



**Shire of Derby /
West Kimberley**

AGENDA

Audit, Risk and Improvement Committee Meeting

Thursday 19 February 2026

I hereby give notice that an Audit, Risk and Improvement Committee Meeting will be held on:

Date: Thursday 19 February 2026

Time: 4:30pm

Location: Council Chambers, 31 Clarendon Street, Derby

Tamara Clarkson Chief Executive Officer



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1 DECLARATION OF OPENING**2 ACKNOWLEDGMENT 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 ANNOUNCEMENT OF VISITORS**4 ATTENDANCE VIA ELECTRONIC MEANS**

A Council Member may attend Council 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 a 12 month period. Authorisation can only be provided if the location and the equipment to be used by the member are suitable to enable effective, and where necessary confidential, engagement in the meeting's deliberations and communications.

5 DISCLOSURE OF INTERESTS

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by Council Members to ensure that a financial/impartiality/proximity interests are declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

5.1 Declaration of Financial Interests**5.2 Declaration of Proximity Interests****5.3 Declaration of Impartiality Interests****6 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS****7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****RECOMMENDATION**

That the Minutes of the Audit, Risk and Improvement Committee Meeting held 20 November 2025 at the Council Chambers, 31 Clarendon Steet, Derby be CONFIRMED.

8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

9 REPORTS

9.1 CHIEF EXECUTIVE OFFICER REVIEW OF SYTEMS AND PROCEDURES (REGULATION 17 REVIEW)

File Number: 5475
Author: Telia Reilly, Governance and Risk Coordinator
Responsible Officer: Jill Brazil, Director Corporate Services
Authority/Discretion: Legislative

SUMMARY

Regulation 17 of the *Local Government (Audit) Regulations 1996* (the Regulations) requires the Chief Executive Officer to conduct a review of systems and procedures relating to legislative compliance, risk management and internal controls on a triennial basis.

The Shire engaged Paxon Group to undertake the review on behalf of the Chief Executive Officer.

DISCLOSURE OF ANY INTEREST

Nil by Author or Responsible Officer.

BACKGROUND

In September 2025 the Shire engaged Paxon Group to undertake the Regulation 17 Review. This report provides an overview of the outcomes of the review.

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996: These regulations establish the framework for auditing local governments

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: Failure to comply with legislative requirements. Inefficient use of Council resources and/or financial loss.	Possible	Major	Medium	Reviewed the Shire’s controls to manage the risk of systemic failure to comply with relevant laws and regulations.

CONSULTATION

Paxon Group.

Internal.

COMMENT

The objective of the Regulation 17 review is to determine the appropriateness and effectiveness of the Shire’s systems and procedures in relation to risk management, internal control and legislative compliance. A function of the Audit, Risk and Improvement Committee is to review the Chief Executive Officer’s Systems and Procedures (“Regulation 17” report) and progress its implementation.

The table below provides an overview of the audit findings identified during the 2025 Regulation 17 review, and attached is the full report on each action item inclusive of management comments. For ease of reference, the 2022 Regulation 17 report is also attached to enable the Committee to compare the outcomes.

The below ratings are based on the auditor’s assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. The auditors consider these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

Good practice was noted in relation to the financial internal controls that were reviewed as part of this review.

Future updates outlining the Shire’s progress towards addressing the recommendations identified in the review, will be provided to the Audit, Risk and Improvement Committee via the Audit Log.

Process	Finding	Risk Rating
Risk Management	5.1 Risk Management	High Risk
	5.2 Business Continuity Plan	Medium Risk
	5.3 Audit Log	Low Risk
Internal Control	6.1 Fraud Framework	Medium Risk
	6.2 Policy Management	Low Risk
Legislative Compliance	7.1 Compliance Framework	Medium Risk
	7.2 Record Keeping Plan	Low Risk

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. **2022 CEO Review of Systems and Procedures - Regulation 17 - Confidential**
2. **2025 CEO Review of Systems and Procedures - Regulation 17 - Confidential**

RECOMMENDATION

That the Audit, Risk and Improvement Committee recommend that Council RECEIVE the 2025 CEO Review of Systems and Procedures (Regulation 17), relating to legislative compliance, internal controls, and risk management, in accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996*.

9.2 LOCAL GOVERNMENT ORDINARY ELECTION 2025**File Number: 4125****Author: Telia Reilly, Governance and Risk Coordinator****Responsible Officer: Tamara Clarkson, Chief Executive Officer****Authority/Discretion: Information****SUMMARY**

Provide an overview of the Local Government Ordinary Election held 18 October 2025.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

Shire of Derby/West Kimberley (the Shire), engages WA Electoral Commission (WAEC) to conduct its elections. Officers received an initial quote of \$22,592 (GST excluded) from the WAEC dated 12 December 2024 for it to coordinate the 18 October 2025 Ordinary Local Government Elections. This was approved by Council at the Ordinary Council Meeting dated 27 February 2025 (C11/25). WAEC costs are based on elector numbers, voter participation expectations, and unique cost factors. In the Shire's case, this was based on 3,700 electors with a response rate of approximately 10%, four vacancies, the count be conducted at the Shire, the appointment of a Returning Officer, and the need to visit several remote communities to offer the opportunity for early voting.

On the 4 March 2025, the Shire released a media statement advising that it had received five resignation notices from Council Members, meaning that Council was no longer able to form a quorum. Following this, a Commissioner was appointed to the Shire on the 18 April 2025 to fulfil the role of Council and exercise its powers. As required under the *Local Government Act 1995* (the Act), the President position and remaining four Council Member positions were declared vacant.

Following the appointment of a Commissioner, a revised quote was sought from the WAEC. On 30 April 2025, the WAEC provided the Shire with an updated quote of \$26,601, reflecting the change in the number of vacant positions in the 2025 Local Government Ordinary Elections, being eight Council Members and one President. At the 27 May 2025 Ordinary Council (Commissioner) Meeting, Council (Commissioner) resolved to include in the 2025/2026 budget an allocation of \$30,000 for the 2025 Local Government Ordinary Election which included the estimated WAEC cost of \$26,601 and incidental costs (CCO2/25).

In August 2025, the Shire gave State-wide public notice of the 2025 election and the vacancies that existed at that time were:

President	Four-year term
Four Councillors	Four-year terms
Four Councillors	Two-year term

Nominations for candidates opened 8am on 28 August 2025. This is the same day that the Caretaker Period for Council commences. Nominations closed at 4pm on 4 September 2025. At close of nominations, five nominations for President was received and eighteen nominations received for the advertised eight Councillor vacancies.

Voting at both the Shire's administration centres subsequently commenced and the Returning Officer attended seven remote communities in the week leading up to the election to accept early votes.

The final breakdown of votes received was as below:

President

Total Electors	3,925
Turnout rate	22.17%
Total Votes	870
Formal Votes	863
Informal Votes	7
Total votes	870

Councillor

Total Electors	3,925
Turnout rate	22.17%
Total Votes	870
Formal Votes	846
Informal Votes	24
Total votes	870

STATUTORY ENVIRONMENT

Local Government Act 1995 – Part 4 Elections and other polls: This provides the legal framework for conducting local government elections.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The WAEC estimated cost to deliver the election for 2025 was \$26,601. As at the 23 January 2026, the Shire has yet to receive the final invoice from the WAEC for payment. It is believed the invoice will be greater than the budgeted \$30,000, due to the Returning Officers extended working hours on the 18, 19 and 20 October 2025.

Additional staff were also required to work extended hours on the 19 and 20 October 2025 which resulted in an additional cost of \$6,755.56.

There will also be additional staff time and costs associated with attendance at the Court of Disputed Returns, and legal expenses associated with the matter.

