16 Mar 2022 11:30am Dexter, Amanda**  
Amanda will arrange advertising to progress the appointment of a Organisation/ Consultant to assist with the Development of a Strategy and/ or high level priorities in order to get this program up and running over the next few months.

**16 Mar 2022 11:34am Dexter, Amanda - Target Date Revision**  
Revised Target Date changed by: Dexter, Amanda From: 9 Sep 2021 To: 31 May 2022, Reason: This item has not been resourced adequately and higher prioritisation has been allocated to ensure that it progresses over the next few months

**09 Jun 2022 4:02pm Dexter, Amanda - Target Date Revision**  
Revised Target Date changed by: Dexter, Amanda From: 31 May 2022 To: 30 Jul 2022, Reason: This project has unfortunately not progressed due to resourcing issues, it has been reallocated in the 2022/23 Budget and the CEO's Exec Team will progress the project once the once the budget is approved.

**12 Aug 2022 11:09am Dexter, Amanda - Target Date Revision**  
Revised Target Date changed by: Dexter, Amanda From: 30 Jul 2022 To: 30 Sep 2022, Reason: This Item is a high priority for the first quarter of the 2022/23 FY.

**12 Aug 2022 11:10am Dexter, Amanda - Target Date Revision**  
Revised Target Date changed by: Dexter, Amanda From: 30 Sep 2022 To: 30 Sep 2022, Reason: This Item is a high priority of the 2022/23 FY. A detailed report will be provided to Council by the 30 September 2022

**11 Oct 2023 3:26pm Smith, Sarah - Target Date Revision**  
Target date changed by Smith, Sarah from 30 September 2022 to 29 February 2024 - Aboriginal Empowerment Strategy this is ongoing – the CEO Exec Team will continue to progress this as time permits. We will look to regroup in the new year (11/10/2023)

Meeting	Officer/Director	Section	Subject
Council 24/04/2024	Fromont, Paul Karlsson, Jess	Community and Recreation Services	Youth Engagement and Safety at Derby Youth Centre
<b>RESOLUTION 55/24</b>			
<b>Moved: Cr Kerrissa O'Meara</b>			
<b>Seconded: Cr Brian Ellison</b>			
<b>That Council by ABSOLUTE MAJORITY:</b>			
<ol style="list-style-type: none"> <li><b>1. Approves the recommendation of installing a new, upgraded fence at the Derby Youth Centre;</b></li> <li><b>2. Approves expenditure of up to \$148,000 (noting this amount includes art installations) (inc. GST) for the purpose of installing the Derby Youth Centre fence, and four (4) art installations, within the FY23/24 Shire budget;</b></li> <li><b>3. Delegates oversight of this project to the Shire CEO; and</b></li> <li><b>4. Notes that Shire administration will pursue funding to offset the cost of fence installation at the Derby Youth Centre.</b></li> </ol>			

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In Favour: Mr Peter McCumstie and Crs Geoff Haerewa, Brett Angwin, Brian Ellison, Kerrissa O'Meara and Andrew Twaddle

Against: Nil

**CARRIED 6/0 BY ABSOLUTE MAJORITY**

**16 May 2024 3:45pm Reilly, Telia - Reallocation**  
Action reassigned to Fromont, Paul by Reilly, Telia - Following the production of the report, this has been assigned to appropriate manager

**16 May 2024 3:49pm Reilly, Telia - Target Date Revision**  
Target date changed by Reilly, Telia from 08 May 2024 to 31 July 2024 - Following Council approval of the business case, a vendor panel post was done giving 14 days to submit a quote for the installation of a new fence and the removal of the old fence. Replies must be received before the 24th May. Once all submissions have been received a preferred supplier will be selected.

