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CONFIRMED MINUTES

Shire of West Arthur Ordinary Council Meeting 22 June 2023

MISSION STATEMENT

To value and enhance our community lifestyle and environment through strong local leadership, community involvement and effective service delivery.

DISCLAIMER

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The purpose of this council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of West Arthur during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of West Arthur. The Shire of West Arthur warns that anyone who has an application lodged with the Shire of West Arthur must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of West Arthur in respect of the application.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision.

The Shire of West Arthur expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting

These Minutes were confirmed at the ordinary council meeting on: 27 July 2023

Signed:

Presiding Member at the meeting at which the Minutes were Confirmed.

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**MINUTES OF SHIRE OF WEST ARTHUR
ORDINARY COUNCIL MEETING
HELD IN THE COUNCIL CHAMBERS
ON THURSDAY, 22 JUNE 2023 AT 7.00PM**

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member declared the meeting open at 7.03pm.

2 ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

COUNCILLORS:	Cr Neil Morrell	(Shire President)
	Cr Graeme Peirce	(Deputy Shire President)
	Cr Karen Harrington	
	Cr Robyn Lubcke	
	Cr Neil Manuel	
	Cr Duncan South	
	Cr Adam Squires	
STAFF:	Vin Fordham Lamont	(Chief Executive Officer)
	Rajinder Sunner	(Manager Corporate Services)
	Gary Rasmussen	(Manager Works and Services)
	Sharon Bell	(Community Development Officer)
	Kerryn Chia	(Projects Officer)
APOLOGIES:	Nil	
ON LEAVE OF ABSENCE:	Nil	
ABSENT:	Nil	
MEMBER OF THE PUBLIC:	Nil	

3 ANNOUNCEMENTS OF THE PRESIDING MEMBER

Nil

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5 PUBLIC QUESTION TIME

Nil

6 PETITIONS, DEPUTATIONS, PRESENTATIONS, SUBMISSIONS

Nil

7 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8 DISCLOSURES OF INTEREST

Nil

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS HELD**9.1 ORDINARY MEETING OF COUNCIL 25 MAY 2023****Statutory Environment:**

Section 5.22 of the *Local Government Act* provides that minutes of all meetings are to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Voting Requirements:

Simple Majority

RESOLUTION CO-2023-054

Moved: Cr Robyn Lubcke

Seconded: Cr Graeme Peirce

That the Minutes of the Ordinary Meeting of Council held in Council Chambers on 25 May 2023 be confirmed as true and correct.

CARRIED

10 REPORTS FROM COUNCILLORS**Cr Neil Morrell (Shire President)**

Attended the Bushfire Advisory Committee Meeting and the Local Emergency Management Committee meeting on the 30th May as well as the Strategic Review Workshop on the 15th June.

Cr Graeme Peirce (Deputy Shire President)

Nil

Cr Karen Harrington

Attended the Central Country Zone Committee Meeting on 7th June as well as the Strategic Review Workshop and the Economic Development Training Online on the 15th June.

Cr Robyn Lubcke

Attended the Strategic Review Workshop on the 15th June and the Museum Reference Group meeting on the 20th June.

Cr Neil Manuel

Nil

Cr Duncan South

Attended the Bushfire Advisory Committee Meeting on the 30th May, the Strategic Review Workshop and the Economic Development Training Online on the 15th June and also met with the Community Development Officer regarding the Local Health Plan on the 19th June.

Cr Adam Squires

Nil

11 OFFICE OF THE CHIEF EXECUTIVE OFFICER**11.1 SUPPLY OF WATER TO DURANILLIN TOWN SITE**

File Reference:	ADM123
Location:	Duranillin Town Site
Applicant:	N/A
Author:	Vin Fordham Lamont, Chief Executive Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	2/05/2023
Disclosure of Interest:	Nil
Attachments:	1. Letter to Water Corporation ↓ 2. Email from Water Corporation ↓

SUMMARY:

Council is requested to consider the future supply of non-potable water to the Duranillin Town Site.

BACKGROUND:

The Shire has been investigating the future of water services to the Duranillin town site for some time now. Duranillin has never been connected to the scheme through Water Corp and, similar to owners of rural properties, property owners in the town site captured their own potable water through tanks and the like. Non-potable water was traditionally supplied to the town from nearby bores which the Shire installed. The bores subsequently turned saline and, at some point, the bores were decommissioned and the Shire started to cart water to Duranillin from Darkan. The population of Duranillin has declined steadily and there are now only 4 residences that utilise the water that we provide.

The Shire spends approximately \$25,000 per year to provide this service and receives approximately \$1,500 back in fees from the residents (figures for 2021/22).

There is no real commerce in Duranillin today and Council needs to consider the commercial, as well as social, realities of continuing to cart water to Duranillin.

COMMENT:

There are several options that could be considered:

- Stop providing the service (or start providing it to every land owner in the Shire who is not connected to scheme water).
- Council to pay for investigation and digging of new bore/s if feasible.
- Council to increase the fee for the service to cover its costs – not feasible.
- No changes to current arrangements.

The Shire recently wrote to Water Corp (refer to attachment 1) in an attempt to have that entity connect the Duranillin town site to the scheme. That request was subsequently denied (refer to attachment 2) with the response citing the following reasons:

“Extension of the Great Southern Towns Water Supply Scheme to Duranillin is not considered financially viable due to the extended distance, almost 20km from the nearest network at Darkan, the small number of services to be feasibly established, and the potential requirement for further treatment due to the duration of water retention in the network over this distance with limited turnover.”

It would appear that the best option for the Shire would be to phase out the current service. We have no legal obligation to provide water to the town but current users of the service should be given

reasonable advance notice of the planned cessation of the service. The author recommends that the service should continue until the end of the 2023/2024 financial year.

CONSULTATION:

Water Corporation

STATUTORY ENVIRONMENT:

Water Services Act 2012
S21(1) Duty to provide services and do works

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The Shire currently spends a nett amount of approximately \$23,500 per annum on carting water to Duranillin. Ceasing the service would result in a saving of this amount each year.

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031
Theme: Leadership and Management
Outcome: Establish and maintain sound business and governance structures
Strategy: Ensure that the local community is provided with value for money through the prudent expenditure of rates.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices

- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Significant	Severe
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Complaints from the affected residents.
Risk Likelihood (based on history and with existing controls)	(4) Likely
Risk Consequence	(2) Minor
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	(8) Medium
Principal Risk Theme	Community Disruption
Risk Action Plan (Controls or Treatment Proposed)	Provide 12 months' notice to affected residents of the termination of the service

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-055

Moved: Cr Neil Manuel
 Seconded: Cr Adam Squires

That Council:

1. Approve the cessation of the Shire-provided supply of non-potable water to the Duranillin town site at the end of the 2023/2024 financial year; and
2. Authorise the CEO to advise affected residents of the decision as soon as possible.

CARRIED



Shire of West Arthur

Our Reference: ADM123

Your Reference:

Enquiries to:

Burrowes Street,
DARKAN, W.A. 6392
Telephone: (08) 9736 2222
Facsimile: (08) 9736 2212
email: shire@westarthur.wa.gov.au

Mick Irving
Manager – Customers and Stakeholders
South West Region
Water Corporation

Email: Mick.Irving@watercorporation.com.au

2 March 2023

Dear Mick,

re: Provision of water to Duranillin townsite

It is our understanding that a licence for the provision of water services is granted by the Economic Regulation Authority (ERA) in accordance with the *Water Services Act 2012* (WS Act). We note that the Water Corporation was granted a licence by the ERA that comprises of an operating area covering the entirety of the State of Western Australia and that licence appears to be for the provision of potable (drinking) water supply services.

In accordance with section 21(1)(a) of the WS Act, we note that it is a condition of every licence that the licensee provides a water service authorised by the licence to persons entitled to the service under the WS Act, with the exception to the extent otherwise provided for under the WS Act (section 21(2) and (3)).

Section 21(1) of the WS Act states as follows –

‘It is a condition of every licence that the licensee —

- (a) must provide a water service authorised by the licence to persons entitled to the service under this Act, except to the extent otherwise provided for by this Act; and
- (b) if requested to provide a water service authorised by the licence to persons not covered by paragraph (a) but within the operating area or areas of the licence specified for the service — must offer to provide the service on reasonable terms, unless provision of the service is not financially viable or is otherwise not practicable; and
- (c) must provide, operate and maintain the water service works specified in the licence for the purposes of section 11(3).

As you know, the town of Duranillin is not connected to scheme water. We hereby request the Water Corporation to satisfy the provision of water services to Duranillin townsite residents pursuant to its licence.

Do not hesitate to contact the undersigned should you have any queries regarding this matter.

Yours sincerely,

Vin Fordham Lamont
CHIEF EXECUTIVE OFFICER

ALL CORRESPONDENCE TO BE ADDRESSED TO THE CHIEF EXECUTIVE OFFICER

From: Mick Irving <Mick.Irving@watercorporation.com.au>
Sent: Thursday, March 23, 2023 4:34 PM
To: Vin Fordham Lamont <ceo@westarthur.wa.gov.au>
Subject: Water services to Duranillin

Hi Vin,

Thanks for your letter of 02 March regarding Water Corporation's obligations to provide water supply under the Water Services Act.

Further to our previous discussions regarding the economic, technical and water quality risk management challenges associated with provision of compliant reticulated water services to Duranillan, please find clarification below from our Legal Tea regarding the application of the Act in this scenario.

- (a) Under section 21(1)(b) of the *Water Services Act 2012* (WA) and section 4.3.1(b) of our Water Services Licence, the Water Corporation's requirement to provide water services on reasonable terms is subject to the service being financially viable or otherwise practicable.
- (b) In addition to the above, the Water Corporation is required under section 30 of the *Water Corporations Act 1995* (WA) to act on prudent commercial principles.
- (c) Extension of the Great Southern Towns Water Supply Scheme to Duranillin is not considered financially viable due to the extended distance, almost 20km from the nearest network at Darkan, the small number of services to be feasibly established, and the potential requirement for further treatment due to the duration of water retention in the network over this distance with limited turnover.

I hope this assists. I look forward to catching up again soon.

Mick Irving
Manager – Customers and Stakeholders
South West Region
Water Corporation
P: (08) 9791 0409
M: 0475 807 501
www.watercorporation.com.au

11.2 STATUTORY REVIEW OF THE BIOSECURITY AND AGRICULTURAL MANAGEMENT ACT 2007

File Reference:	ADM388
Location:	N/A
Applicant:	N/A
Author:	Vin Fordham Lamont, Chief Executive Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	12/06/2023
Disclosure of Interest:	Nil
Attachments:	1. Review Panel Discussion Paper ↓ 2. WALGA Draft Submission ↓

SUMMARY:

Council is requested to consider endorsing WALGA's draft submission in response to Stage 3 of the Review of the *Biosecurity and Agricultural Management Act 2007*.