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
Legal & Compliance: Non-completion of an ordinary election resulting in non-quorum of Council	Rare	Minor	Low	Engage WAEC to conduct election or internally resource the election.

CONSULTATION

West Australian Electoral Commission.

Department of Local Government, Industry Regulation and Safety.

COMMENT

In November 2025, the WAEC lodged a challenge via the Court of Disputed Returns, over candidate eligibility as “electors of the district”. The State Solicitors Office wrote to all elected and unsuccessful candidates (20), to inform them of the challenge. Two candidates were affected, one that was successful in becoming a Member of Council and one that was unsuccessful. The matter will be presented to the Court of Disputed Returns in late January 2026. A separate report will be presented to Council regarding the outcome.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

Nil

RECOMMENDATION

RECOMMENDATION

That the Audit, Risk and Improvement Committee recommend that Council NOTE the information in this report.

9.3 UPDATE ON EXTERNAL GRANTS AND FUNDING - NOVEMBER 2025 TO JANUARY 2026**File Number:** GS/010/1**Author:** Christie Mildenhall, Community Planning Advisor**Responsible Officer:** Tamara Clarkson, Chief Executive Officer**Authority/Discretion:** Information**SUMMARY**

This report provides a regular update of the funding opportunities investigated and sought by Officers and seeks support for the proposed projects. It covers grant activity from the period 1 November 2025 to 22 January 2026.

The purpose of this report is to inform Council about the funding support the Shire receives for many of our community services and infrastructure projects and how the funding risk is being managed by Shire Officers.

DISCLOSURE OF ANY INTEREST

Nil by Author or Responsible Officer.

BACKGROUND

The Shire 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 has been applied for (pending outcome), confirmed or acquitted during the period 1 November 2025 to 29 January 2026.

STATUTORY ENVIRONMENT

Part 6 – Financial Management of the *Local Government Act 1995* provides for the financial management of local governments, including provisions around the development of an annual budget which grant funding must be incorporated into.

POLICY IMPLICATIONS

Risk and Opportunity Management Policy.

Significant Accounting Policy.

FINANCIAL IMPLICATIONS

This report outlines funding which is being sought, has been obtained or has been acquitted, to support the delivery of projects, programs, services and events of the Shire. At the time of developing the 2025/26 financial year budget, grants were only included if the funding had been confirmed and an agreement had been executed. Where grants have been obtained post the endorsement of the annual budget these will be incorporated as part of the budget review process.

The funding received from grants must be used for the express purpose outlined in the grant application and subsequent agreement. Some grants will cover the full cost of the related project, while others require a co-contribution from the Shire. The co-contributions are usually either in the form of in-kind or cash. Projects which require cash contributions from the Shire that cannot

be met within the operational budget and have not previously been identified in the budget will be brought to Council for budget allocations to be endorsed.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.4 Attract and effectively use resources to meet community needs
2. Community	2.4 Sustainable Communities	2.4.2 Collaborate with key agencies, groups and service providers to improve community services, programs and facilities

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Business Interruption: 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.
Financial: 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.
Organisation's Operations: 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

Generally, only internal consultation has been undertaken in relation to the grants applied for. However, some specific projects may involve or have been informed by community consultation with relevant stakeholders and community groups to gauge projects and seek external support for the project. This occurs on a case-by-case basis depending on the nature of the project and the grant.

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. As of 29 January 2026, the Shire has;

- 25 grant funded projects or programs which are being delivered.
- 5 grant agreements being executed.
- 8 funded projects which have been completed and final reporting is being undertaken.
- 19 grants acquitted.
- 1 project on hold, pending further advice from the funding body.

Funding received enables the Shire to deliver necessary community services and community engagement support programs as part of ongoing operations. Other funding is used for ‘add on’ activities for which the community expects the Shire to provide. In many cases, if the Shire does not receive this funding the projects will not go ahead and the Shire will not be able to meet community expectations.

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

Grants of larger sums often result in issuing bodies seeking confirmation that projects have 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 November 2025 to 29 January 2026.

Grant Program and Funder	Project Description	Funding Received (Ex GST)	Funding Period
Environment Health Services to Remote Rural Communities – Department of Health	Contract extension for the Aboriginal Environmental Health Program. 2x 6-month extension options exercised.	\$216,273.00	1 November 2025 to 31 January 2026
Better Beginnings – State Library of Western Australia	‘Little yarns, big learning’ – A library outreach project to remote Aboriginal communities.	\$5,000.00	1 December 2025 to 31 December 2026
* 2025 CCTV Election Commitment – Tranche 1	3 CCTV cameras in each of Derby and Fitzroy Crossing (6 total)	\$121,872.00	TBA
TOTAL FUNDING RECEIVED		\$343,145.00	

Grants marked with an * have been awarded but Grant Agreement not executed.

Applications pending outcome

A number of funding applications have been submitted and are still progressing through the relevant organisation's assessment process. The expected notification of outcome date is calculated based on information provided in program guidelines and is a rough estimate. The list below highlights all applications, not just those submitted during the reporting period.

Grant Program and Funder	Project Description	Funding Requested (Ex GST)	Funding Period	Expected Notification of Outcome
Animal Welfare Grants Round 5- Department of Primary Industries and Regional Development	Animal de-sexing, preventive health and vet services in remote communities for domestic animals	\$47,626.59	12 months	22 December 2025
Regional Events Scheme - Tourism WA	Kimberley Art and Photographic Prize Roadshow to remote community arts centres.	\$20,000	April to June 2027	19 February 2026
Regional Housing Support Fund - Department of Planning, Lands and Heritage	Construction of 6 units at 5 Delewarr Street, Derby	\$4,940,000.00	July 2026 to October 2028	Not advised.
TOTAL AMOUNTS		\$5,007,626.59		

Unsuccessful applications

During the reporting period no grant applications were deemed unsuccessful.

Funding Acquitted

During the reporting period the following grant funded project were completed and acquitted reporting requirements completed.

Grant Program and Funder	Project Description	Amount Acquitted (ex GST)
Animal Welfare Grant – Round 4 – Department of Primary Industries and Regional Development	Animal de-sexing program in remote communities	\$55,000.00
Community Grants - Stan Perron Foundation	Donation to delivering youth services for children aged seven to twelve years.	Undisclosed at request of funder.
Grassroots and Community Initiatives - LotteryWest	Community Arts projects in Derby and Fitzroy Crossing, including murals, sculptures and shade structures	\$854,020.38
International Day of People with Disability – Developmental Disability WA	International Day of People with Disability event in Derby.	\$1,000.00
International Volunteer Day 2025 – Department of Communities	Derby's International Volunteer Day event.	\$1,000.00
Youth Partnership – Rio Tinto Iron Ore	Funding contribution to staffing and equipment for SDWK Youth Services.	\$195,000.00
Seniors Week Grant 2025 - Advocare	Seniors week morning teas run in conjunction with Juniper and Numbla Nunga.	\$3,000.00
TOTAL AMOUNTS		\$1,109,020.38

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

Nil

RECOMMENDATION

That the Audit, Risk and Improvement Committee recommend that Council:

- 1. NOTES the summary of grant and funding applications which have been submitted by Officers; and**
- 2. PROVIDES in principle support for the outlined projects for which funding is being sought.**

9.4 FUNDING AND DONATIONS DISTRIBUTED THROUGH THE COMMUNITY FUNDING SCHEME - NOVEMBER 2025 TO JANUARY 2026

File Number: GS/010/0

Author: Santana Rose, Manager Community Development

Responsible Officer: Luke Lawrence, Director Community Planning

Authority/Discretion: Information

SUMMARY

This report provides a quarterly update on the funding and donations distributed to individuals, community groups and non-for-profit organisations under the Shire's Community Funding Scheme, covering the period from 1 November 2025 to 31 January 2026.