Meeting	Officer/Director	Section	Subject
Council 30/05/2024	Hartley, Neil Dexter, Amanda	Executive Services	Economic Development Study and Action Plan

**RESOLUTION 62/24**

**Moved: Cr Brett Angwin**  
**Seconded: Cr Geoff Davis**

**That Council:**

- Endorses the attached Request for Quotation (for an Economic Development Strategy and Action Plan); and**
- Directs the CEO to commence the procurement process once a funding source (2024/25 Shire Budget and/or WA State Government) has been confirmed.**

In Favour: Mr Peter McCumstie and Crs Geoff Haerewa, Brett Angwin, Paul Bickerton, Geoff Davis, Brian Ellison, Wayne Foley, Kerrissa O'Meara and Andrew Twaddle

Against: Nil

**CARRIED 9/0**

**08 Jun 2024 11:16am Hartley, Neil - Target Date Revision**  
Target date changed by Hartley, Neil from 13 June 2024 to 31 October 2024 - Requires State Government Funding (at least \$100,000) which has been applied for through Kimberley Development Commission. \$30,000 contributory allocated within the Shire's 2024/25 budget.

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Meeting	Officer/Director	Section	Subject
Council 30/05/2024	Hartley, Neil Dexter, Amanda	New Business Of An Urgent Nature	Disposal of Motor Vehicle - Unbudgeted
<p><b>RESOLUTION 74/24</b></p> <p><b>Moved: Cr Brett Angwin</b>  <b>Seconded: Cr Brian Ellison</b></p> <p><b>That Council:</b></p> <ol style="list-style-type: none"> <li><b>Authorises the unbudgeted sale of the 2004 Toyota Landcruiser motor vehicle (1BSR.168); and</b></li> <li><b>Notes that the vehicle’s availability for purchase at the Pickles Auctioneers’ Auction will be advertised locally on the Shires website (Public Notice).</b></li> </ol> <p><u>In Favour:</u> Mr Peter McCumstie and Crs Geoff Haerewa, Brett Angwin, Paul Bickerton, Geoff Davis, Brian Ellison, Wayne Foley, Kerrissa O'Meara and Andrew Twaddle</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;"><b>CARRIED 9/0 BY ABSOLUTE MAJORITY</b></p>			

Meeting	Officer/Director	Section	Subject
Council 29/02/2024	Hartley, Neil Dexter, Amanda	Executive Services	One Tree Community Services Inc. Child Care Centre Lease and Building Modification; and Associated Residence
<p><i>THE ITEM WAS NOT FOUND (BOOKMARK: PDF2_ReportName_11247)</i>  <i>CHECK THE INTEGRITY OF THE ITEM IN THE MINUTES DOCUMENT</i></p> <p><i>DOCUMENT: \\SDWK-APP02\INFOCOUNCIL\DOCUMENTS\COUNCIL\MINUTES\CO_20240229_MIN_2286_AT.DOCX</i></p> <p>Resolution not found</p> <p><b>03 Apr 2024 10:06am Hartley, Neil - Target Date Revision</b>                      Target date changed by Hartley, Neil from 14 March 2024 to 30 June 2025 - Discussions between Shire and One Tree (and third party, LotteryWest) occurring. Agreement in principle reached, but securing LotteryWest funding and implementation of building renovation will take time.</p>			

Meeting	Officer/Director	Section	Subject
Council 31/08/2023	Hartley, Neil Dexter, Amanda	Executive Services	Derby Airport - Lease to Federal Government (SouthPAN Project)

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**RESOLUTION 93/23**

**Moved: Cr Peter McCumstie**

**Seconded: Cr Andrew Twaddle**

**That Council:**

- 1. Notes that this proposed lease arrangement is exempt from the standard Local Government Act S3.58 requirements, via Regulation 30 of the Local Government (Functions and General) Regulations;**
- 2. Agrees to lease the portion of land referred to in this report to the Federal Government agency, Geoscience Australia, for a period of up to 20 years; and**
- 3. Authorises the Chief Executive Officer to negotiate the appropriate lease form, conditions, and annual lease charge.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Pat Riley and Peter McCumstie

Against: Nil

**CARRIED 6/0**

**06 Sep 2023 3:32pm Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 14 September 2023 to 31 December 2023 - Advice of Council's position forwarded to Federal Government's Geoscience Australia. Awaiting its response so lease price can be negotiated. Will largely use Geoscience Australia lease document as a base, plus include operational protections for the Derby Airport. Timeline and lease priority establishment for Geoscience Australia is unknown.