BACKGROUND:

Local Government plays a key role in biosecurity management in Western Australia. Local Governments' involvement in biosecurity ranges from assisting with early detection and reporting of pests and diseases, participating in State responses to biosecurity incursions, managing declared pests on lands owned under State law, working in partnership with Recognised Biosecurity Groups on control activities for declared pests, developing and enforcing pest management local laws, and supporting community groups to implement management actions for pests and diseases. It does this through organisational leadership, building and utilising strong networks and partnerships with stakeholders, and delivering on-ground action.

The *Biosecurity and Agriculture Management Act 2007* (BAM Act) came into effect in May 2013 with the *Biosecurity and Agriculture Management Regulations 2013*. The Minister for Agriculture and Food has responsibility for administering the Act and is required to carry out a review every ten years from commencement.

In March 2022, the State Government appointed an independent review panel to undertake the statutory review. The panel has been tasked with assessing the extent to which the BAM Act provides a fit-for-purpose, efficient and effective legal framework to underpin a world class biosecurity system, and related agricultural management, for Western Australia.

The review is being undertaken in a three stage public consultation process:

- **Stage 1 identify themes** invited open submissions on key issues relevant to the review of the BAM Act, and occurred from 16 June to 27 July 2022. A total of 113 submissions were received from a diverse range of stakeholders, including government representatives, community groups, NGOs and landholders. WALGA submitted a Discussion Paper that identified 11 key biosecurity management themes for the Local Government sector, and met with the review panel on 5 September 2022 to discuss these further.

Key points from the Stage 1 consultation period included:

- the BAM Act is working well but has inconsistency in application, and uncertainty about roles and responsibilities
- border biosecurity is addressed well
- the risk and impact of harmful pests, weeds and diseases in WA is growing, with some improvement in management needed
- WA's biosecurity system is not appropriately balanced to deliver social, environmental and economic outcomes, with a focus on agricultural management

- more work needs to be done to achieve compliance
 - improved efficiencies, resourcing and funding for biosecurity are needed
 - biosecurity communication and education are needed
 - Recognised Biosecurity Groups funded by declared pest rates may not be the best way of supporting a community-led approach.
- **Stage 2 explore themes** considered the range of issues identified during Stage 1, and selected four key themes that stakeholders saw as important to explore in more detail:
 1. principles to underpin WA's biosecurity, including biosecurity in all contexts and shared responsibility
 2. legal foundations of WA's biosecurity, including prioritising pests, weeds and diseases, and enabling industry and community action
 3. planning, coordinating and resourcing WA's biosecurity system, including responsibilities and timing
 4. community-led pest and weed management, including the Declared Pest Rate and Recognised Biosecurity Groups.

Stage 2 delved into the challenges and asked questions on what could be improved to inform the development of options and solutions. Feedback was sought through discussions with the review panel, workshops with DPIRD staff, and an online survey between 27 October and 4 December 2022.

WALGA participated in a policy workshop on the Declared Pest Rate and Recognised Biosecurity Groups on 20 September 2022.

WALGA partnered with DPIRD to host a consultation workshop for the sector on 24 November 2022, with Local Governments from across the State providing input.

- **Stage 3 solutions and reporting** presents legislative and non-legislative reform opportunities identified during the previous stages together with additional research in a Discussion Paper (see Attachment 1), and is open for feedback for five weeks until 30 June 2023.

There are nine areas identified for reform, with desired outcomes and ways in which these might be achieved outlined for each. The feedback will help the review panel finalise its recommendations to the Minister later in 2023.

COMMENT:

Stage 3 of the BAM Act Review sets out nine priority reform areas:

1. Clarifying the role of the BAM Act
2. Working together to protect WA
3. Planning and reporting – vital to a better biosecurity system
4. Prioritising pests and diseases
5. Emergency powers – a necessary precaution
6. Compensation can boost biosecurity efforts
7. Enabling industries to act
8. Community-led pest management
9. Compliance with WA's biosecurity laws

WALGA has prepared a draft submission (see Attachment 2) to Stage 3 of the review. Council is requested to consider endorsing the WALGA submission and advising the review panel accordingly.

CONSULTATION:

Nil

STATUTORY ENVIRONMENT:

Biosecurity and Agriculture Management Act 2007
Biosecurity and Agriculture Management Regulations 2013

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Natural Environment

Outcome: Our natural biodiversity is maintained and valued

Strategy: Blackwood Biosecurity Group is supported to manage pests in the Shire.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Significant	Severe
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Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Nil
Risk Likelihood (based on history and with existing controls)	N/A
Risk Consequence	N/A
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	N/A
Principal Risk Theme	N/A
Risk Action Plan (Controls or Treatment Proposed)	N/A

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-056

Moved: Cr Adam Squires

Seconded: Cr Neil Manuel

That Council:

1. Endorse WALGA’s draft submission in response to Stage 3 of the Review of the Biosecurity and Agricultural Management Act 2007; and
2. Authorise the CEO to advise the committee of the Review of the Biosecurity and Agricultural Management Act 2007 of said endorsement.

In Favour: Crs Neil Morrell, Karen Harrington, Robyn Lubcke, Neil Manuel and Adam Squires

Against: Crs Graeme Peirce and Duncan South

CARRIED 5/2



Review of the **Biosecurity and Agriculture Management Act**

Stage 3 Discussion Paper Potential reform opportunities



Website yoursay.dpird.wa.gov.au Email BAMAreview@dpird.wa.gov.au Call 08 9690 2000



Important disclaimer

This discussion paper has been prepared on the advice of the Biosecurity and Agriculture Management Act Review Panel and should not be taken to represent the views of the Western Australian Government.

Although reasonable care has been taken, the State of Western Australia makes no representation as to accuracy or completeness of this information and accepts no liability whatsoever by reason of negligence or otherwise arising from the use or release of this information or any part of it.

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Acronyms

APC	Agricultural Produce Commission
BAM Act	<i>Biosecurity and Agriculture Management Act 2007</i>
Cth	Commonwealth
DG	Director General
DPA	Declared Pest Account
DPIRD	Department of Primary Industries and Regional
DPR	Development declared pest rate
EADRA	Emergency Animal Disease Response Agreement
EPPRD	Emergency Plant Pest Response Deed
GBD	general biosecurity duty
GBO	general biosecurity obligation
IFS	industry funding scheme
IGAB	Intergovernmental Agreement on Biosecurity
LEMA	local emergency management arrangements
NEBRA	National Environmental Biosecurity Response Agreement
NSW	New South Wales
Qld	Queensland
QA	quality assurance
RBG	recognised biosecurity group
RIFA	red imported fire ants
SA	South Australia
SAT	State Administrative Tribunal
SEMC	State Emergency Management Committee
SPS Agreement	International Sanitary and Phytosanitary Agreement
WA	Western Australia



Introduction – about this discussion paper

This discussion paper draws on the information gathered from consultations and stakeholder engagement during Stages 1 and 2 of the review of the *Biosecurity and Agriculture Management Act 2007* (BAM Act), as well as additional research, to present legislative and non-legislative reform opportunities.

The paper provides an overview of the BAM Act Review Panel's (panel) approach and is then divided into nine sections, each addressing an area for reform identified by the panel.

The nine reform areas describe the challenges stakeholders raised through the review process, outline the desired outcomes for each area, and present ways (specific opportunities) in which these outcomes might be achieved. Some of these opportunities are legislative, some are not.

This discussion paper has been prepared to assist people who might like to comment on the reform opportunities that the panel is investigating. Your views will help the panel finalise its recommendations to government.

The discussion paper does not address technical amendments¹ required to the BAM Act that have been raised with the panel through the consultation and engagement processes to date.

Comments invited

Interested parties are invited to share their views on the nine reform areas, identified key outcomes and specific opportunities for reform. A list of reform areas, key outcomes and opportunities is included at the end of this document.

Interested parties are invited to comment by **5pm Friday 30 June 2023**.

This is the last chance to contribute to the BAM Act review before the panel reports to the Minister for Agriculture and Food on its findings.

This discussion paper and information on how to comment on the key outcomes and opportunities for reform is available from the review's [Your Say webpage](#).²

The information received will help the panel formulate its final recommendations to the Western Australian (WA) Government. The WA Government will then determine if it will act on those recommendations and, if it chooses to proceed, how further work and consultation will be done to progress the recommendations.

What the BAM Act review is looking at

This first statutory review of the BAM Act is being undertaken by an independent panel appointed by the Minister for Agriculture and Food.

The panel is considering the extent to which the BAM Act provides a fit-for-purpose, efficient and effective legal framework to underpin a world-class biosecurity system, and related agriculture management, for WA.

¹ For example, changes to wording used in the Act to clarify or improve the BAM Act's intent.

² <https://yoursay.dpird.wa.gov.au/bam-act-review-2022>



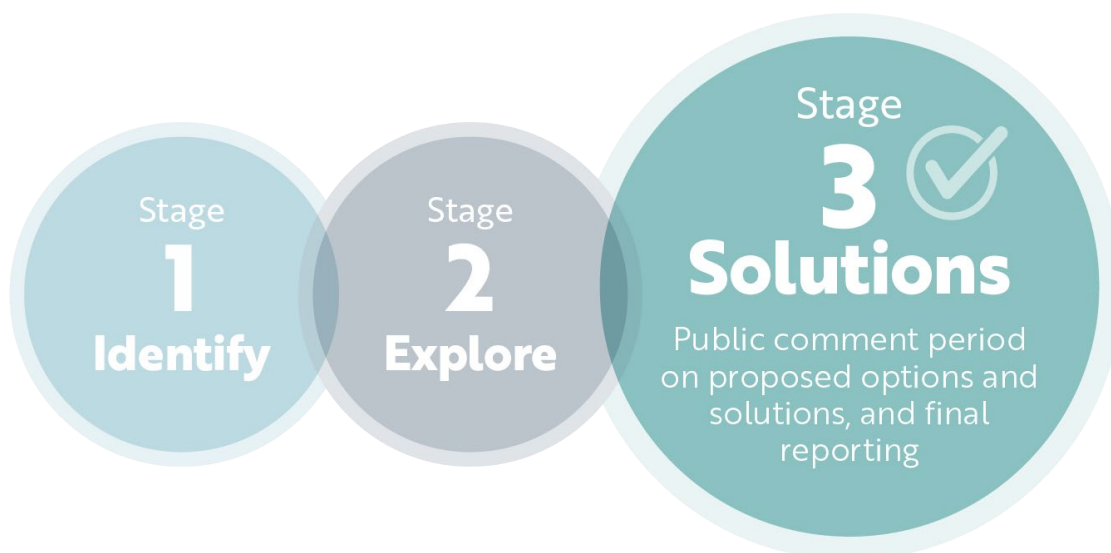
An important consideration is the interaction of WA’s biosecurity and agriculture management arrangements with the national and international biosecurity systems, as well as other agriculture and veterinary chemical and food safety systems.

The panel is carefully considering the role WA plays in these broader systems to ensure it is positioned to be both an effective contributor and beneficiary.