DISCLOSURE OF ANY INTEREST

Nil by the Author, Nil by Responsible Officer.

BACKGROUND

The Shire's Community Funding Scheme supports the provision of financial and non-monetary in-kind assistance to individuals, community groups and not-for-profit organisations.

The support is provided as a contribution towards the delivery of services, and initiatives that enhance community participation and wellbeing. The funding is delivered through four main programs;

- Community Grants Program – Funding of up to \$5,000 (ex GST) to assist community organisations deliver events, projects and initiatives which align with the community priorities identified in the Shire's Strategic Community Plan. Applications through this funding stream are assessed on a monthly basis by the Community Grants Review Group.
- Community Representative Grants – Funding is provided to individuals or community groups with members who have been selected to participate in representative events. The amount of funding varies depending on the nature and location of the event, however is capped at \$1,500 (ex GST) for each individual and \$5,000 (ex GST) for organisations each financial year. Applications through this funding stream are assessed on a monthly basis by the Community Grants Review Group.
- In-kind donations – From time to time community organisations may request in-kind support from the Shire to assist with event and project delivery. Typically, the support requested is in the form of facility, equipment hire and staff involvement with the project or event. These requests are addressed on an ad-hoc basis and approved by the CEO.
- Council decisions - Any funding request which does not meet the guidelines of the programs above are presented to Council for consideration. Including facility waiver requests that exceed \$1,000 (ex GST), outside of the CEO delegated authority.

As part of the operational plan for the Community Grants Program, the funding for the 2025/26 financial year has been divided into two rounds. Round One operated from 1 July 2025 to 31

December 2025, and Round Two commenced on 1 January 2026, concluding on 30 June 2026. This structure ensures funding opportunities are available throughout the year and supports a balanced and timely distribution of community grants.

STATUTORY ENVIRONMENT

Part 6 – Financial Management of *Local Government Act 1995* provides for the financial management of local governments, including provisions around the development of an annual budget. The amount of funding available for grants and donations to community groups is determined as part of the Shire of Derby / West Kimberley’s annual operational budget.

POLICY IMPLICATIONS

Community Funding Scheme Policy.

FINANCIAL IMPLICATIONS

The amount of funding allocated as ‘Donations to Community Groups’ from which the grant programs are funded is allocated as part of the Shire's operational budget. The 2025/26 budget allocated \$45,000 (ex GST). As of 14 January 2026, \$29,998 (ex GST) has been allocated through the Community Grants Program and Community Representative Grants, with \$15,002 (ex GST) remaining for the second round of funding open now until the 30 June 2026.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.4 Attract and effectively use resources to meet community needs
2. Community	2.4 Sustainable Communities	2.4.1 Support and assist volunteer, community and sporting groups

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Poor management of the grant program may result in the misuse of Shire funding.	Likely	Minor	Medium	Ensure a process is established and implemented to allow good governance and compliance of grant funding allocation and use.

<p>Community: A negative reaction from the community may result if the Shire does not support community organisations.</p>	Possible	Moderate	Medium	Continue to support community organisations through the Community Funding Scheme in alignment with budgetary allowances. Ensure a process is implemented to allow good governance and compliance of grant funding allocation and use.
<p>Organisation's Operations: Lack of processes relating to grant management may result in failures to meet compliance and audit requirements and result in misuse of Shire funds.</p>	Likely	Minor	Medium	Ensure a process is implemented and followed to allow good governance and compliance of grant funding allocation and use.

CONSULTATION

Nil.

COMMENT

The Community Grants Program ceased accepting applications in August 2025 and recommenced on 1 January 2026, reinstating funding opportunities for eligible community organisations. The following provides an overview of support delivered during the period from 1 November 2025 to 1 February 2026.

In Kind Donations;

Organisation Name	Project Description	Amount (inc GST)
Murdoch University	Free Chiropracting Students	\$388.00
Derby Aboriginal Medical Services	16 Days March for Domestic Violence	\$294.00
TOTAL		\$684.00

Council Decision;

Organisation Name	Project Description	Amount (inc GST)
Far North	International Day of People with Disability	\$10,500.00
Mr Sam Lovell OAM	Funeral for Mr Sam Lovell AM	\$1,632.00
	TOTAL	\$12,132.00

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

Nil

RECOMMENDATION

That the Audit, Risk and Improvement Committee recommend that Council NOTE the in-kind and financial support provided to local community organisations by the Shire through the Community Funding Scheme.

9.5 PEOPLE AND CULTURE

File Number: PE/020

Author: Kelsey Laird, Manager of People and Culture

Responsible Officer: Tamara Clarkson, Chief Executive Officer

Authority/Discretion: Information

SUMMARY

This report provides an update on people and culture activities undertaken during 2025, outlining progress and achievements across workforce management, work health and safety (WHS), training and development, employee retention, recruitment, industrial relations, housing, and governance. The report reflects the Shire of Derby / West Kimberley's continued commitment to building a capable, inclusive and effective organisation that supports staff wellbeing, legislative compliance, and high-quality service delivery to the community.

DISCLOSURE OF ANY INTEREST

Nil by Author or Responsible Officer.

BACKGROUND

The Shire of Derby / West Kimberley employs approximately 100 staff to deliver a wide range of services and programs for the benefit of the community.

Led by the Chief Executive Officer, the organisation continues to focus on strengthening organisational capability through effective people management, continuous improvement of workplace culture, and a strong emphasis on Work Health and Safety. People and Culture initiatives in 2025 have been aligned with strategic priorities, financial sustainability, and good governance, ensuring that the workforce is supported, skilled, and equipped to meet current and future operational needs.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Part 5 Administration

Section 5.38 (Annual review of employees' performance) requirement for the CEO to ensure the performance of each employee employed for more than one year is reviewed.

Section 5.40 (Principles affecting employment by local governments) principles relating to merit-based selection, equity, non-discrimination, and the provision of a safe and healthy workplace in accordance with the Work Health and Safety Act 2020.

Section 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.

Work Health and Safety Act 2020 and associated regulations.

Compliance with employment legislation and the associated enterprise agreements.

POLICY IMPLICATIONS

Risk and Opportunity Management Policy

Work, Health and Safety Policy

Injury management and Rehabilitation Policy

Provision of Staff Housing Policy

Noting that a number of operational CEO Directives complement the Council Policies listed above.

FINANCIAL IMPLICATIONS

Expenditure associated with workforce development, WHS initiatives, training, recruitment, and system improvements is provided for within the adopted annual budget. These investments support compliance, risk mitigation, workforce capability, and long-term organisational sustainability.

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

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: Risk of non-compliance with employment and WHS obligations.	Possible	Insignificant	Low	Ongoing monitoring, audits, structured reporting, training, and policy review.
Business Interruption: Risk associated with workforce capability and retention.	Likely	Moderate	High	Focus on workforce planning, training, performance management, and supportive workplace practices.
People Health & Safety: Risk of injury or illness arising from unsafe work practices.	Unlikely	Severe	Medium	Strong WHS governance, regular inspections, training, audits, and continuous improvement of systems.

CONSULTATION

Ongoing engagement with the WHS committee, health and safety representatives, WALGA, LGIS and Unions.

COMMENT

Work, Health and Safety significant progress was achieved in work health and safety during 2025, with measurable improvements across systems, training, consultation, and reporting. An LGIS

audit confirmed a 20% improvement in overall safety performance compared to the 2022 assessment, with particularly strong outcomes in hazard management, consultation and reporting, and training and supervision.

The WHS Committee continued to meet bi-monthly with full quorum and active senior management participation, reinforcing shared accountability for safety across the organisation. Health and safety representatives were supported through updated position descriptions, annual refresher training, and structured monthly workplace inspections, strengthening local safety leadership.