**02 Oct 2023 8:35am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 31 December 2023 to 31 December 2023 - Drafting of a lease agreement for the Shire's consideration is being progressed by SouthPAN.

**04 Dec 2023 9:37am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 31 December 2023 to 31 March 2024 - Shire's comments on lease draft have been submitted to SouthPAN for feedback (generally only minor as lease looks to be an almost standard type commonwealth government lease document). Lease price is still to be negotiated.

**03 Apr 2024 10:02am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 31 March 2024 to 31 May 2024 - Discussions occurring between SouthPan and the Shire to finalise arrangements. Access point agreed; power and communications arrangements being progressed; lease details agreed to but not yet executed.

**05 Aug 2024 4:16pm Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 31 May 2024 to 31 October 2024 - Lease being prepared by Commonwealth government.

Meeting	Officer/Director	Section	Subject
Council 29/02/2024	Hartley, Neil	Matters for which the Meeting May Be Closed (Confi	Derby Airport - Lease to Recharge Fuels (Lease Areas #'s 6 and 11)

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Dexter, Amanda

**RESOLUTION 20/24**

**Moved: Cr Wayne Foley**

**Seconded: Cr Brian Ellison**

**That Council:**

1. **Agrees to progress the Derby Airport leases for Recharge Fuels (Areas 6 and 11) as indicated in the draft public advertisement attachment (noting that lease fees will be included once received from the licensed valuer);**
2. **Authorises the CEO to negotiate and progress the lease proposal, conditional on it being progressed consistently with Section 3.58 of the Local Government Act, the content of this report, and conditional also on Recharge Fuel’s agreement to meeting legal and valuation costs, and contributing to the Shire’s administration costs (total estimated at \$12,000);**
3. **Advises Recharge Fuels that in accordance with Section 3.58 of the Local Government Act, Council cannot make a final decision on the question of a lease until after the period of public consultation has closed and any submissions received have been assessed and considered (unless there are no submissions received opposing the lease, in which case Council authorises the Chief Executive Officer to finalise the lease); and**
4. **Notes that if there are no submissions as per #3 above, the President and Chief Executive Officer will execute the necessary lease and other documentation and apply the Shire’s Common Seal (if required) under Delegation 1.1.33 (Applying Common Seal).**

In Favour: Mr Peter McCumstie and Crs Brett Angwin, Geoff Davis, Brian Ellison, Wayne Foley, Kerrissa O'Meara and Andrew Twaddle

Against: Nil

**CARRIED 7/0**

**03 Apr 2024 10:11am Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 14 March 2024 to 30 June 2024 - Public submission period closed on 2 April 2024 with no submissions received. Lease Agreements to now be drafted and forwarded to parties for review and agreement/execution.

**05 Aug 2024 4:13pm Hartley, Neil - Target Date Revision**

Target date changed by Hartley, Neil from 30 June 2024 to 30 November 2024 - Recharge Fuels have requested a 1 November 2024 start date. BP Lease will continue that transition date.

Meeting	Officer/Director	Section	Subject
Council 24/04/2024	Mildenhall, Christie Karlsson, Jess	Community and Recreation Services	Community Funding Scheme Grants Program Review

<b>Division:</b> <b>Committee:</b> <b>Officer:</b>	<b>Date From:</b> <b>Date To:</b>
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**RESOLUTION 54/24****Moved:** Cr Geoff Haerewa**Seconded:** Cr Kerrissa O'Meara**That Council by ABSOLUTE MAJORITY;**

1. **Delegates the determination of Community Grant applications to a subgroup of Council – “Community Grant Review Group” comprising of the President and 2 Councillors, being Cr Kerrissa O’Meara and Cr Wayne Foley;**
2. **Approves the Terms of Reference as guidelines for the Community Grants Review Group (CGRG) as per Attachment Two;**
3. **Approves increasing the frequency of Community Development Funding round assessments to be completed monthly, with applications closing on the last day of each month;**
4. **Approves adding to existing Shire Community Grants guidelines a funding scheme to support individuals and groups attending representative sport, recreation, arts, cultural or community events effective the commencement of the 2024/25 financial year;**
5. **Allocates a budget amount, in line with standard budget approval, to support individuals attending representative events, making the following funding levels available under the scheme, noting that once the annual budget is exhausted no further funding will be granted until the following financial year;**
  - a. **Regional level representation - \$500 (ex GST) per individual**
  - b. **State level representation - \$750 (ex GST) per individual**
  - c. **National level representation - \$1000 (ex GST) per individual**
6. **Directs the CEO to present to Council the draft updated funding guidelines, at the Ordinary Council Meeting of 30 May 2024.**