The review process consists of the following three phases:

- **Stage 1 Identify themes** – open submissions and survey to identify major themes and issues for further investigation
- **Stage 2 Explore themes** – targeted stakeholder engagement to explore identified themes and issues, and inform the development of options and solutions
- **Stage 3 Solutions and reporting** – a third public comment period on opportunities for reform, and final reporting.

Stages 1 and 2 have been completed and Stage 3 is underway.



Given the breadth of the BAM Act and related regulations, the panel is focused on what stakeholders identified as most important, the directions taken in more contemporary biosecurity legislation, and what would most benefit from improvement. Much of this relates to the biosecurity aspects of the legislation.

For more information on the review process, go to the [BAM Act Review webpage](https://www.agric.wa.gov.au/biosecurity-quarantine/2022-statutory-review-biosecurity-and-agriculture-management-act-2007).³

³ <https://www.agric.wa.gov.au/biosecurity-quarantine/2022-statutory-review-biosecurity-and-agriculture-management-act-2007>



The independent review panel's approach

The panel has identified the following five goals to guide Stage 3 of the BAM Act review process:

1. Clarify, strengthen and support a culture where everyone values biosecurity and actively seeks to participate in it
2. Clarify the legislative scope of the Act
3. Enhance risk-based approaches to achieve outcomes
4. Promote public confidence in WA's biosecurity system
5. Strengthen WA as part of the national biosecurity system.

These goals reflect what the panel would like to see achieved through legislative and non-legislative reform opportunities and changes. They were informed by the consultations, stakeholder engagement and research undertaken during Stages 1 and 2 of the review.

The panel's research included, among other things, examining the Australian biosecurity legislation enacted in the decade after the BAM Act and changes to national and other biosecurity agreements.

There is increasing pressure on WA's biosecurity system

The [National Biosecurity Strategy 2022-2032](#) identifies the following drivers of this increased pressure:

Climate change is shifting the habitat, range and distribution of pests, weeds and diseases and increasing their ability to spread within Australia and from overseas.

Increases and changes in trade and travel patterns are exposing WA to additional biosecurity risks.

Decreasing biodiversity, from climate change, changing land use and invasive species, is reducing resilience to new threats.

Changing land use, including greater numbers of people with variable biosecurity understanding living in peri-urban and regional areas, introduces new biosecurity risks.

Increasing biosecurity risks overseas, such as foot-and-mouth disease in Indonesia, increases the risk to Australia.

Illegal activities have increased, such as the importation of prohibited plants and animals.

Major global disruption, the COVID-19 pandemic has driven changes in supply chains and the movement of goods and people. War and natural disasters can also change how people and goods move around, which changes the biosecurity risk profile.

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Step change needed

The BAM Act is currently doing its job reasonably well for WA's biosecurity. However, WA (and Australia) is facing increasing biosecurity risk. Given the complexities and dynamics of the operating environment, a step change is needed in how WA addresses its biosecurity.

The panel is committed to a biosecurity system for WA that can effectively respond to the growing pressures and complexities. The review of the BAM Act provides a once-in-a-decade opportunity to evolve WA's biosecurity system to help ensure it remains fit-for-purpose into the future. The panel intends to position the BAM Act to drive the step change that is required.

1 – Clarify, strengthen and support a culture where everyone values biosecurity and actively seeks to participate in it

Everyone needs to be responsible (and accountable) for biosecurity at home, work or play, with 'shared responsibility' being a core principle that underpins biosecurity across Australia. This principle recognises that everyone benefits from and has a role to play in protecting our unique environment, valuable industries and our way of life from the harmful impacts of pests⁵ and diseases.

By working together, communities, industries, businesses, the public and governments can prevent new pests and diseases from coming to WA, quickly detect and report them if they do, and reduce their impacts once they arrive.

Although the Stage 1 and 2 consultation and engagement processes highlighted strong support for the principle of shared responsibility, it also revealed confusion around its meaning, issues relating to equity (particularly in relation to cost sharing), and uncertainty about roles and responsibilities.

This discussion paper includes several opportunities for reform that aim to clarify, strengthen and support biosecurity as everyone's responsibility for everyone's benefit.

2 – Clarify the legislative scope of the Act

The BAM Act is WA's primary biosecurity legislation. It provides the legal framework to manage biosecurity risks to WA in any situation, whether it is endangering WA's primary industries, our unique environment, or our way of life. It also deals with agriculture management, contributing to the safety and integrity of our food and fibre produce and products.

The BAM Act's biosecurity provisions relate to organisms that can cause harm and the things that can carry those organisms.

The agriculture management provisions are treated quite separately. They primarily relate to agricultural and veterinary chemicals and other contaminants of soil, water, animals and agricultural products that can negatively impact the quality or safety of those products.

This dual focus of the BAM Act has created some confusion among stakeholders regarding the scope of 'biosecurity' under the Act.

⁴ <https://www.biosecurity.gov.au/about/national-biosecurity-committee/nbs>

⁵ In this discussion paper, the term 'pest' refers to invertebrate and vertebrate animal pests as well as weeds.



It was suggested that there is a historical and structural bias toward protecting agricultural interests from biosecurity risks. This includes concerns that the BAM Act is not adequately protecting WA's natural and urban environments, biodiversity, and our way of life from the impacts of harmful pests and diseases.

Several opportunities for reform are made in this discussion paper to clarify the legislative scope and to strengthen the role of the BAM Act as WA's primary piece of biosecurity legislation.

3 – Enhance risk-based approaches to achieve outcomes

A key principle of modern legislation/regulation is risk-based approaches to regulatory assessment and decision making. These approaches focus on achieving results, rather than just prescribing specific processes or procedures. Such a method ensures that the issues that present the greatest risk of harm are identified and attention and resources can be directed to where they are most needed, with a light regulatory approach applied to issues that pose a low or very low risk.

A focus on achieving outcomes encompasses performance-based requirements rather than prescriptive requirements (unless a prescriptive approach is unavoidable), which minimises burdens on businesses and individuals.

Although risk-based approaches are inherent in the operation of the BAM Act, contemporary Australian biosecurity legislation is more explicit on the role and use of risk-based approaches to deliver outcomes. Enhancing the BAM Act's use of risk-based approaches to deliver biosecurity outcomes will improve decision making and support the transparency and accountability of decisions. This discussion paper includes reform opportunities to achieve this.

4 – Promote public confidence in WA's biosecurity system

Public confidence in the biosecurity system is essential. Without it, people may be less likely to follow biosecurity requirements or support the allocation of funding and resources to these efforts. It is also important to assure consumers and trading partners that appropriate measures are in place to protect biosecurity and the integrity of our produce and products.

As noted previously, significant changes and challenges have arisen since the BAM Act was introduced 10 years ago, and some stakeholders questioned the ability of the Act to keep pace with these changes. Stakeholders also questioned the effectiveness of the biosecurity system overall. If the legislative framework and the biosecurity system it enables were to fail, public trust and confidence is likely to erode.

The opportunities for reform presented in this discussion paper aim to future-proof the BAM Act and strengthen public confidence.

5 – Strengthen WA as part of the national biosecurity system

The interconnected nature of biosecurity and other agricultural risks means that WA's biosecurity system cannot operate in isolation. What we do in WA can positively or negatively impact the entire country, and what happens elsewhere in Australia can impact our state.



At the national level, WA is a signatory of the [Intergovernmental Agreement on Biosecurity](#) (IGAB)⁶ and various cost-sharing deeds committing it to work collaboratively across Australia to manage biosecurity risk. Additionally, Australia is a signatory to various international agreements, such as the International Sanitary and Phytosanitary Agreement (SPS Agreement), the Convention on Biological Diversity, and various trade agreements.

WA needs to comply with the requirements and standards set out in these agreements. It must also work collaboratively with other states and territories to build relationships to effectively manage risks and enable the movement of goods across Australia and overseas.

WA's interests are best served by a BAM Act that recognises and supports WA's position in Australia and internationally for years to come. This discussion paper includes reform opportunities for a contemporary and future-proofed BAM Act.

Key principles of the Intergovernmental Agreement on Biosecurity

Biosecurity is a shared responsibility between all system participants.

In practical terms, zero biosecurity risk is unattainable.

Biosecurity investment prioritises the allocation of resources to the areas of greatest return, in terms of risk mitigation and return on investment.

Biosecurity activities are undertaken according to a cost-effective, science-based and risk-managed approach.

Governments contribute to the cost of risk management measures in proportion to the public good accruing from them. Other system participants contribute in proportion to the risks created and/or benefits gained.

System participants are involved in planning and decision making according to their roles, responsibilities and contributions.

Decisions governments make in further developing and operating our national biosecurity system should be clear and, wherever possible, made publicly available.

The Australian community and our trading partners should be informed about the status, quality and performance of our national biosecurity system.

Australia's biosecurity arrangements comply with its international rights and obligations and with the principle of ecologically sustainable development.

[Intergovernmental Agreement on Biosecurity](#) (2019)

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⁶ <https://federation.gov.au/about/agreements/intergovernmental-agreement-biosecurity>

⁷ <https://federation.gov.au/about/agreements/intergovernmental-agreement-biosecurity>



Reform Area 1. Clarifying the role of the BAM Act

The objects clause of an Act of Parliament is intended to provide a clear statement of the Act's purpose to inform how its provisions are to be read.

The objects or purpose of an Act should:

- inform the public and regulated entities of the intended policy objectives, to support a better understanding of the activities that are enabled or regulated
- provide meaningful direction to government officers, such as decision makers and persons exercising statutory powers in administering the Act in their work, and
- help the judiciary interpret the Act.

The challenge: reducing confusion about the BAM Act

Consultations undertaken through the review revealed uncertainties, confusion and misconceptions about the purpose of the BAM Act among many stakeholders – despite 74% of the Stage 1 survey respondents believing they had some understanding of the BAM Act.

In many respects, this is not unexpected as the BAM Act is one part of a broader suite of biosecurity management processes that collectively make up WA's biosecurity system. The Act establishes the legal framework in which the system operates, providing a solid foundation for the system in its entirety. It can be difficult, and sometimes unnecessary, for stakeholders to recognise and understand all the different parts of this complex system.

The BAM Act was enacted to modernise and replace some 17 separate Acts in the Agriculture portfolio with one piece of legislation, supported by regulations. It was initially known as the Agriculture Management Bill because the legislation it was to replace was concerned with agriculture. The title of the Bill later became the Biosecurity and Agriculture Management Bill to reflect its purpose as the State's primary biosecurity legislation, including for areas beyond agriculture.

Given this history, it is not surprising that the panel heard stakeholders express different views about the extent to which the BAM Act should or should not preference the biosecurity of agricultural activities over the biosecurity of other primary industries, the natural environment, social amenity, or cultural heritage. This is despite the BAM Act recognising the need to work across government portfolios to deliver social, environmental and economic outcomes.

The panel also found that stakeholders were generally less interested in the agriculture management provisions of the Act, focusing instead on biosecurity.

To reduce confusion about the intent of the BAM Act, its objects need to be relevant, appropriate and give support and structure to the specific laws contained within it.