Improvements to workplace ergonomics were implemented following comprehensive assessments, including the provision of ergonomic chairs across multiple sites and the installation of a sit-and-stand workstation. Emergency preparedness remained a priority, with six-monthly evacuation drills conducted at all facilities, updated allocation of first aid officers and wardens, and ongoing training to ensure readiness.

Worker's compensation matters were actively managed, with one case resolved and another nearing completion. New CEO Directives were introduced to further strengthen WHS governance, including Fitness for Work, Outdoor Working Protection, and Smoking in the Workplace. WHS inductions were fully embedded into onboarding processes for all new staff.

First aid equipment servicing and upgrades continued, including the rollout of off-road kits for remote vehicles, specialised kits for depot operations, and portable kits for community events. Risk management practices were embedded into all Management Plans, programs, and events, supported by WHS oversight and structured reporting to senior management.

Employee wellbeing initiatives continued, including annual skin checks and participation in health and wellness challenges, supporting both physical health and team engagement. Planning also commenced for a noise survey to further assess and manage occupational exposure risks.

People and Culture During 2024/25, the People and Culture function continued to strengthen governance, workforce capability, and alignment with strategic and financial priorities. A comprehensive training program was delivered across the organisation, encompassing governance, ethical conduct, diversity and inclusion, cyber security, leadership, customer service, and operational safety. This ensured staff across both office-based and field roles were supported with the skills and knowledge required to perform effectively and safely.

The Shire made strong progress in local employment outcomes, with Aboriginal employees representing a significant proportion of the workforce and a growing presence in leadership and supervisory roles. A new traineeship commenced with external funding support, reinforcing long-term workforce development and local career pathways.

Workforce changes throughout the year reflected a deliberate focus on organisational sustainability and alignment with core service delivery priorities. The current workforce profile supports effective operations while maintaining strong governance and financial responsibility.

Recruitment and Induction Recruitment practices continued to be refined, with clearer procedures, broader advertising approaches, and improved candidate communication supporting a positive employer brand. Induction processes were strengthened through structured workflows, tailored role-based onboarding, and increased People and Culture oversight to ensure consistency, compliance, and early engagement of new employees.

Training and Development Training and professional development remained a key focus, with progress made towards the implementation of a comprehensive training matrix, annual training

calendar, and structured learning programs. Performance review outcomes are being used to inform future development priorities and organisational capability planning.

Performance Management A structured and standardised performance review framework was implemented and embedded across the organisation. This approach supports continuous feedback, goal setting, accountability, and alignment between individual performance and organisational objectives. Reporting mechanisms provide oversight to management and support continuous improvement.

Industrial Agreements and Employment Frameworks Significant progress was made in the development of new Industrial Agreements for indoor and outdoor employees, ensuring alignment with legislative requirements, organisational needs, and contemporary employment practices. Currently awaiting response from the Union in order to commence negotiations. Common Law Contracts were reviewed and updated, with new templates implemented to support consistency, compliance, and organisational protection.

Housing Work continued on strengthening staff housing processes, including clearer allocation steps, documentation, and coordination with Assets for maintenance and inspections. These initiatives support workforce attraction and retention, particularly in remote locations.

Policies and Governance An annual review of People and Culture and WHS policies and directives was undertaken, resulting in updates to key policies to ensure ongoing compliance, clarity, and best practice. Certification and qualification tracking continued to improve through enhanced reporting and system use.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

Nil

ATTACHMENTS

Nil

RECOMMENDATION

That the Audit, Risk and Improvement Committee recommend that Council NOTES the information contained in the report.

9.6 GOVERNANCE AND COMPLIANCE - INTERNAL CONTROLS

File Number: 5476

Author: Telia Reilly, Governance and Risk Coordinator

Responsible Officer: Jill Brazil, Director Corporate Services

Authority/Discretion: Executive

SUMMARY

The Audit, Risk and Improvement Committee assists Council in fulfilling its responsibilities regarding the oversight of internal and external audits at the Shire, ensuring due care, diligence, and skill are applied.

The purpose of this report is to provide Council with the status of internal control management matters within the Shire.

DISCLOSURE OF ANY INTEREST

Nil by Author or Responsible Officer.

BACKGROUND

Local Government (Audit) Regulations 1996 outline the functions of a local government audit committee. Council at its meeting dated 26 October 2023 confirmed the purpose of the current Audit, Risk and Improvement Committee, which included amongst others the following:

- Review the Chief Executive Officer's systems and procedures and progress its implementation

Due to an increased focus on the accountability and transparency of local governments, a review of the effectiveness of all business processes is considered best practice. Internal auditing is one way to reduce risk and identify improvements in internal controls. There are many benefits to conducting internal audits, such as:

- Improving the performance of the organisation;
- Making the organisation process dependent instead of person dependent;
- Identifying redundancies in operational and control procedures and the provision of recommendations to improve the efficiency and effectiveness of procedures;
- Serving as an early warning system, enabling deficiencies to be identified and remediated on a timely basis (i.e., prior to external, regulatory or compliance audits); and
- Increasing accountability within the organisation and supports strategic objectives.

Compliance Calendar

The Shire has a Compliance Calendar (*Attain*) which is used to track activities and action due dates to ensure compliance is met with critical legislative compliance requirements, operational requirements and also to reduce risk of non-compliance. Data entered in to this system throughout the year supports completion of the annual Compliance Audit Return. This is an annual legislative requirement and is reported to the Audit, Risk and Improvement Committee meeting, prior to being submitted to Council for endorsement.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 2.7 outlines the role of local government including overseeing the allocation of the local government’s finances and resources

Section 5.41 outlines the role of the Chief Executive Officer as responsible for managing the local government’s administration and operations

Section 7.1A A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT CONSIDERATIONS

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

CONSULTATION

Nil

COMMENT

This report highlights to Council the actions taken by the Chief Executive Officer to ensure compliance and to minimise risk. It also promotes an improved understanding by officers, of the strategic risk/compliance expectations of Council. Administration is continuing to build best practice in this area using staff training, information sessions and the provision of support.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Shire of Derby / West Kimberley Internal Controls [↓](#) 

RECOMMENDATION

That the Audit, Risk and Improvement Committee recommend that Council NOTE the information contained in the attached Internal Controls – January 2026 report.

Shire of Derby / West Kimberley
Internal Controls - Compliance Calendar as at January 2026