**In Favour:** Mr Peter McCumstie and Crs Geoff Haerewa, Brett Angwin, Brian Ellison, Kerrissa O'Meara and Andrew Twaddle**Against:** Nil

<p><b>Division:</b> <b>Committee:</b> <b>Officer:</b></p> <p><a href="#">Action Sheets Report</a></p>	<p><b>Date From:</b> <b>Date To:</b></p> <p><b>Printed:</b> 16 August 2024 4:06 PM</p>
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**CARRIED 6/0 BY ABSOLUTE MAJORITY**

**16 May 2024 11:51am Mildenhall, Christie**  
\* Community Grant Review Group in planning - to be activate for the start of the 24/25 financial year. , \* Draft guidelines prepared for Council to consider at May OC.

**11 Jul 2024 8:11am Mildenhall, Christie**  
\* Application form for Representative Grants created., \* Grants page on website updated to include updated guidelines for both programs, along with applictaion form for Representative grants.

Meeting	Officer/Director	Section	Subject
Council 26/10/2023	Mildenhall, Christie Karlsson, Jess	Community and Recreation Services	Derby Landcare Group Cattle Grid and Installation Request for Donation
<b>RESOLUTION 131/23</b>			
<b>Moved: Cr Geoff Haerewa</b>			
<b>Seconded: Cr Paul Bickerton</b>			
<b>That Council:</b>			
<ol style="list-style-type: none"> <li><b>1. Approves the donation of an ex-Main Roads WA cattle grid to the Derby Landcare Group for installation at the entrance to Munkajarra Wetlands subject to Derby Landcare Group taking on the ongoing maintenance and upkeep of the cattle grid; and</b></li> <li><b>2. Approves the in-kind donation of Shire resources (staff and material) to the value of \$3,000.00 to assist with the installation of the cattle grid at the entrance to Munkajarra Wetlands.</b></li> </ol>			
<u>In Favour:</u> President Peter McCumstie, Crs Geoff Haerewa, Geoff Davis, Andrew Twaddle, Wayne Foley, Brian Ellison, Kerrissa O'Meara, Brett Angwin and Paul Bickerton			
<u>Against:</u> Nil			
<b>CARRIED 9/0 BY ABSOLUTE MAJORITY</b>			
<b>16 May 2024 11:08am Smith, Sarah - Reallocation</b> Action reassigned to Mildenhall, Christie by Smith, Sarah - Shane Edwards has left SDWK			
<b>16 May 2024 11:45am Mildenhall, Christie</b> Not yet progressed due to wet season. Installation of cattle grid proposed for end of May 2024			
<b>16 May 2024 11:51am Mildenhall, Christie - Target Date Revision</b> Target date changed by Mildenhall, Christie from 09 November 2023 to 03 June 2024 - Due to wet season installation scheduled for end of May 2024.			

<p><b>Division:</b> <b>Committee:</b> <b>Officer:</b></p> <p><a href="#">Action Sheets Report</a></p>	<p><b>Date From:</b> <b>Date To:</b></p> <p><b>Printed:</b> 16 August 2024 4:06 PM</p>
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Meeting	Officer/Director	Section	Subject
Council 27/06/2024	Neate, Wayne Clarkson, Tamara	Technical Services	Awarding of Tender T08- 2023/24 Maintenance Grading 2024-2027
<p><b>RESOLUTION 90/24</b></p> <p><b>Moved: Cr Andrew Twaddle</b> <b>Seconded: Cr Brett Angwin</b></p> <p><b>That Council award tender T08-2023/24 Maintenance Grading 1 July 2024 to 30 June 2025 for:</b></p> <ol style="list-style-type: none"> <li><b>1. Area 1 to Walyarra Contracting Pty Ltd</b></li> <li><b>2. Area 2 to Robbro WA Pty Ltd</b></li> <li><b>3. Area 3 to Martuwarra Central Earthmoving Pty Ltd</b></li> <li><b>4. Area 4 to Walyarra Contracting Pty Ltd</b></li> </ol> <p><u>In Favour:</u> Mr Peter McCumstie and Crs Brett Angwin, Paul Bickerton, Geoff Davis, Brian Ellison, Wayne Foley, Kerrissa O'Meara and Andrew Twaddle</p> <p><u>Against:</u> Nil</p> <p style="text-align: right;"><b>CARRIED 8/0</b></p>			