What we need to achieve

The panel has identified the following key outcomes for the Objects of the BAM Act; that the Act:

- has clear Objects, helping readers to successfully interpret and implement it



- anticipates increasing biosecurity and agriculture management risk and complexity, and
- strengthens WA's contribution to Australia's biosecurity system.

Objects of the *Biosecurity and Agriculture Management Act 2007 (WA)*

(1) The objects of this Act are to provide effective biosecurity and agriculture management for the State by providing the means to —

(a) control the entry, establishment, spread and impact of organisms that have or may have an adverse effect on —

(i) other organisms; or

(ii) human beings; or

(iii) the environment or part of the environment; or

(iv) agricultural activities, fishing or pearling activities, or related commercial activities, carried on, or intended to be carried on, in the State or part of the State; and

(b) control the use of agricultural and veterinary chemicals; and

(c) establish standards to ensure the safety and quality of agricultural products; and

(d) raise funds for biosecurity-related purposes.

(2) Nothing in this Act empowers the regulation of diseases which affect only human health.

[*Biosecurity and Agriculture Management Act 2007*](#)

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Opportunities for reform

Contemporary Australian biosecurity legislative objects are more descriptive and less prescriptive compared to those of the BAM Act. In addition, 'biosecurity', in contemporary legislation incorporates many of the agriculture management aspects that are currently treated separately in the BAM Act.

Provide a framework

The objects of contemporary biosecurity legislation centre on providing a framework for a biosecurity system that effectively manages:

- pests and diseases (other than humans, or diseases in a human) and other biosecurity matter (including agriculture management and food safety aspects) that are economically significant. This future-proofs the legislation by removing the need to list specific industries that could be affected by harmful pests and diseases
- public or human health and safety risks from pests and diseases (other than those that only affect human health) and other biosecurity matter. This is somewhat consistent with the BAM Act, except in more contemporary legislation

⁸ https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_2736_homepage.html



contaminants are included within the scope of a 'biosecurity matter' rather than as a separate agriculture management matter

- pest and disease risks to terrestrial and aquatic environments and biodiversity. This is consistent with the BAM Act objects, and
- adverse effects on public amenities, community activities and on infrastructure. Although consistent with the intent of the BAM Act objects, it is more explicit in contemporary legislation.

Objects of Tasmania's *Biosecurity Act 2019*

The objects of this Act are –

- (a) to ensure that responsibility for biosecurity is shared between government, industry and the community; and*
- (b) to protect Tasmania from –*
 - (i) pests, diseases and other biosecurity matters that are economically significant for Tasmania; and*
 - (ii) threats to terrestrial and aquatic environments arising from pests, diseases and other biosecurity matters; and*
 - (iii) risks to public health and safety arising from pests, diseases and other biosecurity matters known to have an adverse effect on human health; and*
 - (iv) pests, diseases and other biosecurity matters that may have an adverse effect on public amenities, community activities and infrastructure; and*
- (c) to provide a regulatory framework in relation to biosecurity that –*
 - (i) facilitates emergency preparedness and the effective management of biosecurity emergencies that may affect Tasmania; and*
 - (ii) takes account of regional and local differences in respect of biosecurity risks and biosecurity impacts; and*
 - (iii) supports an evidence-based approach to the assessment, prevention and management of biosecurity risks and biosecurity impacts; and*
 - (iv) does not require a biosecurity risk to be proven with full certainty before taking reasonable and practicable measures to prevent, eliminate or minimise the risk; and*
- (d) to give effect to –*
 - (i) biosecurity-related strategies and policies developed, or endorsed, by the Tasmanian Government; and*
 - (ii) intergovernmental agreements related to biosecurity to which Tasmania is a party; and*
- (e) to facilitate the trade of Tasmanian produce by ensuring that it meets national and international biosecurity requirements; and*
- (f) to promote compliance with the general biosecurity duty through emergency preparedness, effective enforcement measures, and communication and collaboration between government, industry and the community.*

[Biosecurity Act 2019](#) (Tasmania)

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⁹ <https://www.legislation.tas.gov.au/view/whole/html/asmade/act-2019-022>



Provide direction

Contemporary legislation can also provide direction on how the biosecurity system is intended to operate. For example, legislative objects may state that the Act is intended to:

- provide a framework for minimising biosecurity risk or provide for risk-based decision making – consistent with best practice biosecurity processes
- promote or ensure shared responsibility – reflecting shared responsibility as an accepted principle of biosecurity systems nation-wide, and
- give effect to intergovernmental agreements and provide the means to maintain access to domestic and international markets – recognising the role the states play in national and international biosecurity and trade processes.

Tasmania's *Biosecurity Act 2019*, which is the most recent of Australia's biosecurity legislation, also refers to emergency preparedness and managing biosecurity emergencies in its objects, drawing attention to the importance of this element of the biosecurity system.

Contemporary biosecurity legislation does not reference agriculture management in the title, even though these Acts also deal with, to varying degrees, contaminants (e.g. chemical residues) and the adulteration of agriculture products. These are managed within the scope of biosecurity by including contaminants in the definition of 'biosecurity matter'.

The importance of engaging with the Traditional Custodians of Country

Aboriginal and Torres Strait Islander people are the Traditional Custodians of Country, and their ongoing connection to the land and waters and continuing role in Caring for Country must be recognised within biosecurity systems.

There is now more visible and formal recognition of this unique role through a range of Caring for Country initiatives, Aboriginal Ranger programs and the joint management of parks and reserves in WA's conservation estate.

Aboriginal people have rights and interests over significant amounts of land and sea Country. Pests and diseases, as well as the activities undertaken to control them, can and do impact Country or the relationship Aboriginal and Torres Strait Islander people have with it.

Working in partnership with Aboriginal people and incorporating their cultural perspectives and knowledge of Country is critical to WA's biosecurity.

Queensland's *Biosecurity Act 2014* explicitly states that it is:

to be administered, as far as practicable, in consultation with, and having regard to the views and interests of, public sector entities, local governments, industry, Aborigines [sic] and Torres Strait Islanders under Aboriginal tradition and Island custom, interested groups and persons and the community generally.



Tell us what you think

Opportunity 1

Clarify and simplify the legislative framework by defining 'biosecurity' to encompass the agriculture management outcomes currently provided for in the BAM Act, where it is reasonable to do so.

This would mean chemical products, residues on land, and the adulteration of agricultural products or feed would all be captured as 'biosecurity' for the purposes of the legislation.

Opportunity 2

Amend the objects of the BAM Act to:

- increase the Act's focus on providing for an effective biosecurity system
- be more descriptive of the contexts to which biosecurity applies under the Act, to align with the more contemporary legislation
- provide for a framework for minimising biosecurity risk and risk-based decision making, including for when evidence is uncertain or lacking
- emphasise that biosecurity is everyone's responsibility for everyone's benefit
- refer to emergency preparedness and the effective management of biosecurity emergencies
- include reference to intergovernmental agreements
- provide for trade of WA's produce and products by ensuring it meets national and international biosecurity requirements.

Opportunity 3

Include a statement in the BAM Act that identifies the need to involve and engage all biosecurity system participants in its implementation, including Aboriginal peoples, the general public, communities, industries and local, state and federal government bodies.



Reform Area 2. Working together to protect WA

Biosecurity is essential for safeguarding our environment, industries and way of life, and we all benefit when we work together to support it. WA's biosecurity system can only be as strong as our collective efforts to reduce the risk and mitigate the impacts of harmful pests and diseases. [Depending on who we are and what we do our role is different](#)¹⁰. It is simply not possible for any one person, community, organisation or government body to do this alone.

Our capacity to work effectively together is becoming even more critical as WA, along with the rest of Australia, faces ever-changing and increasing biosecurity risks. It may be challenging, but it is important that we continue to work at it.

The challenge: shared understanding and action

The panel identified that there is strong stakeholder support for the concept of shared responsibility, a core principle that underpins biosecurity across Australia, with most Stage 2 survey respondents agreeing the concept is important to WA's biosecurity. However, 'shared responsibility' means different things to different people.

While it is easy to agree that collective action to manage biosecurity is important, the panel heard from many stakeholders who felt it was challenging to put it into practice and said that the BAM Act did not provide adequate guidance on how to do this.¹¹

Many stakeholders also raised concerns that people, other than themselves, were not doing enough to manage biosecurity issues. This reflects the differing goals and contributions of different parties, and the differing expectations they have in terms of who should contribute to pest and disease management and how.

Given the dynamics of the operating environment, and the diversity of people within it, we need a significant shift in how we collectively share responsibility for WA's biosecurity system. Working together to do the right thing by WA isn't always easy, but it is essential.

What we need to achieve

The panel identified the following key outcomes for shared responsibility:

- Everyone contributes to WA's biosecurity by taking reasonable and practicable steps to reduce biosecurity risks and impacts that are under their control.
- Everyone understands the importance of biosecurity and the benefits it delivers to them and to WA as a whole.

Shared responsibility is implicit in the BAM Act and includes:

- duties, such as the duty of any person who finds or suspects the presence of a declared pest to report it, and duties of land managers to control declared pests
- cost-sharing mechanisms established under the Act to address declared pests (the declared pest rate and industry funding schemes)
- provisions relating to advisory groups, which support contributions from biosecurity system participants to inform decision making.

¹⁰ <https://yoursay.dpird.wa.gov.au/68106/widgets/338374/documents/260112>

¹¹ 54% of Stage 1 survey respondents felt the BAM Act was inadequate at addressing shared responsibility; 36% felt it was adequate; and 11% were unable to say.



Queensland's general biosecurity obligation and red imported fire ants

Red imported fire ants (RIFA) are a dangerous pest that inflicts a painful bite and causes extensive damage to ecological and agricultural systems.

The ants were first detected in Queensland (Qld) in 2001 and have slowly spread across the south-east of the state, spanning an estimated 600,000 hectares.

The general biosecurity obligation (GBO), introduced in 2014 under the *Biosecurity Act 2014* (Qld), has strengthened Qld's response to this nasty pest.

The GBO means that people in Qld have a responsibility to manage biosecurity risks that are under their control and reduce biosecurity risks, as much as they can, in their everyday activities.

To help people and industry comply with their GBO in relation to RIFA, the Qld government is developing some practical guidelines and are actively engaging with people and businesses in the affected area.

The guidelines can be put in place relatively quickly because they do not need a prolonged process of approvals and consultation like other legislative tools, such as codes of practice or regulation changes.

Compliance with the GBO

The RIFA guidelines provide a basis for government officers to guide stakeholders on what reasonable steps can be taken to mitigate the risk or impacts of RIFA.

If a compliance officer determines that someone has not taken the necessary steps to mitigate the risks, such as the steps outlined in the guidelines (which are likely the most practical measures to take), then it could be determined that they were amplifying the risk and not complying with their GBO.

As an example, nurseries are required under regulation to treat their products in a certain way to ensure they are not spreading RIFA. Nurseries understand these regulations and are very good at following them.

While the pot plants comply with the regulation, the property may have a RIFA infestation. If nothing is being done to address the infestation it would likely mean that they are not fulfilling their general biosecurity obligation.