Task Number	Calendar task	Category	Legislation	Due	Comment	Status
C42-8 Asset Management Plan	Update the Asset Management Plan to be included in the outcomes of the Corporate Business Plan Review	Legislative Requirement	Local Government Act 1995 Local Government (Administration) Regulations 1996	Annual Task - Due on the 1 January	30% Progress Status - Consultant has been engaged to first deliver the Asset Management Strategy, which will inform the updated plans	Progressing
C245 Satellite Phone Serviceability	Task to complete a stock take and serviceability check of all satellite phones in the possession of the Shire	Compliance Requirement		Annual Task - Due every six months	20% Progress Status - This continues to be a priority and will occur as part of a larger check of all Shire ICT assets. All phone numbers associated with the phones are still active	Ongoing Action Item
C37 Regulation 17 Review - Risk Management, Internal Control and Legislative Compliance	Undertake a review of the appropriateness and effectiveness of the Internal Control system and procedures. CEO to report review results to Council via the Audit, Risk and Improvement Committee	Operational Task	Local Government (Audit) Regulations 1996	Every 3 years	70% Progress Status - The Shire received the completed report from Paxon on the 20 January 2026. A report will be presented to the Audit, Risk and Improvement Committee on the 19 February 2026	Ongoing Action Item
C42 Asset Management Plan Review	Update the Asset Management Plan to be included in the outcomes of the Corporate Business Plan Review	Legislative Requirement	Local Government Act 1995 Local Government (Administration) Regulations 1996	Annual Task - Due on the 1 January		Progressing
C112 WALGA Grants Commission Information Return	Complete and submit the WALGA Grants			Annual Task - Due on the 1 January	80% Progress Status - Currently in progress and will meet the due date of 31 January 2026	Progressing
C163 Airports Inspections and Reports (Derby and Fitzroy Crossing)	Daily inspections of Derby and Fitzroy Crossing Airports, and a weekly report required to be submitted	Compliance Requirement		Every three months on the last day of the commencing month		Ongoing Action Item
C338 Acquittal Local Government Heritage Consultation Grants	Acquittal of funding to engage a consultant to undertake a Local Heritage Survey	Legislative Requirement	Heritage Act 2018	30/06/2025	70% Progress Status - The Draft Heritage Survey and List are awaiting Council endorsement to go out for community consultation. Extension to due date, and possibly beyond	Grant - In Progress
C345 Quarterly Progress Report - Kimberley Development Commission (KDC) - Financial Assistance Grant	Funding has been received to develop an Economic Development Strategy for the Shire. The Shire is required to provide a quarterly update to KDC of the progress of the funded project	Compliance Requirement		Every three months on the last day of the commencing month		Progressing
C349 Acquittal Report - FAA1	Funding from the Department of Local Government, Sport and Cultural Industries to upgrade the lighting system at the Fitzroy Crossing Oval, and develop a masterplan for the Fitzroy Crossing multi-purpose centre (including evacuation centre)	Compliance Requirement		30/11/2025	The Shire is currently discussing with CITS and the Local Member for a variation to be made to the recreation and evacuation component of the grant. A formal variation will be made to the agreement when discussions are finalised. This will include an amendment to the acquittal date	Grant - In Progress
C232 LGA 1995 Statutory Obligation - Authorised Persons Identifying Cards	All employees for the Shire of Derby / West Kimberley who are appointed as Authorised Persons under the relevant legislative authority, must be provided by the CEO, an identifying card	Legislative Requirement	Local Government Act 1995	1/09/2025	30% Progress Status - Officers are in the process of reviewing which staff require cards and issuing them	Progressing
C16 Annual Report - Record Keeping Statement	The annual report is to include a section addressing - efficiency and effectiveness of record keeping systems	Legislative Requirement	Local Government Act 1995	4/09/2025	80% Progress Status - The Record Keeping Plan has been completed and submitted to the State Records Office of Western Australia. The Shire is awaiting a response	Progressing
C166 Aerodrome Manual Review (Derby and Fitzroy Crossing)	Derby and Fitzroy Crossing Aerodrome Manuals to be reviewed annually	Compliance Requirement		Annual task - Due on the 15 September	40% Progress Status - Officers are currently completing the Civil Aviation Safety Authority findings some of which are related to the manual, along with corrective action plans as a result of annual technical inspections. Both of these will be used to review and update the manuals	Progressing
C154 Annual Staff Performance Review	Complete annual performance reviews of employees	Operational Task	Local Government Act 1995	30/11/2025	70% Progress Status - 73.68% of performance reviews have been completed	Progressing
C260 Derby Port Monthly Report Coordination and Submission	The coordinate and submit the Derby Port Monthly report to the Kimberley Ports Authority, as required by the head lease	Operational Task		15/12/2025 and 15/01/2026		Progressing
C325 Economic Development Strategy Funding Reports	Provide quarterly and annual progress, and final reports, to Kimberley Development Commission (KDC)	Compliance Requirement		31/12/2025 (Every three months on the last day of the month)		Progressing
C233 Bi-annual Review of CEO Directives	Review of CEO Directives	Legislative Requirement	Local Government (Financial Management) Regulations 1996	30/09/2025	20% Progress Status - The directives are currently being reviewed. Review and finalisation is anticipated by July 2026	Progressing
C120 MRRG Road Improvement and Rehabilitation and Black Spot Road Project Grants	Progress payment certificate and certificate of completion with final recoupment claim to be submitted to MRWA for previous financial year	Compliance Requirement		31/12/2025		Grant - In Progress
C243 Derby Youth Partnership Agreement - Rio Tinto	Acquittal of funding - Acquittal final partnership report to include summary of KPI's and outcomes across the partnership and financial acquittal of the full funding	Compliance Requirement		17/11/2025	Completed	Completed
C346 Annual Report - Kimberley Development Commission - Financial Assistance Grant	Funding has been received to develop an Economic Development Strategy for the Shire. The Shire is required to provide an annual financial report to KDC of the progress of the funded project	Compliance Requirement		31/12/2025	This has been delayed due to the development of Council Plan and community engagement	Grant - In Progress
C282 Annual Lease Report to be provided to the Audit, Risk and Improvement Committee	Provide an annual report to the Audit Committee, updating it on the current status of the Shire's leases	Compliance Requirement		1/10/2025	50% Progress Status - Report to be presented to the Audit, Risk and Improvement Committee on the 19 February 2026	Progressing
C278 Review of Policy C2 Elected Member and Employee Training and Professional Development	Policy to be reviewed as soon as reasonably practical after the bi-ennial local government elections	Legislative Requirement	Local Government Act 1995	Every 2 years following the local government elections	70% Progress Status - This policy is currently under review as part of the wider policy review that was undertaken, and will be presented to Council for decision at the 26 February 2026 Ordinary Council Meeting	Progressing

Shire of Derby / West Kimberley
Internal Controls - Compliance Calendar as at January 2026

Task Number	Calendar task	Category	Legislation	Due	Comment	Status
C126 Primary Returns - Newly Elected Members	Ensure newly elected Council Members submit a Primary Return within 3 months of start date	Legislative Requirement	Local Government Act 1995	30/10/2025 (Forms due by 31/01/2026)	Completed	Completed
C255 Councillors Service Register and Honour Board Update – Bi-ennial Review	Update the Councillors Service Register and Honour Board following annually	Compliance Requirement		Annual task - Due on the 31 October	This task is due following the 2025 local government elections, and is in progress	Progressing

9.7 GOVERNANCE AND COMPLIANCE - AUDIT LOG**File Number:** 5476**Author:** Telia Reilly, Governance and Risk Coordinator**Responsible Officer:** Jill Brazil, Director Corporate Services**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, Risk and Improvement 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 to address these obligations, 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 1995 - Section 7.1A requires a local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

Local Government (Audit) Regulations 1996 – Regulation 17 requires the Chief Executive Officer to review certain systems and procedures.

Local Government (Financial Management) Regulations 1996 - Part 2 s.6.10 provides requirements for general financial management of the local government.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: Non-compliance with legislation	Possible	Moderate	Medium	Continue to build and monitor internal procedures and to educate employees on legislative compliance
Reputation: Adverse media and lack of community confidence	Possible	Moderate	Medium	Continue to build and monitor internal procedures and to ensure legislative compliance

CONSULTATION

Internal

COMMENT

The below table highlights the current status of the Shire’s Audit Log.

STATUS	NUMBER
Identified risk items at beginning of reporting	94
Risk Items added to register since inception	47
Completed (Since 23 May 2024)	88
TOTAL OUTSTANDING	55

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

- Shire of Derby / West Kimberley Internal Controls - Audit Log - Confidential**

RECOMMENDATION

That the Audit, Risk and Improvement Committee recommend that Council NOTE the information contained in the attached Audit Log – January 2026.

9.8 COUNCIL MEMBER MEETING ATTENDANCE - FEBRUARY 2026**File Number:** GV/CM/2**Author:** Ryan Boldison, Executive Assistant**Responsible Officer:** Tamara Clarkson, Chief Executive Officer**Authority/Discretion:** Information**SUMMARY**

This report provides an overview of council members attendance at meetings for monitoring by the Audit, Risk and Improvement Committee. The purpose is to ensure compliance with the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

In accordance with regulation 14D of the *Local Government (Administration) Regulations 1996*, both Ordinary and Special Council meetings can be held by electronic means if the Council approves it. However, no more than half of the total meetings in a twelve-month period can be conducted electronically for example via telephone, video conference or other means of instantaneous communication.