Meeting	Officer/Director	Section	Subject
Council 25/03/2021	Neate, Wayne Clarkson, Tamara	Development Services	Policy H2 - Traders and Stall Holders Permits (revised)
<p><b>RESOLUTION 24/21</b></p> <p><b>Moved: Cr Rowena Mouda</b> <b>Seconded: Cr Paul White</b></p> <p><b>That Council:</b></p>			

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1. Pursuant to Section 2.7(2)(b) of the Local Government Act, 1995 adopt Policy H2 – Traders and Stall Holders Permits (revised) as presented in Attachment 1 of this report for a period of three months whilst it seeks community consultation on the matter.
  2. Request the Chief Executive Officer to undertake a consultation process as addressed in the Shire Report and refer the matter back to Council for consideration.
- In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Rowena Mouda, Pat Riley and Keith Bedford
- Against: Nil
- CARRIED 8/0**
- 17 May 2021 3:49pm Paull, Robert**  
Further report to Council on outcome of advertising
- 10 Sep 2021 4:14pm Paull, Robert**  
Report to be prepared for the 28 October 2021 Council meeting.
- 10 Aug 2022 11:04am Smith, Sarah - Reallocation**  
Action reassigned to Neate, Wayne by: Smith, Sarah for the reason: Rob Paull has left the organisation
- 12 Aug 2022 10:49am Neate, Wayne - Target Date Revision**  
Revised Target Date changed by: Neate, Wayne From: 8 Apr 2021 To: 01 Sep 2022, Reason: With resignation of MDS the DTDS will need to investigate what has occurred
- 16 May 2024 11:53am Neate, Wayne - Target Date Revision**  
Target date changed by Neate, Wayne from 01 September 2022 to 01 August 2024 - Wayne Neate is still following this matter up to resolve.

Meeting	Officer/Director	Section	Subject
Council 25/08/2022	Neate, Wayne Clarkson, Tamara	Technical Services	REQUEST TO CLOSE HOLLAND STREET, DERBY AND TO AMALGAMATE WITH ADJOINING LAND

**RESOLUTION 110/22**

**Moved: Cr Andrew Twaddle**  
**Seconded: Cr Rowena Mouda**

**That with respect to request to close Holland Street, Derby and to amalgamate with adjoining land, Council:**

1. Pursuant to Section 58 of the Land Administration Act 1997, support the permanent closure of Holland Street, Derby as outlined in this Report and expresses its preference that the closed portion be offered to adjoining land owners to acquire those portions of the closed road that abut their land;

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2. Give notice of the proposed road closure in accordance with *Land Administration Act 1978* allowing a minimum period of 35 days for people to lodge submissions from the date of the notice;
3. At the conclusion of the submission period, that the Chief Executive Officer be requested to provide a further report addressing whether to proceed or not to proceed with the proposed road closure in light of any submissions; and
4. Instruct the Chief Executive Officer to write to all of the owners requesting that they indemnify the Shire and the State of Western Australia of any and all third party costs that may be triggered by this process and only proceed with points 1, 2 and 3 when all letters are received from all property owners that adjoin the Holland Street road reserve.

In Favour: Crs Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Linda Evans and Peter McCumstie

Against: Nil

**CARRIED 6/0**

**03 Nov 2022 4:38pm Neate, Wayne - Target Date Revision**

Revised Target Date changed by: Neate, Wayne From: 8 Sep 2022 To: 30 Jan 2023, Reason: All letters agreeing to indemnify Shire have been recieved from all property Owners. Currently advertising proposal and will await outcome of advertising.