In these high-risk circumstances, government officers can use other legislative tools such as a Biosecurity Order, which directs the business to take certain measures such as stopping trade until it is determined that the risk is mitigated.

If the business does not comply with the direction, then there may be a strong and valid case for prosecution – and penalties for non-compliance with the GBO can be pursued, and they can be severe.



Opportunities for reform

Contemporary biosecurity legislation explicitly requires everyone to contribute to biosecurity as it relates to them and the activities they undertake. This is achieved through a 'general biosecurity duty' or, for the purposes of this paper a 'general biosecurity obligation.'

A general biosecurity obligation means that if someone can reasonably do something to prevent or minimise biosecurity risks and impacts, and they know (or ought to know) they should do it, then they must take responsibility (and accountability) and act.

Tasmania's approach to a person's general biosecurity duty

Section 70 of Tasmania's [Biosecurity Act 2019](#) outlines a 'general biosecurity duty'. It states:

(1) A person has a duty (the general biosecurity duty) to take all reasonable and practicable measures to prevent, eliminate or minimise biosecurity risk when dealing with biosecurity matter, or a carrier, if the person knows or reasonably ought to know that the biosecurity matter, carrier or dealing poses a biosecurity risk.

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A general biosecurity obligation such as contained in Tasmania's legislation, by its nature is not prescriptive. This means it can be applied in a way that takes into account different levels of accountability, knowledge and ability in relation to managing a biosecurity risk or impact. This is compared to the BAM Act, where people have specific duties (e.g. to report declared pests) but no *general* legal obligation to manage a biosecurity risk that they are aware of (or ought to be aware of).

A general biosecurity obligation is designed to complement, but not replace or override, more prescriptive laws and regulation that may be required in specific circumstances. The two work together to strengthen individual and collective biosecurity.

Implicit in a general biosecurity obligation is a call for positive action for people to find out more about it and what they can do to meet their obligation. This can prompt communities, industries and government to work together to make sure the information is available, driving better communication on biosecurity risks and impacts. A more informed and engaged general public will be more likely to take proactive steps to support the biosecurity of the industry, community and state, via their general biosecurity obligation.

Whether or not there is a legislated general biosecurity obligation, it is important for biosecurity system participants to understand what biosecurity is, how it benefits them, how they can contribute and the value of their participation. Communicating, engaging and empowering biosecurity system participants can build ownership, a collective sense of responsibility and collective action to help achieve biosecurity goals.

The ideal is to create a culture whereby everyone values WA's biosecurity and actively participates to support it.

¹² <https://nre.tas.gov.au/biosecurity-tasmania/biosecurity-act-2019>



Ko Tātou This Is Us

[Ko Tātou This Is Us](https://www.thisisus.nz) is a nationwide campaign designed to help New Zealanders understand and care about biosecurity. It supports New Zealand’s Direction Statement for its biosecurity – including building ‘a biosecurity team of 4.7 million’.

Biosecurity keeps our incredible home, Aotearoa New Zealand, safe from pests and diseases.

Ko Tātou This Is Us asks us to take a moment to think about how biosecurity protects our way of life, the outdoor environment where we fish, farm, hunt and explore, the beautiful biodiversity of our unique ecosystem and even the food we eat.

Every New Zealander has a role to play in preventing pests and diseases from getting into New Zealand or helping to stop their spread if they do get here.

It takes all of us to protect what we’ve got.

Ko Tātou This Is Us.

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It is important to recognise that a general biosecurity obligation is a relatively new legislative concept that promotes and supports a culture of responsibility and accountability for biosecurity across all system participants. Administrators are still learning how to best give effect to these provisions.

While this is the case, a legislated obligation to reduce risk and minimise harm is not new – it exists in other areas such as workplace health and safety. We can expect the ‘general biosecurity obligation’ concept to mature with time as we refine and improve our approaches to ensure it is being used to its full potential.

If such an obligation were to be enacted, it would make other proposed improvements, described in later reform areas, more effective.

Tell us what you think

Opportunity 4

Introduce a general biosecurity obligation in the BAM Act.

The general biosecurity obligation will require everyone to take reasonable and practicable measures to prevent, eliminate or minimise biosecurity risks and impacts that are under their control.

Opportunity 5

Improve biosecurity communications and engagement to ensure everyone understands what biosecurity is, how it benefits them, how they can contribute and the value of their participation.

To be effective, careful planning and implementation of tailored communication and support strategies is needed. This should be supported by a deep understanding of the target audiences and the factors that influence their behaviours.

¹³ <https://www.thisisus.nz>



Reform Area 3. Planning and reporting – vital to a better biosecurity system

Planning and reporting are fundamental to ensuring WA has an efficient and effective biosecurity system. Planning and reporting processes in biosecurity:

- **identify and prioritise risks** to ensure that resources are allocated to the most important risks and that risk management strategies are targeted and effective
- **facilitate collaborative and coordinated action between biosecurity system participants** to ensure that activities are aligned and complementary, and that gaps or overlaps in responsibilities are identified and addressed
- **monitor and evaluate performance** to identify areas for improvement, inform decision making and guide strategy development to ensure the biosecurity system remains responsive to changing risks and priorities, and
- **demonstrate accountability and transparency** by providing regular reports on the performance of the biosecurity system to build trust and confidence in the system and its coordination.

The challenge: coordinating and allocating resources in a complex and challenging environment

Feedback from stakeholders through the BAM Act review consultations suggests that, while there are pockets of good practice associated with specific pests or diseases, or specific stakeholder groups, how we currently plan for and report on the biosecurity system has several significant weaknesses. These include:

- not enough strategic direction or coordination across community, industry, local governments, and State government agencies
- uncertainties about roles and responsibilities, lines of authority and accountability
- ineffective collaboration and partnerships
- difficulties reaching agreement on what to do about biosecurity issues where stakeholder groups have competing values and interests
- declining resources and concerns about the fairness of who pays, and
- limited evaluation, reporting and information sharing to support continuous improvement.

These observed weaknesses are being compounded by increasing pressure on WA's (and Australia's) biosecurity system. There is growing evidence that indicates biosecurity risks and outbreaks are increasing in volume and complexity, with increased trade, movement of people and climate change seen as contributing factors. Undeniably, WA is now experiencing significant and successive biosecurity incursions – something that used to be rare events.

We need to prioritise effort more clearly, work smarter and ensure our collective resources are used as effectively and efficiently as possible. This will take WA's biosecurity system into the future so that it can deal with this 'new normal'.

Public resources should be targeted toward prevention, early detection, eradication and containment activities, where benefits are broad and returns on investment are maximised for the state. This means focussing on high-risk pests and diseases that have not yet arrived within our borders, or that have arrived but are still able to be eradicated or contained with quick and coordinated action.



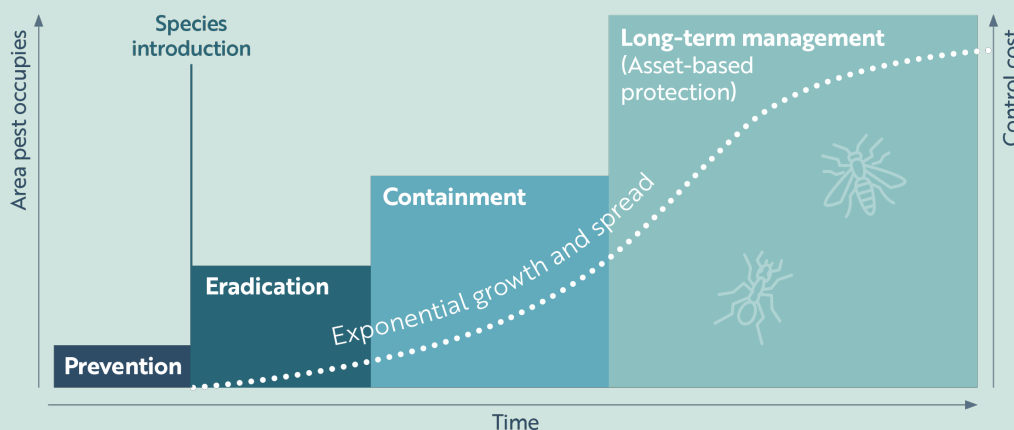
All land managers, including government, have an ongoing responsibility to manage the impact of pests that are here to stay on both private and public assets. In relation to managing these widespread and established pests, public resources are used to support coordinated collective efforts for high-impact pests. Public investment should be targeted to protecting the highest value community assets and the public good. To improve decision making, it is important to know the impact of these pests on identified economic, social, environmental and cultural assets.

A key challenge for WA’s biosecurity system is ensuring it has planning and reporting processes in place that support difficult decisions on where resources are best spent and why.

Generalised invasion curve

The generalised invasion curve describes, in four phases, how pests and diseases can invade an area and become established, and how the management objectives change across these phases.

1. **Prevention:** The best return on investment is from preventing new pests and diseases from arriving, this includes monitoring entry pathways, testing imports and border controls.
2. **Eradication:** The eradication of a pest or disease can have a good return on investment when it is detected early and responded to rapidly. Surveillance and early detection are critical.
3. **Containment:** Some pests and diseases can be effectively contained to a specific area by removing any that are found outside that area. Although the returns on investment are lower, it can still be worthwhile.
4. **Long-term management:** Once pests and diseases become widespread and established the focus changes to protecting important assets from their impact. The returns on investment are generally lowest at this end of the invasion curve. However, returns can be significant when investing in protecting high-value state or national assets, such as a population of endangered native species. It’s best to prevent pests from becoming established.



The generalised invasion curve is widely used to show the invasion process. This depiction is based on that used by the Invasive Species Council (invasives.org.au)



What we need to achieve

The panel has identified the following key outcomes for planning and reporting on WA's biosecurity system. These align with WA's commitment to the IGAB:

- Biosecurity investment prioritises the allocation of resources to the areas of greatest return, in terms of risk mitigation and return on investment.
- Biosecurity activities are undertaken according to a cost-effective, science-based and risk-managed approach.
- State and local governments contribute to the cost of risk management measures in proportion to the public good accruing from those measures, and their role in the system.
- All other biosecurity system participants contribute in proportion to the risks created and/or benefits gained.
- Biosecurity system participants are involved in planning and decision making according to their roles, responsibilities and contributions.
- Decisions that are made to further develop and operate WA's biosecurity system should be clear and, wherever possible, made publicly available.

Opportunities for reform

Provisions in the BAM Act for whole-of-system planning and reporting

The BAM Act establishes decision making, administrative and reporting processes that contribute to the planning, reporting and operation of WA's biosecurity system. However, it is silent on who is responsible for planning and reporting of WA's biosecurity system as a whole.

The Minister for Agriculture and Food is responsible for administering the BAM Act, and the Department of Primary Industries and Regional Development (DPIRD) is the agency principally assisting the Minister to achieve this. This is consistent with the responsibilities for biosecurity in WA under the IGAB.