A council member can also be individually authorised by the President or the Council to attend meetings electronically. This is allowed for up to half of the in-person meetings they have attended in the preceding twelve-month period. To ensure the integrity of the meeting, a member's request for electronic attendance is only approved if their location and equipment are suitable for effective and, when necessary, confidential participation.

The Committee is responsible for monitoring these attendance rules to ensure all members are compliant with the all relevant regulations.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

This report provides the Audit, Risk and Improvement Committee with an accurate meeting attendance register as means of monitoring Council Members' attendance to meetings of Council. It ensures compliance with the *Local Government Act 1995*, *Local Government (Administration) – Amendment Regulations 2022*. Aligned with annual Local Government Elections held in the month of October, Council adopt the Council meeting dates, times and locations for the following calendar year whereby Council Members may request to attend no more than 50% of the meetings via electronic means.

STATUTORY ENVIRONMENT

Local Government Act 1995 (WA) – Part 2 (Constitution of Local Government), Division 5 (Qualifications for Holding Office on the Council), Section 2.25 (Disqualification for failure to attend meetings) provides that a Council Member who is absent without approved leave from three consecutive ordinary meetings of Council is disqualified from continuing as a member, unless those meetings occur within a two month period. The Council may grant leave of absence but not for more than six consecutive ordinary meetings without Ministerial approval. Certain circumstances (such as no quorum, suspension, disputed election proceedings, or parental leave) are excluded from counting as an absence.

Local Government Act 1995 (WA) – Part 5 (Administration) Section 5.23 (Meetings of Council) establishes that Council meetings are to be conducted in accordance with the Act and regulations, including rules relevant to attendance, quorum and procedure. Specific attendance-related matters are prescribed in regulations made under this section (e.g. electronic attendance).

Local Government Act 1995 (WA) – Section 5.25 (Procedure and business at meetings) requires that meetings of Council comply with prescribed procedural rules, including quorum requirements and voting. Attendance rules, including authorisation of attendance by electronic means, are enabled by this section and given effect through the Administration Regulations.

Local Government Act 1995 (WA) – Section 5.98 (Fees, reimbursements and allowances for council members) outlines that a councillor is only entitled to receive a meeting attendance fee if they attend a Council or committee meeting (including meetings attended electronically where authorised). Attendance therefore has a direct financial implication.

Local Government (Administration) Regulations 1996 (WA) – Regulation 8 (No quorum, procedure if) outlines that where a quorum is not present, the meeting cannot proceed. For attendance purposes, a councillor's non-attendance does not count as an absence if no meeting with a quorum is actually held.

Local Government (Administration) Regulations 1996 (WA) – Regulation 11 (Minutes, content of) requires that the minutes of a Council meeting record the attendance and absences of members, including whether leave of absence was granted. This forms the official record for determining attendance and potential disqualification under the Act.

Local Government (Administration) Regulations 1996 (WA) – Regulation 14C (Attendance at meetings by electronic means may be authorised) allows a Council Member to attend a Council or committee meeting by electronic means (e.g. telephone or video conference) if authorised by the Mayor, President or Council. Attendance may be authorised in emergencies or other circumstances but generally cannot exceed more than half of the meetings in a 12-month period unless the member has a disability.

Local Government (Administration) Regulations 1996 (WA) – Regulation 14CA (Provisions relating to attendance at meetings by electronic means) provides that a Council Member attending by authorised electronic means is deemed to be present for the purposes of the Act and regulations. It also sets confidentiality requirements where meetings (or parts of meetings) are closed to the public, including mandatory declarations recorded in the minutes.

Local Government (Administration) Regulations 1996 (WA) – Regulation 14D (Meetings held by electronic means) allows entire Council or committee meetings to be conducted by electronic means where authorised, and modifies the application of the Act to ensure members attending electronically are treated as present.

POLICY IMPLICATIONS

Code of Conduct (Council Members, Committee Members and Candidates) Policy

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
Financial: Council member payment not aligned with attendance to meetings.	Unlikely	Severe	Medium	Consistent reporting to the Committee for awareness and proceeding recommendation/s to Council where required.
Business Interruption: Inability to meet quorum due to poor Council Member attendance.	Unlikely	Severe	Medium	Consistent reporting to the Committee for their awareness and recommendation/s to Council where required to mitigate Council not reaching quorum.
Organisation's Operations: Council Member attendance (or potential lack of) affecting operations by way of delayed Council decision making.	Unlikely	Major	Medium	Consistent reporting to the Committee for their awareness and recommendation/s to Council where required to mitigate Council not reaching quorum.
Reputation: Council Member attendance (or potential lack of) affecting reputation.	Unlikely	Moderate	Medium	Consistent reporting to the Committee for awareness and proceeding recommendation/s to Council where required.

CONSULTATION

Internal.

COMMENT

For the majority of 2025, the Council comprised a sole Commissioner, appointed by the Minister for Local Government following the dissolution of the previous Council earlier in the year. The Commissioner achieved 100% attendance at all scheduled meetings conducted during the 2025 calendar year and for the duration of his appointment.

In October 2025, the Council was re-constituted following the local government elections, which also marked the conclusion of the Commissioner's term. Since the election, Council has convened on four occasions, comprising both Ordinary and Special Meetings. All newly elected Council Members attended every meeting, either in person or via authorised electronic means. Each Council Member complied with the requirement that no more than 50% of meetings be attended electronically.

The commencement of the 2026 calendar year resets the electronic attendance percentages for all Council Members.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Council Member meeting attendance 2025 - 19 February 2026  

RECOMMENDATION

That the Audit, Risk and Improvement Committee recommend that Council **NOTE** the information contained in the report.

Meeting date	20-Feb-25	20-Feb-25	27-Feb-25	27-Mar-25	24-Apr-25	22-May-25	22-May-25	18-Jul-25	31-Jul-25	21-Aug-25	21-Aug-25	29-Aug-25	18-Sep-25	20-Oct-25	30-Oct-25	20-Nov-25	27-Nov-12	11-Dec-25
Meeting type	Special	ARIC	OCM	OCM	OCM	ARIC	OCM	Special	OCM	OCM	ARIC	Special	OCM	Special	OCM	ARIC	OCM	OCM
Meeting location	DBY	DBY	DBY	FX	DBY	DBY	FX	DBY	DBY	REMOTE	DBY	DBY	DBY	DBY	DBY	DBY	FX	DBY
President McCumstie	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P
Deputy President O'Meara	-	-	-	-	-	-	-	-	-	-	-	-	-	E	P	P	P	P
Cr Cornish	-	-	-	-	-	-	-	-	-	-	-	-	-	E	P	-	P	P
Cr Davis	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P
Cr Goult	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P
Cr Money	-	-	-	-	-	-	-	-	-	-	-	-	-	P	E	P	P	P
Cr Ross	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	E	E
Cr Shaw	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P
Cr Umbagai	-	-	-	-	-	-	-	-	-	-	-	-	-	A	P	-	P	P
Commissioner Gooding	-	-	-	C	P	C	P	P	P	P	P	P	P	P	-	-	-	-

Attendance Key
P : IN-PERSON
E : ELECTRONIC
A : APOLOGY
LOA : LEAVE OF ABSENCE
C : CANCELLED

	Physical Attendance	Electronic Attendance	Apology ¹	LOA ¹	Total meetings attended	Electronic attendance % ²
President McCumstie	5	0	0	0	5	100
Deputy President O'Meara	4	1	0	0	5	80
Cr Cornish	3	1	0	0	4	75
Cr Davis	4	0	0	0	4	100
Cr Goult	5	0	0	0	5	100
Cr Money	4	1	0	0	5	80
Cr Ross	3	2	0	0	5	60
Cr Shaw	4	0	0	0	4	100
Cr Umbagai	3	0	1	0	3	100
Commissioner Gooding	9	0	0	0	9	100

¹Not counted in attendance %

²Measured over the calendar year.