**02 Aug 2023 3:17pm Neate, Wayne - Target Date Revision**

Target date changed by Neate, Wayne from 30 January 2023 to 09 December 2023 - Application has been lodged with DPLH we now await thier confirmation and process's to occur to finalise the process

**08 May 2024 12:43pm Neate, Wayne - Target Date Revision**

Target date changed by Neate, Wayne from 09 December 2023 to 25 December 2024 - The matter is now sitting with DPLH and will fall within thier processing timeframes - Road closures are normally not a priority so this process may take some time

Meeting	Officer/Director	Section	Subject
Council 30/05/2024	Neate, Wayne Clarkson, Tamara	Technical Services	Shire of Derby/West Kimberley - Road Management Upgrade Strategy 2024 - 2029 - Sealed Roads

**RESOLUTION 69/24**

**Moved:** Cr Andrew Twaddle

**Seconded:** Cr Geoff Haerewa

**That Council:**

1. Endorse the Road Management Upgrade Strategy 2024-29 – Sealed Roads;

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**2. Endorse the following roads as grant funded roads for 2025/26 financial year:**

- Nevill Street;
- Johnston Street;
- Clarendon Street; and
- Various Road Reseals.

**3. Undertake an ongoing commitment to review the strategy on an annual basis.**

In Favour: Mr Peter McCumstie and Crs Geoff Haerewa, Brett Angwin, Paul Bickerton, Geoff Davis, Brian Ellison, Wayne Foley, Kerrissa O'Meara and Andrew Twaddle

Against: Nil

**CARRIED 9/0**

Meeting	Officer/Director	Section	Subject
Council 29/02/2024	O'Meara, Gertrude Karlsson, Jess	Community and Recreation Services	Community Grants Assesments Round 2 - 2024
<p><b>THE ITEM WAS NOT FOUND (BOOKMARK: PDF2_ReportName_11275)</b>  <b>CHECK THE INTEGRITY OF THE ITEM IN THE MINUTES DOCUMENT</b></p> <p><b>DOCUMENT: \\SDWK-APP02\INFOCOUNCIL\DOCUMENTS\COUNCIL\MINUTES\CO_20240229_MIN_2286_AT.DOCX</b>                      Resolution not found</p> <p><b>16 May 2024 2:55pm O'Meara, Gertrude</b>                      Recipients have been reached out to and will aim to process payment of Grant by end of Month - May 2024</p>			

## 8.8 COMPLIANCE REPORTS - COUNCILLOR MEETING ATTENDANCE

**File Number:** 4262 - Status Reports

**Author:** Sarah Smith, Executive Services Coordinator

**Responsible Officer:** Tamara Clarkson, Acting Chief Executive Officer

**Authority/Discretion:** Information

### SUMMARY

For the Committee to monitor councillor attendance at Ordinary Meetings of Council and Special Council Meetings to oversee compliance with the Local Government Act.

In accordance with regulation 14D of the Local Government (Administration) Regulations 1996 Council may approve the holding of any Ordinary or Special Council Meeting by electronic means (vis. telephone, video conference or other means of instantaneous communication).

Council cannot authorise more than half of its Council meetings, to be held electronically, in any rolling 12 months period.

A Councillor may attend council or committee meetings by electronic means if the member is authorised to do so by the President or the Council. Electronic means attendance can only be authorised for up to half of the Shire's in-person meetings they have attended in total, in any rolling 12 months prior period. Authorisation can only be provided if the location and the equipment to be used by the Councillor are suitable to enable effective, and where necessary confidential, engagement in the meeting's deliberations and communications.

### DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

### BACKGROUND

The Councillor Meeting Attendance Reports provides Council with accurate meeting attendance register and allows the Administration to monitor attendance by Councillors to ensure compliance with the Local Government Act 1995 and Local Government (Administration) – Amendment Regulations 2022.