While the Minister for Agriculture and Food and DPIRD take a system-wide lead, many other ministerial portfolios and State government departments have a key role to play in the system. These include, but are not limited to, the Minister for the Environment, Minister for Fisheries, Minister for Forestry, Minister for Lands and the Minister for Health; as well as the Department of Biodiversity, Conservation and Attractions, Department of Planning, Lands and Heritage, and the Department of Health.

Local governments also have an important role to play in biosecurity through provisions established in the BAM Act and other Acts.¹⁴

Other provisions in the BAM Act that support whole-of-system planning and reporting include the various provisions requiring specific persons or groups to be consulted about the use of statutory biosecurity tools.

¹⁴ *Local Government Act 1995, Emergency Management Act 2005*



The BAM Act also requires that a Biosecurity Council be established to advise the Minister and the Director General of DPIRD on any matter related to biosecurity. Membership of the council includes individuals with a general or specific interest and expertise in biosecurity management in WA, and members of community and producer organisations.

The Biosecurity Council's role is purely advisory, and it does not have any decision-making responsibility or accountability for any aspect of WA's biosecurity system. It is required to report annually, but not on the system as a whole. Nevertheless, in practice, the Biosecurity Council has prepared a range of publicly available biosecurity reports that are relevant to understanding the performance of WA's biosecurity system.

How WA plans for emergency management

The State Emergency Management Committee (SEMC) is the peak emergency management body in WA.

The SEMC, established under the [Emergency Management Act 2005](#), provides strategic advice to the Minister for Emergency Services.

Its primary responsibilities are:

- advising the Minister on emergency management and WA's preparedness to combat emergencies
- guiding and supporting public authorities, industry, business and the community to plan and prepare for efficient emergency management
- providing a forum for community coordination to minimise the effects of emergencies
- developing and coordinating risk management strategies to assess community vulnerability to emergencies, and
- providing a forum to develop information systems to improve communications.

Members of the SEMC are appointed by the Minister and include independent members and representatives of organisations essential to WA's emergency management arrangements.

The SEMC must prepare an annual report on its activities.

Under this Act, local government must also ensure that Local Emergency Management Arrangements (LEMA) are in place. LEMA are developed to provide a community-focused, coordinated approach to managing potential emergencies in a local government area.

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¹⁵ https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_294_homepage.html



Other biosecurity planning and reporting activities

The measures established in the BAM Act are complemented by a mix of legislated and non-legislated planning and reporting processes. [WA's Biosecurity Strategy 2016-25](#)¹⁶ sets the overall direction for managing ongoing and emerging biosecurity issues in WA, across all biosecurity system participants.

WA's participation in national biosecurity response deeds and agreements (alongside the Commonwealth, all states and territories, and industry signatories) ensures WA has a structured approach to responding to pests and disease incursions of national significance. WA also plans for the prevention of, response to and recovery from incursions through the [State Hazard Plan: Animal and Plant Biosecurity](#).¹⁷ This plan is one of many hazard plans enabled under the [Emergency Management Act 2005](#).¹⁸

In addition, other strategies, action plans and programs have been developed by community, industry, local governments and state agencies for specific biosecurity risks and impacts, or classes of risk and impact. The ongoing control of established pests, to minimise their impacts, also features in natural resource management and Landcare planning documents. These biosecurity plans are typically developed with biosecurity system participants, but the transparency of these planning processes and how they contribute to the system as a whole is unclear.

How other states approach biosecurity planning and reporting

Contemporary biosecurity legislation does not require *whole-of-state* biosecurity system planning and reporting. However, as in WA, these activities are undertaken outside of a state's primary biosecurity legislation.

While this is the case, Qld, New South Wales (NSW) and South Australia (SA) all have in place legal requirements for specific government entities to develop plans to manage pests on an ongoing basis.

In Qld, under its *Biosecurity Act 2014*, local governments are required to develop biosecurity plans that bring together all sectors of the local community to manage invasive plants and animals. These plans are intended to target the highest priority pest management activities, and those most likely to succeed.

NSW and SA have established government entities for the sustainable management of natural resources at regional (NSW Local Land Services) and landscape (SA's Landscape Boards) scales. The ongoing control of pest species is an important element of natural resource management for economic, social and environmental outcomes.

¹⁶ <https://www.agric.wa.gov.au/biosecurity/western-australian-biosecurity-strategy>

¹⁷ <https://www.wa.gov.au/government/publications/state-hazard-plan-animal-and-plant-biosecurity>

¹⁸ https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_294_homepage.html



Tell us what you think

Opportunity 6

Establish a formal body to provide strategic advice and leadership for WA's biosecurity system.

The body would operate with the support of the Department of Primary Industries and Regional Development.

It would be tasked with the following, to support WA's biosecurity system:

- provide strategic coordination for community, industry, local governments, and State government agencies to work together to manage biosecurity risks and impacts
- ensure coordinated biosecurity activities are undertaken according to a cost-effective, science-based and risk-managed approach, and
- ensure State government resources for biosecurity are prioritised to the areas of greatest return and public good.

The body would be required to:

- partner with other entities across community, industries and the regions, and
- involve other biosecurity system participants, according to their roles, responsibilities and contributions (in line with the IGAB principles).

The body would also be required to report on the implementation and effectiveness of the plans it establishes, and to publish its plans and reports.

Consistent with biosecurity principles established in the IGAB, it would be appropriate to undertake a co-design process to further develop the form and functions of the body. This would include identifying:

- industry, community and government entities that could be formally represented on the body and how – aligning with the 'shared responsibility' principle
- other entities that could be involved, including the scale at which they should be represented and involved in planning activities for different aspects of the system, from local, regional to state level
- the specific expertise required for the body to act as a strategic leader of WA's biosecurity system and how that expertise is to be provided
- the role of the body in recommending or making decisions under the BAM Act
- the role of the body in identifying priorities and resource allocation, particularly funding to industry, community and local governments, and
- the role and function of the Biosecurity Council under this new structure, if any.



Reform Area 4. Prioritising pests and diseases

Prioritisation in biosecurity involves identifying the areas where our resources, legislative controls and collective efforts can be most effective, necessary and successful.

It helps direct focus to pests, diseases and pathways where prevention and control measures offer the greatest return on investment and risk mitigation.

By prioritising these areas, we can ensure that our biosecurity efforts are directed towards the most critical areas and deliver the most beneficial outcomes.

The challenge: establishing a practical legislative framework

The declaration of organisms under the BAM Act aims to identify specific pests and diseases that require a regulated approach to minimise and control the risks and impacts, and those that don't. It is central to the workings of the BAM Act's biosecurity provisions and, therefore, fundamental to the operation of WA's biosecurity system.

The BAM Act review has identified several issues with the current approach to the declaration of organisms. Issues include:

- the administrative burden, red tape and delays created by the need to assess and declare at an organism level, and the impracticality of doing this for, potentially, every organism
- communication challenges arising from confusing terminology and the volume of regulated pests and diseases
- expectations to enforce compliance with duties for all declared pests and diseases regardless of the different levels of risk and harm they pose, and
- the process used to determine an organism's declaration status.

For WA's biosecurity system to function efficiently and effectively, it is essential that the legislative framework facilitates a robust and practical risk identification and assessment process.

What we need to achieve

The panel has identified the following key outcomes for the prioritisation of pests and diseases:

- Appropriate legislative controls, rigour and resources are applied to reduce and control the risk of and harm caused by pests and diseases.
- Biosecurity system participants, informed by the outcomes of WA's biosecurity prioritisation process, can more readily understand their biosecurity obligation and act on it.

Opportunities for reform

The BAM Act's focus is on the control of certain organisms. Organisms are assessed by DPIRD to determine the risk they present to WA's industries, environment and social amenity. The Minister is empowered to make a declaration that the organism is either:

- a permitted organism – because it has been assessed as not posing a biosecurity risk in its own right, and is not likely to have the adverse effects of 'prohibited organisms' or 'declared pests' (see below)



- a prohibited organism – because there are reasonable grounds for believing the organism has (or may have) adverse impacts if it were present in WA (or part of WA), or
- a declared pest – because there are reasonable grounds for believing the organism has (or may have) adverse impacts in an area.

An organism's declared status determines the legal obligations and responsibilities that apply to it. An organism that is not declared under the BAM Act is known as an unlisted organism and, because the risk is unknown (as the risk has not been assessed), its import is treated as seriously as a prohibited organism.

How the declaration process works in WA

1. Identify an organism that is unlisted or potentially needs a change in its declared status. This may be through an application to DPIRD.
2. Gather and collate the data required to undertake a risk assessment.
3. Conduct a risk assessment, consultation and a review to the applicable standard.
4. Progress a recommendation to the Minister.
5. The Minister decides whether to act on that recommendation and make a declaration, seeking advice as necessary to help make the decision.
6. Publish the declaration in the *WA Government Gazette*.
7. Update the Co-ordinated Approval System for the BAM Act with the supporting data and the record of the Minister's declaration, and publish the records to the [WA Organism List](#).
8. Communicate the declaration to biosecurity system participants.

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Prohibited organisms, declared pests and unlisted organisms can be carried into WA in or on potential carriers such as plants, animals, machinery and packaging.

To address this risk, the importation of potential carriers is subject to regulatory controls. Those regulatory controls apply to many permitted organisms, as most of these are also prescribed potential carriers under the BAM regulations.

Stakeholders raised concerns with this approach, saying that import of permitted plants and animals was not always allowed in practice. With importation requirements being difficult to understand and comply with, and that the system relies heavily on authorisations such as permits and monitoring/enforcing compliance, even for things that present a low risk.

The panel also identified that the organism declaration process can be long and arduous, and that it is not practical to assess and declare every single organism or keep the assessments up to date.

¹⁹ <https://www.agric.wa.gov.au/organisms>

**Scenario:**

A frustrating move ... Jane drives to WA with her stick insect

Jane is moving to WA from interstate by car.

She wants to bring her pet Dr Fink, a beautiful Malanda stick insect (*Malandania pulchra*), and some guava leaf (*Psidium guajava*) for Dr Fink to eat on the long journey.

Jane has heard WA takes biosecurity seriously and, wanting to do the right thing, before she leaves she looks up on the web to see if it is possible to take Dr Fink (and his guava leaf lunch) to WA.

She discovers that they are listed on the WA Organism List as permitted organisms.

Jane thinks, "Great, Dr Fink and his lunch can come with me!"

When Jane gets to the WA border at Eucla, a Quarantine Inspector lets her know that Dr Fink's lunch is a potential carrier of the prohibited organism, Myrtle rust, and cannot come into WA without a permit.

To get a permit, Jane needs to provide information so that a risk assessment can be undertaken before a permit can be issued. Jane realises that Dr Fink's lunch can't be brought into WA today, or this week.

Under contemporary biosecurity legislation, organisms (living and non-living) and their carriers are captured as 'biosecurity matter' – a catch-all term for anything that could present a biosecurity risk.

Tasmania's biosecurity legislation is a useful framework to examine, as its geography allows it to have tight border biosecurity controls – like WA.