9.9 OUTSTANDING DEBT - JANUARY 2026**File Number: 5174 & 5112****Author: Aaron Gloor, Senior Finance Officer****Responsible Officer: Jill Brazil, Director Corporate Services****Authority/Discretion: Information****SUMMARY**

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

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

The Audit, Risk and Improvement Committee will ensure compliance with the Shire's financial reporting and will liaise with the Chief Executive Officer 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

Policy F4 – Sundry Debtors Collection

Policy F5 – Outstanding Rates Collection

Policy F6 – Financial Hardship

FINANCIAL IMPLICATIONS

Outstanding Rates and Service Charges totalling \$2,248,932.47

Outstanding Sundry Debtors (non-rates) totalling \$554,564.57.

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
Financial: Non-recovery of debts will impact the type and level of services provided to the town.	Almost Certain	Severe	Extreme	Continue to proactively approach 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 (non-rates) charges by age as well as the movement of this debt over a rolling five-month period.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Debt Summary Report - January 2026  

RECOMMENDATION

That the Audit, Risk and Improvement Committee recommends that Council RECEIVE the information contained in the report detailing outstanding rates and sundry debtors as at 31 January 2026.



Rates Debt Summary Report - 2025/2026

Total Rates & Service Charges in arrears at rates levy date 25/26 \$1,230,911.44
 Total Rates & Service Charges Levied for FY 2025/26 \$12,994,407.29
 Total Collected YTD From Outstanding Rates & Service charges \$11,976,386.26
 Total Rates & Service Charges Outstanding as at 31 January 2026 \$2,248,932.47

Total Outstanding Balance from Instalment Payers
 \$281,065.35

Total Balance of Debt Currently Referred to CS Legal (107 Debtors)
 \$1,230,217.21

	Total Debt					Debt Movement October - January
	Sep-25	Oct-25	Nov-25	Dec-25	Jan-26	
GRV (Residential, Commercial & Industrial)	\$ 3,110,850.84	\$ 2,637,870.20	\$ 2,213,633.43	\$ 1,889,990.05	\$ 1,771,182.70	\$ (866,687.50)
Mining UV (Mining Tenements)	\$ 329,686.06	\$ 294,606.80	\$ 247,469.71	\$ 171,997.90	\$ 173,040.06	\$ (121,566.74)
Rural UV (Pastoral properties)	\$ 882,326.16	\$ 631,820.51	\$ 528,551.68	\$ 402,250.66	\$ 234,066.90	\$ (397,753.61)
Non-Rateable	\$ (1,749.26)	\$ (1,730.51)	\$ (1,453.63)	\$ (1,693.62)	\$ (1,674.87)	\$ 55.64
Non-Rateable UV Exempt	\$ (4,272.04)	\$ (1,703.24)	\$ (1,430.72)	\$ (3,100.37)	\$ (3,098.91)	\$ (1,395.67)
Non-Rateable GRV Exempt (Waste & ESL Charges)	\$ 76,570.65	\$ 123,416.15	\$ 103,669.57	\$ 74,879.36	\$ 75,416.59	\$ (47,999.56)
Total	\$ 4,393,412.41	\$ 3,684,279.91	\$ 3,090,440.04	\$ 2,534,323.98	\$ 2,248,932.47	\$ (1,435,347.44)

Comments
Majority of work now in the debt collection space, working with CS Legal to clear outstanding debt.
The team is looking to bring more LGA sale matters to Council in March with a view to clear further long-term rates debt.
The last instalment due date for Four instalments option is due 18 February 2026

	Debt Older Than Three Years	23/24	24/25	25/26	Credit Balances	Total Outstanding
COMMERCIAL - GRV	\$0.00	\$14,339.13	\$50,059.68	\$347,653.69	-\$3,969.00	\$ 408,083.50
INDUSTRIAL - GRV	\$4,608.92	\$11,250.19	\$15,936.13	\$71,684.66	-\$25,087.69	\$ 78,392.21
MINING - UV	\$0.00	\$0.00	\$10,424.50	\$162,619.35	-\$3.79	\$ 173,040.06
NON-RATEABLE	\$1,458.80	\$766.16	\$196.45	\$163.67	-\$4,260.03	-\$ 1,674.87
NON-RATEABLE/EXEMPT - GRV	\$33,476.10	\$10,856.41	\$12,619.68	\$19,609.72	-\$1,145.32	\$ 75,416.59
NON-RATEABLE/EXEMPT - UV	\$0.00	\$0.00	\$190.86	\$93.85	-\$3,383.62	-\$ 3,098.91
OTHER LOCATIONS - GRV	\$0.00	\$0.00	\$0.00	\$256.26	\$0.00	\$ 256.26
RESIDENTIAL - GRV	\$81,499.63	\$140,238.23	\$232,914.46	\$631,346.29	-\$81,608.85	\$ 1,260,792.00
RURAL - UV	\$615.68	\$2,219.67	\$82,137.93	\$270,239.43	-\$121,145.81	\$ 234,066.90
URBAN FARMLAND - GRV	\$3,737.85	\$4,486.67	\$6,207.85	\$9,226.36	\$0.00	\$ 23,658.73
Total	\$381,799.30	\$184,156.46	\$410,687.54	\$1,512,893.28	-\$240,604.11	\$ 2,248,932.47

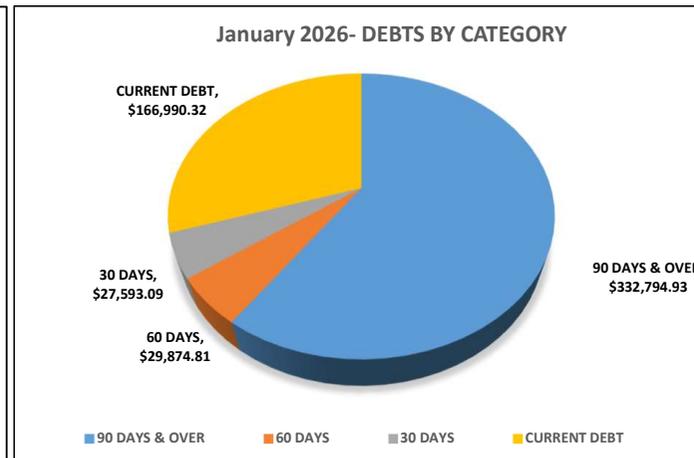
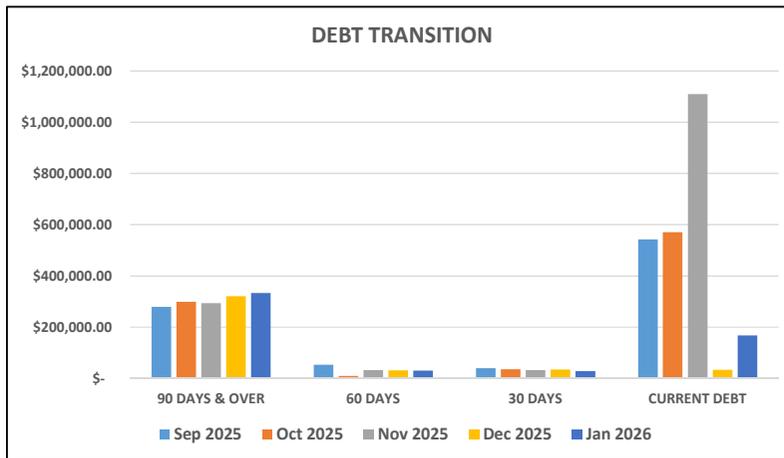
Comparison of Current FY to Previous FY		
	2024/25	2025/26
Total rates and charges outstanding and levied at commencement of rating year	\$13,318,609.54	\$14,225,318.73
Unpaid rates and charges 31 January	\$2,665,676.44	\$2,248,932.47
Percentage Outstanding	20.01%	15.81%