### STATUTORY ENVIRONMENT

#### *Local Government Act 1995*

#### 2.25. Disqualification for failure to attend meetings

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
  - (a) a meeting that has concluded; or
  - (b) the part of a meeting before the granting of leave.

- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.
- (5A) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council —
  - (a) if no meeting of the council at which a quorum is present is actually held on that day; or
  - (b) if the non-attendance occurs —
    - (i) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or
    - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
    - (iii) while the member is suspended under section 5.117(1)(a)(iv) or Part 8; or
    - (iiii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
- (6) A member who before the commencement of the *Local Government Amendment Act 2009* section 5 was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting.

*[Section 2.25 amended: No. 49 of 2004 s. 19(1); No. 17 of 2009 s. 5; No. 31 of 2018 s. 5.]*

## **Local Government Act 1995 – Local Government (Administration) – Amendment Regulations 2022**

**Regulation 7** inserts additional provisions for meetings that are conducted entirely by electronic means under regulation 14D. Regulation 14D provides for a meeting of council or committee to be conducted by electronic means outside of a declared state of emergency. Regulation 14D(1) defines a relevant period in relation to the backward-looking test used to calculate how many electronic meetings a local government has conducted over the previous 12 months relative to the proposed meeting, and the 50% cap provided by regulation 14D(2A). Subsection 14D(2)(a)(ii) is amended to require the mayor, president or council to consider the requirements under subregulation 14D(2B) in deciding whether to conduct an electronic meeting. Regulation 14D(2B) requires the local government to consider the suitability of a person's location and their equipment with respect to effective communication and confidential matters during a meeting.

Regulation 14D(2A) applies the 50% cap to the number of electronic meetings that a local government (council) may authorise outside of an emergency situation under subregulation (2)(c) over a 12-month period. The backward-looking test used to determine how many meetings have

already been held by electronic means in the preceding 12 months applies in the same way it does for electronic attendance at in-person meetings.

Regulation 14D(2B) inserts the criteria that the authorising authority (the mayor, president or council) are required to consider before deciding to hold an electronic meeting. The authorising authority is required to consider each council or committee member’s ability to maintain confidentiality during closed parts of the meeting and the suitability of each person’s intended location and equipment to enable effective engagement in council deliberations. The authorising authority must have regard to these matters when deciding to hold and authorise electronic meetings. Electronic meetings held outside of emergency circumstances under subregulation 2(c) may only be approved by council.

Subregulations 14D(5)(a) and (b) insert subsections (6) to (8) that apply to closed parts of electronic meetings. Subsection (6) requires each member in attendance to make a declaration that they can maintain confidentiality during the closed part of the meeting. Subsection (7) requires that if a member makes a confidentiality declaration but is unable to maintain confidentiality subsequent to the declaration, they are required to leave prior to the closed part of the meeting. Subsection (8) requires a member’s declaration to be recorded in the meeting minutes.

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.1 Provide strong civic leadership 1.2.2 Provide strong governance

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Financial:</b> Financial, Legal and Compliance, Organisational Operations and Reputation	Unlikely	Severe	Extreme	Monthly reporting to the Audit Committee for awareness and direction where required.

**CONSULTATION**

Internal consultation has been undertaken with relevant areas to collate information.

**COMMENT**

There is no compliance concerns noted for this reporting period.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

1. Council Meeting Attendance Table - 23-24 [↓](#) 
2. Electronic Council Meeting Attendance Table - 23-24 [↓](#) 

**COMMITTEE RESOLUTION AC23/24**

**Moved:** Cr Brett Angwin

**Seconded:** Cr Geoff Davis

**That the Audit and Risk Committee receives the information contained in the reports detailing Councillor meeting attendance (including via electronic means).**

**In Favour:** Mr Peter McCumstie and Crs Andrew Twaddle, Brett Angwin, Geoff Davis and Geoff Haerewa

**Against:** Nil

**CARRIED 5/0**



**MEETING ATTENDANCE**

The following table provides information on attendance at the 2023/24 Financial Year Ordinary and Special Council Meetings:

Councillor	Cancelled	17	31	12	26	30	15	29	28	24	30	27
	Jul	Aug	Aug	Oct	Oct	Nov	Dec	Feb	Mar	Apr	May	June
	2023	2023	2023	2023	2023	2023	2023	2024	2024	2024	2024	2024
	OCM	Special	OCM	OCM	OCM	FX OCM	OCM	OCM	OCM	OCM	OCM	OCM
G Haerewa	-	✓ Phone	✓	✓	✓	LOA	✓	✓ Phone	✓	✓	✓	✓
P McCumstie	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
A Twaddle	-	✓	✓	✓ Phone	✓	✓	✓	✓	A	✓	✓	✓
G Davis	-	✓	✓	✓ Phone	✓	✓	✓	✓ Phone	✓	A	✓	✓
B Angwin					✓	✓	✓	✓	✓	✓	✓	✓
P Bickerton					✓	✓	✓	A	✓	LOA	✓	✓
B Ellison					✓	✓	✓	✓	✓	✓	✓	✓
W Foley					✓	✓	✓	✓	✓	LOA	✓	✓
K O'Meara					✓	✓ Phone	✓	✓	✓	✓	✓	✓

**Derby**  
 ☎ (08) 9191 0999 | 30 Loch Street  
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ABN: 96 034 203 062 | [www.sdwk.wa.gov.au](http://www.sdwk.wa.gov.au)

MONTH	26-Oct	30-Nov	15-Dec	22-Feb	29-Feb	21-Mar	28-Mar	24-Apr	30-May	13-Jun	27-Jun	25-Jul	29-Aug	26-Sep	31-Oct	28-Nov	12-Dec
TYPE/LOCATION	OCM - DBY	OCM - FX	OCM - DBY	Special DBY	OCM - DBY	Special DBY	OCM - FX	OCM - DBY	OCM - FX	Special DBY	OCM - DBY	OCM - REMOTE	OCM - DBY	OCM - FX	OCM - DBY	OCM - FX	OCM - DBY
P McCumstie	P	P	P	P	P	P	P	P	P	P	P	C					
G Haerewa	P	LOA	P	O	O	P	P	P	P	P	P	C					
A Twaddle	P	P	P	P	P	P	A	P	P	P	P	C					
G Davis	P	P	P	O	O	O	P	A	P	O	O	C					
B Angwin	P	P	P	P	P	P	P	P	P	P	P	C					
P Bickerton	P	P	P	P	A	P	P	LOA	P	P	P	C					
B Ellison	P	P	P	P	P	P	P	P	P	P	P	C					
W Foley	P	P	P	P	P	P	P	LOA	P	P	P	C					
K O'Meara	P	O	P	P	P	P	P	P	P	P	P	C					

P	: IN-PERSON
O	: ONLINE
A	: APOLOGY
LOA	: LEAVE OF ABSENCE
C	: CANCELLED

\* Inclusion depends on date not conflicting with 12 months rolling period.

Physical Attendance	Online Attendance	Apology*	LOA*	Total Attendance	Physically In Attendance %*	NAME
11	0	0	0	11	100	P McCumstie
8	2	0	1	10	80	G Haerewa
10	0	1	0	10	100	A Twaddle
5	5	1	0	10	50	G Davis
11	0	0	0	11	100	B Angwin
9	0	1	1	9	100	P Bickerton
11	0	0	0	11	100	B Ellison
10	0	0	1	10	100	W Foley
10	1	0	0	11	91	K O'Meara

\*Not counted in attendance %

\*Measured using "rolling 12 months period".

**9 NEW BUSINESS OF AN URGENT NATURE**

- Nil.

**10 NEW AND EMERGING ITEMS FOR DISCUSSION**

- Nil.

**11 DATE OF NEXT MEETING**

The next meeting of Audit & Risk Committee will be held Tuesday, 10 December 2024 in the Council Chambers, Clarendon Street, Derby.

**12 CLOSURE OF MEETING**

The Presiding Member closed the meeting at 4:19pm.

**These minutes were confirmed at a meeting on**

10 December 2024  
.....

**Signed:** .....

Cr Andrew Twaddle

**Presiding Person at the meeting at which these minutes were confirmed.**

10 December 2024  
**Date:** .....