How Tasmania defines biosecurity matter

Biosecurity matter is defined in section 12 of Tasmania's [Biosecurity Act 2019](#) as:

- a) an animal, plant, and other organism, other than a human;
- b) a part of an animal, plant or other organism, other than a human;
- c) an animal product and plant product;
- d) an animal disease and plant disease;
- e) a prion;
- f) a contaminant;
- g) a disease that may cause either or both of the following:
 - i) disease in an animal, plant or other organism (other than a human);
 - ii) disease in a human through transmission to the human from an animal, plant or other organism (other than a human);
- h) any prescribed thing.

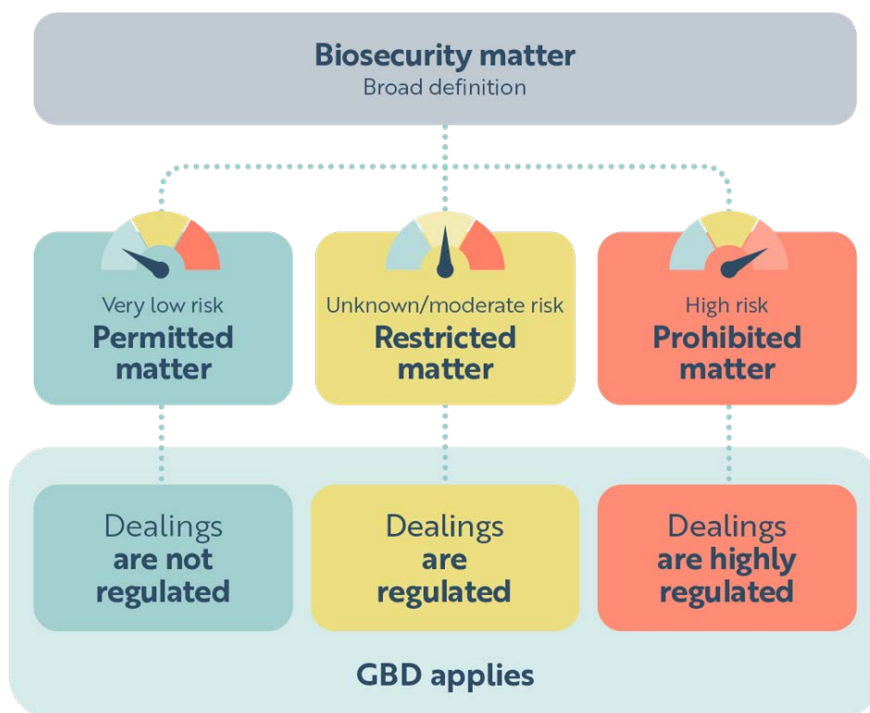
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²⁰ <https://www.legislation.tas.gov.au/view/whole/html/asmade/act-2019-022>



In Tasmania, biosecurity matter is classified through a risk assessment process into three broad categories²¹:

- **Permitted matter** – a matter is declared as permitted matter and listed on Tasmania’s [permitted matter list](#)²² if the Minister is satisfied that it does not pose a biosecurity risk to Tasmania, or is not a significant risk and is able to be effectively controlled. Biosecurity matter on this list can be imported into Tasmania, and no further biosecurity action is required other than observing the general biosecurity duty (GBD) (see Reform Area 2 for more information).
- **Restricted matter** – a matter is restricted matter if it is not ‘permitted matter’ or ‘prohibited matter’, or if it is declared by the Minister to be restricted matter. This category poses a biosecurity risk that requires some form of regulation. Importation, control and/or management requirements are imposed, relevant to the risk. This framework prevents unknown matter from being imported. Restricted matter must be declared, its risk assessed, and a permit issued for it to be imported. The GBD applies in addition to relevant requirements.
- **Prohibited matter** – matter is declared to be prohibited matter if it is known to pose a high risk to Tasmania. Importation is not allowed or is highly restricted and regulated through strict control and management requirements. The GBD applies in addition to the relevant regulatory requirements.



Broad classification of biosecurity matter in Tasmania

²¹ Declared pest/disease is a fourth category of biosecurity matter established by the Tasmanian Biosecurity Regulations 2022, see regulation 4. This serves to further inform the permitted, restricted and prohibited matter categories. For example, soil is restricted matter because it can carry the pest *Tylenchus* spp. (stem nematodes).

²² <https://nre.tas.gov.au/biosecurity-tasmania/the-tasmanian-biosecurity-compendium/biosecurity-matter-listings/permitted-matter>



Modern biosecurity legislation focuses on regulating things that present a significant risk and, therefore, justify regulation. A risk-based framework such as the one illustrated here can help biosecurity system participants prioritise and respond to biosecurity risks.

During the BAM Act review consultations, stakeholders were concerned that attention and resources were being drawn away from high-risk biosecurity issues to deal with widespread and established pests that do not present a similarly significant biosecurity risk to WA.²³

The simple classification of biosecurity matter can help address this by supporting a more graduated and proportionate response to biosecurity risks and impacts. The classification of matter can support three levels of action provided for by modern biosecurity frameworks:

1. State level – prescriptive legal requirements such as control orders; use of statutory powers such as directions and permits
2. regional/local/industry level – through plans, guidance or codes that can include specific legal obligations or requirements
3. individual/entity level – base harm minimisation through the general biosecurity obligation.²⁴

The approach ensures that biosecurity matter that is not explicitly regulated at the highest level (either because it is lower risk or because it has not yet been identified as a risk) can still be managed via legal means, when warranted.

²³ The risk to WA from widespread and established pests is low. The focus here is on managing the impacts.

²⁴ See Reform Area 2 for more information on the general biosecurity obligation.



Tell us what you think

Opportunity 7

Introduce the definition of 'biosecurity matter' into the BAM Act, and further classify it as either prohibited matter, restricted matter or permitted matter based on the risk presented to WA.

Although this is a fundamental shift and change to the regulation of biosecurity risks and impacts in WA, it is likely to provide a stronger foundation for WA's biosecurity system by:

- reducing administrative burden as risk may be assessed for classes of things, rather than individual organisms
- simplifying the framework, making it easier to understand, explain, deliver and comply with
- helping focus the attention and resources of biosecurity system participants on the areas that are most relevant to them, and
- supporting harmonisation of legislation across jurisdictions.

Significant planning and discussion would need to occur to establish this new framework. Consistent with biosecurity principles established in the IGAB, it would be appropriate to involve relevant biosecurity system participants in this process. A new body (see Reform Area 3) may play a role here.



Reform Area 5. Emergency powers – a necessary precaution

Harmful pests and diseases can spread quickly, with devastating consequences. Emergency biosecurity response powers allow governments to take swift action to prevent or control the spread of pests and diseases that will have significant impact if left unchecked.

Responses to biosecurity emergencies and incidents²⁵ can include quarantining affected areas; restricting the movement of animals and products; destroying animals, plants or products; and undertaking testing and surveillance. Without legal powers to do these things, response delays could occur and result in significant health and economic consequences, cause harm to our native plants and animals, and damage natural and urban landscapes.

The challenge: clear, incontestable legislation to support rapid responses

An aim of the BAM Act is to provide the means to control the entry, establishment, spread and impact of organisms that have (or may have) an adverse effect. However, the role of the BAM Act in biosecurity emergencies is incomplete.

Through the BAM Act review consultations, stakeholders highlighted several shortcomings of the legislation, all of which ultimately impact the ability of the State government to undertake a rapid response to a biosecurity emergency. For example:

- the requirement for approvals from multiple levels of the decision making hierarchy
- provisions that enable a person to contest decisions, which can put an operation on hold while it is being resolved, and
- uncertainties about the extent of authority of the BAM Act in the event of a biosecurity emergency.

It is imperative for biosecurity legislation to be clear, incontestable and fit-for-purpose to enable a fast, purposeful response to a biosecurity emergency.

What we need to achieve

The panel has identified the following key outcome for emergency response powers:

- The WA government can undertake quick and decisive action to prevent or control a pest or disease that has or may have such a significant impact that it warrants the use of emergency powers.

Opportunities for reform

The BAM Act currently contains provision for urgent measures that can be applied when actions must be carried out immediately to control a declared pest. To date, and despite the increasing frequency of emergency biosecurity responses, the provision has never been used.

²⁵ For the purpose of this reform area, the term 'emergency' includes biosecurity incidents. See the glossary for an explanation of the terms.



The measures and actions that have been taken, via the BAM Act, to control pests and diseases in emergency situations include using directions, authorisations, orders, permits, notices or declarations (collectively known as ‘tools’). However, the application of the BAM Act’s urgent measures, and many of the tools, are limited to ‘declared pests’. This means, if a permitted or unlisted organism emerged as a serious risk, those tools could not be used until the declared status of the organism was changed.²⁶

A second factor potentially impacting the effectiveness of a response is that some of the tools used in emergency responses are subject to review by the State Administrative Tribunal (SAT). For example, a person who has received a pest control notice directing them to take certain measures to control a declared pest can request the DG of DPIRD to review the notice. Following the outcome of that review, if they are aggrieved by the DG’s decision, they can apply to the SAT to review the decision. The process may result in delays in conducting the emergency response.

The BAM Act provides for regulations to be created that prescribe circumstances in which the right of review by the SAT is expressly not available. The only such circumstance prescribed in the regulations is with regard to the seizure of perishable items.

Finally, the BAM Act does not provide any guidance as to what an ‘urgent event’ or ‘emergency situation’ is. Nor does it provide clear direction on how and when urgent measures would apply.

In contrast, the intent of Tasmania’s *Biosecurity Act 2019* in emergencies is clear. Emergency preparedness and the effective management of biosecurity emergencies is a core tenet of the Tasmanian legislation. It has defined terms; a suite of tools specific to emergencies; clear instructions on when and how those tools apply; and it sets out the steps that are to be taken, providing for transparent decision making.

A clear and formal declaration of a biosecurity emergency provides agencies with the necessary assurance that, when deemed absolutely necessary, they are able to undertake actions that might contravene other laws.

As an example, actions taken to prevent or control the spread of a pest or disease might negatively impact the environment or Aboriginal cultural heritage. However, the time needed to undertake the application and approval processes associated with environmental or Aboriginal cultural heritage laws and protections could have significant consequences in an emergency situation – consequences that could even result in negative impacts on the environment or Aboriginal cultural heritage.

Section 66 of the [Biosecurity Act 2019](#) (Tasmania)²⁷ deals with such a situation by explicitly removing, during a biosecurity emergency, the usual limitations on powers in the following way:

66. Interaction of functions with restrictions imposed by other Acts

(1) An authorised officer other than the Chief Plant Protection Officer or Chief Veterinary Officer must not, under this Act –

²⁶ Quarantine Notices and Quarantine Area Notices are tools available in the BAM regulations, which are commonly used in emergency situations. These tools can be issued on the suspicion of a harmful (or potentially harmful) organism. That is, it does not have to be a declared pest.

²⁷ <https://www.legislation.tas.gov.au/view/whole/html/asmade/act-2019-022>



(a) destroy or direct the destruction of any protected plant within the meaning of the Nature Conservation Act 2002 ; or

(b) destroy or direct the destruction of any organism that is a threatened species within the meaning of the Threatened Species Protection Act 1995 ; or

(c) destroy or direct the destruction of any relic within the meaning of the Aboriginal Heritage Act 1975 .