**Shire of Derby /
West Kimberley**

NON-RATES DEBT SUMMARY REPORT - 2025/2026

	Sep 2025	Oct 2025	Nov 2025	Dec 2025	Jan 2026	Changes (Oct - Jan)
90 DAYS & OVER	\$ 278,340.33	\$ 299,293.55	\$ 293,623.49	\$ 320,457.42	\$ 332,794.93	\$ 33,501.38
60 DAYS	\$ 52,744.69	\$ 9,100.14	\$ 32,745.55	\$ 31,154.08	\$ 29,874.81	\$ 20,774.67
30 DAYS	\$ 39,834.87	\$ 35,994.22	\$ 32,179.08	\$ 33,842.18	\$ 27,593.09	-\$ 8,401.13
CURRENT DEBT	\$ 542,258.76	\$ 570,914.61	\$ 1,109,550.29	\$ 32,990.05	\$ 166,990.32	-\$ 403,924.29
CREDIT BALANCE	-\$ 3,493.75	-\$ 3,481.74	-\$ 2,528.07	-\$ 2,418.72	-\$ 2,688.58	\$ 793.16
TOTAL	\$ 1,537,634.60	\$ 1,269,611.95	\$ 1,798,278.19	\$ 712,935.01	\$ 554,564.57	-\$ 715,047.38



90+ Days Debt Comparison by Year						
Jan-20	Jan-21	Jan-22	Jan-23	Jan-24	Jan-25	Jan-26
\$348,636.10	\$422,240.33	\$543,845.62	\$1,880,184.13	\$303,538.45	\$397,662.48	\$332,794.93

90+ Days Outstanding Debt over \$1000 31/01/2026			
DEBTOR	TOTAL	COMMENTS	DEBTOR CODE
Employee - 872	\$ 2,182.46	Relocation cost reimbursement invoice for previous employee that did not complete 12 months of employment. The former employee had entered into a payment arrangement for \$500 per month however this is not being adhered too. The matter will be referred to CS Legal.	MS
Tristans Lawnmowing	\$ 1,881.38	Multiple waste charges from 31/01/2023 to present. Statements and follow-up requests have been issued to this debtor without response. Due to the age of the debt and the continued operation of the business we may look to recommended revoking access to the waste site until these charges are cleared.	TLW
Department of Communities	\$ 1,478.86	Completion of Firebreaks 2023 - emails and statements have been sent to debtor without successfully securing payment. The accounts team have escalated this matter within the Department.	DOR
Boab Festival Derby Inc	\$ 137,593.07	Invoice raised on the 3rd of December for reimbursement of Long Table Dinner expenses incurred by the Shire.	BFE
Act Eco Homer	\$ 60,687.08	Multiple waste charges from 14/06/2024 to present. Debtor originally emailed requesting the Shire remove these invoices stating that they should be charged to other companies that Act Eco Homer was completing work on behalf of. The debtor did not supply sufficient detail to support this request and therefore there was no adjustment made to any invoices. The business owner has recently requested a meeting with the Shire citing historical inaccuracies with their waste invoices however they were not able to provide any specific detail as to what these inaccuracies are. To move this matter forward a preliminary meeting is currently being arranged with a suggested meeting time from business owner requested but not yet received.	AEH
Unreel Adventure Safaris	\$ 5,160.31	May 2025 wharf usage charge and annual rent charge for Area 1 of the Derby Wharf. Finance and previous ports manager made several attempts via phone and email to secure payment for these outstanding invoices without success. Given the operator is likely to continue operation at the commencement of the next tourist season we will recommend that future wharf bookings are not granted until this debt is cleared.	UNR
Mowanjum Aboriginal Corporation - Mowanjum Station & Knowsley Agricultural	\$ 107,116.42	Mowanjum is currently responsible for the payment of rates on two pastoral properties in the Shire with the combined total of rates outstanding at \$104,792.08. This debt is an accumulation of current debt as well as arrears back to 23/24. Mowanjum has previously communicated with the Shire and made payments towards the debt via an arrangement without ever achieving full clearance of the balance. In the 25/26 FY the Shire has not yet received communication from Mowanjum with regards to these assessments and the matter has now been referred to CS Legal.	A600190 and A500420
Mowanjum Aboriginal Corporation	\$ 53,200.44	Waste charges that were raised in 2020. These charges relate to Mowanjum's use of the Debry waste facility for residential waste from 2016 through to 2020. The total payable in the original invoice was \$158,371.30, these charges were disputed by Mowanjum at the time and subsequently reduced by 50% to \$79,185.65 in October 2020 via Council Resolution 170/20. On the 18th of June 2021 Mowanjum made a payment of \$26,395.21 via a payment arrangement. From this point no further payments were made by Mowanjum who then proceeded to take the matter to the Ombudsmen in 2022. The Ombudsmen made no ruling in Mowanjum's favour and at this point Mowanjum indicated they would be seeking legal advice. There has been no further communication from Mowanjum with regards to this debt nor has the Shire received any communication from Mowanjum's legal representatives. The Shire now believes that these charges may be recovered after expected administrative changes at Mowanjum.	MJU

Burrinunga Aboriginal Corporation	\$ 69,527.30	This debt relates to residential bin charges dating back to 2018 for the group of houses at 18-32 Panton Street Derby. The matter has previously progressed through CS Legal who concluded that due to the nature of the houses, the enforcement of the debt through legal proceedings is difficult as the Shire does not realistically have the ability to exercise our power of sale. The director of the corporation has also previously stated they have no income and no ability to repay this debt. Following this conclusion the Shire wrote to the minister for Local Government's office but a response was not received. The Shire has also attempted to secure payment through the Department of Housing and Works, Aboriginal Housing & the section of the Department of Housing and works that deals specifically with remote area housing. All of these avenues have been unsuccessful to date with each area advising they were not responsible for the payment of these charges. The Shire has most recently been advised to communicate with the Derby office of the Department of Housing and Works however these contact attempts have not been responded to. At this stage the Shire may need to engage directly again with the minister's office or potentially cease collection of waste at this location. The latter option is problematic given the implications this would have from a health/waste recovery point of view.	A107124
Beyond Potential Group Pty Ltd	\$ 3,430.74	Multiple Waste Charge invoices that company has disputed as they believe the charges are incorrect. Officers have requested that the business outline where the inaccuracies are on their invoices in order to investigate further. To date the business owner have not provided further detail. Once the business has confirmed what the invoice inaccuracies are, officers will be in a position to investigate further.	BPG
Broome Cabinets	\$ 1,226.96	Waste Charge Invoice from June 2025 & Interest Charges, emails and monthly statements have been sent to debtor however no contact has been received.	1000
Cleanaway Co Pty Ltd	\$ 43,354.14	Multiple Waste Charge Invoices from September 2025, emails and statements have been sent to debtor. Recent contact from Cleanaway has indicated that these invoices will be cleared by mid-February. Officers will also be requesting further detail form Cleanaway as to what caused the most recent payment delay.	TOX

10 URGENT BUSINESS

11 CLOSURE

11.1 Date of Next Meeting

The next meeting of Audit, Risk and Improvement Committee will be held Thursday 21 May 2026 in the Council Chambers, 31 Clarendon Street, Derby.

11.2 Closure of Meeting