(2) Subsection (1) does not apply to the destruction of a thing if that action is prescribed or expressly authorised, or required, by an emergency order or a control order.²⁸

When applying legislation that provides for strong powers and authorities to enable quick and decisive action, it is important to be mindful of what else might be at stake.²⁹ If the necessary actions to contain or eradicate a declared pest impact a culturally significant site or threaten an endangered species, how should these impacts be addressed? Defining a 'biosecurity emergency' and activating the associated emergency powers needs careful consideration.

Clear guidance on what constitutes a 'matter of emergency' or 'urgent need' is vital. This is important to ensuring that any emergency powers – especially when they restrict civil liberties and the right of review, or involve actions that are not consistent with other Acts – are only used in circumstances that warrant it.

Tasmania's Biosecurity Act 2019 supports emergency responses by

- providing the Minister with authority to declare a biosecurity emergency and establish measures to respond to that emergency
- providing for emergency orders, emergency zones, and emergency measures to be created
- having rules and limitations for using emergency orders, emergency zones, emergency measures
- utilising cost recovery, amendments and protections of emergency orders
- allowing officers to enter premises at any time in an emergency
- having no right of appeal against an emergency biosecurity direction.

If the BAM Act is to be WA's primary biosecurity emergency legislation, it will be important for it to be able to adequately address biosecurity emergency situations in all contexts. Although this is its intent (see Reform Area 1), aquatic biosecurity emergency responses and responses to exotic animal diseases are addressed in separate pieces of legislation.

²⁸ An emergency order is made to declare a biosecurity emergency and establish the measures to respond to it. A control order establishes a control zone and associated measures to prevent the introduction of risky biosecurity matter, eradicate it or manage it if prevention or eradication is not practicable.

²⁹ Under Tasmania's emergency order provisions, there are safeguards to ensure this power is exercised with appropriate levels of caution and regard.



As well as needing to be harmonious with other WA legislation, the BAM Act should contain all the powers and authorities needed to address significant biosecurity risks across all situations. This is currently not the case. As an example, the panel has identified that the powers to deal with the most serious of animal diseases in the [Exotic Diseases of Animals Act 1993](#)³⁰ are stronger and may be more effective than the BAM Act.

Tell us what you think

Opportunity 8

Include formal emergency provisions in the BAM Act that can be applied to all biosecurity contexts.

This will ensure quick and decisive action can be taken in the event of a biosecurity emergency, and establish the primacy of the BAM Act during a declared biosecurity emergency.

Careful consideration will be needed to ensure emergency provisions can only be activated in limited circumstances and the actions to be taken are not more difficult or demanding than they need to be.

Opportunity 9

Ensure the BAM Act is positioned to be the primary Act for biosecurity, including biosecurity emergency responses in WA (excluding biosecurity responses relating to diseases that affect only human health).

This will require the BAM Act to have provisions that meet or exceed the powers that are established in other biosecurity legislation such as the *Biosecurity Act 2015 (Cth)*, *Aquatic Resources Management Act 2016*, *Biodiversity Conservation Act 2016*, *Exotic Diseases of Animals Act 1993*, and the *Public Health Act 2016*.

³⁰ https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_314_homepage.html



Reform Area 6. Compensation can boost biosecurity efforts

Compensation and reimbursements are important tools for addressing the direct financial impacts of formal responses to serious pest or disease incursions. By offering compensation or reimbursement in certain circumstances, individuals, businesses and organisations are more likely to report a biosecurity risk and take the necessary, but often costly or destructive, actions to prevent the spread and mitigate broader impacts.

Individuals, businesses and organisations may be reluctant to report a biosecurity risk because of the potential financial losses or costs that may result. However, the outcome of non-reporting can be significant, particularly if incorrect or insufficient action is taken to try to eradicate or contain the pest or disease. As well as helping reduce the impact of the loss or the added costs/expenses on the individual/business/organisation, compensation and reimbursement helps mitigate the risk that people will not report.

Compensation and reimbursement can also help to address issues of equity and fairness in the distribution of costs associated with biosecurity incursions. Those who are affected by an incursion may be required to put in place destructive measures that will deliver benefits to the wider community or industry. Compensation or reimbursement can help to ensure that the costs and benefits of biosecurity response measures are distributed more equitably, for everyone's benefit.

The challenge: operating in an environment of uncertainty

While government and industry can provide compensation or reimbursements in certain circumstances, there is insufficient direction on when it is appropriate, and how it should be funded. This lack of clarity can make it challenging for DPIRD officers and affected individuals/businesses when destructive actions are required to eliminate or contain a harmful pest or disease in a biosecurity response.

Through the BAM Act review consultations, stakeholders clearly identified:

- the significant challenges associated with implementing a biosecurity response when the availability of compensation was unknown, unclear or non-existent
- the positive influence compensation surety has on the reporting of potential biosecurity risks; and, conversely, the widespread, devastating impacts non-reporting could have on WA industries
- the inequities that result from an individual or producer sustaining direct financial losses due to destructive actions to eradicate or contain a pest or disease, while other individuals or producers benefit from these actions
- the need for clear and transparent process so affected people understand the circumstances under which compensation or reimbursements might be paid.



What we need to achieve

Compensation and reimbursement are viewed as a critical gap in the BAM Act. The panel has identified the following key outcome:

- Individuals/businesses are fairly compensated or reimbursed for direct losses³¹, costs and expenses when destructive action is required, using the powers of the BAM Act, to address a high-priority biosecurity risk.

Opportunities for reform

The only compensation provisions in the BAM Act are through industry funding schemes (IFS), which are fully funded by industry, for industry. There are limitations to which pests and diseases the IFS-based compensation/reimbursement can be applied to; and, generally, industries that do not have an IFS in place do not have access to a WA-based compensation/reimbursement mechanism³² (see also Reform Area 7).

However, biosecurity incursions can impact the public, not just industry. Other than the IFS compensation provisions, there are no other compensation provisions in the BAM Act for actions taken by the State to address biosecurity or agriculture management issues.

All Australian states, including WA via the *Exotic Diseases of Animals Act 1993*, have legislated compensation provisions relating to incursions of animal diseases but only some include provisions relating to plant diseases. More contemporary biosecurity legislation provides for statutory compensation (under certain circumstances) relating to a *biosecurity* response – not just disease-related responses.

Cost sharing

Nationally, the [Emergency Animal Disease Response Agreement](#)³³ (EADRA) and the [Emergency Plant Pest Response Deed](#)³⁴ (EPPRD) and include frameworks for cost-sharing compensation/reimbursement across Australian jurisdictions and with industry. In addition, the [National Environmental Biosecurity Response Agreement](#)³⁵ (NEBRA) provides for cost-sharing reimbursements between Australian jurisdictions in relation to an incursion of an emergency pest or disease that impacts the environment or social amenity. The NEBRA, EADRA and EPPRD are only activated in response to incursions of emergency pests or diseases where a national cost-shared response has been agreed. Approval at the national level is necessary before any cost-shared compensation package is confirmed and payments made.

Considering all these factors, WA would benefit from compensatory mechanisms that:

- support emergency action undertaken in WA to eradicate high-risk pests that are found elsewhere in Australia (and therefore not addressed via national compensation/reimbursement arrangements)

³¹ Does not include consequential losses

³² Note that compensation or reimbursements may be accessible through cost-shared national biosecurity responses. The State government can also decide to make ex-gratia payments from time to time. In the context of this paper, it is referring to compensation/reimbursements agreed and paid at the state level separate to national cost-shared compensation/reimbursement or ex gratia.

³³ <https://animalhealthaustralia.com.au/eadra/>

³⁴ <https://www.planthealthaustralia.com.au/biosecurity/emergency-plant-pest-response-deed/>

³⁵ <https://www.agriculture.gov.au/biosecurity-trade/policy/emergency/nebra>



- give confidence to DPIRD and affected individuals/businesses that compensation/reimbursement can be paid in certain circumstances that may not be covered by national arrangements or via an IFS, and
- support timely payments to ensure individuals/businesses can recover as quickly as possible.

Compensation mechanisms outside the BAM Act

WA's [Exotic Diseases of Animals Act 1993](#) provides for compensation.

It applies to the destruction of animals (or property) for disease control purposes where the Minister has published a compensation order – noting that the compensation order identifies the exotic disease that it relates to as well as the class of animal for which compensation will (or won't) be paid.

Biosecurity compensation funds may be created through the Agricultural Produce Commission (APC) fee-for-service funding mechanism, for agricultural sectors that have established a Producers' Committee under the [Agricultural Produce Commission Act 1988](#).

The APC legislation does not provide for the process or circumstances under which compensation is payable – it only allows compensation schemes to be one of the services delivered by a Producers' Committee.

It is up to the industry, via the Producers' Committee, to decide if a compensation scheme will be established.

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Under biosecurity legislation across Australia, compensation is only available for direct losses. Consequential losses (e.g. loss of profit, loss of production, loss occasioned by breach of contract etc.) are not contemplated.

Where compensation or reimbursement is available to support biosecurity responses, guidelines and or legislative provisions clearly define the circumstances under which compensation or reimbursement is payable; and guiding principles support these. It is generally accepted that an affected party should be no better or worse off than an unaffected person/property because of the actions taken to eliminate or contain a harmful pest or disease.

Legislation typically also includes provisions outlining how the amount of compensation or reimbursement is calculated, how applications for compensation or reimbursement are made, and dispute processes. Any legislated compensation or reimbursement provisions will need to make clear the circumstances under which such payments are made.

The panel acknowledges that work is required to identify and agree on the details of any compensation or reimbursement provisions that might be included in the BAM Act. However, at this stage, and based on the findings from the BAM Act review so far, biosecurity compensation or reimbursement should:

- apply only when destructive actions taken under the BAM Act are required during a formal biosecurity incident or emergency response

³⁶ https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_18_homepage.html;
https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a261.html



- in relation to compensation, cover direct loss or damage to plants, animals and property (exclude indirect and consequential losses)
- in relation to reimbursement, cover costs/expenses of actions required to be taken as a result of a biosecurity incident or emergency response
- complement the BAM Act's IFS compensation provisions
- not be payable if a like benefit is payable under another mechanism, and
- not be payable if a person fails to report the presence of the pest or disease that the compensation or reimbursement relates to, or if the destructive action (or cost/expense) is caused by failure to comply with the Act.

Tell us what you think

Opportunity 10

Include appropriate compensation and reimbursement provisions in the BAM Act.

These are to cover direct loss or damage to plants, animals and property, and the costs/expenses incurred, because of destructive actions undertaken using the powers of the BAM Act during a biosecurity incident or emergency.

The provisions must exclude payments relating to indirect and consequential losses.

Consistent with biosecurity principles established in the IGAB, it would be appropriate to undertake a co-design process to further develop any compensation or reimbursement provisions.

This would include identifying and agreeing on the details of any legislated compensation and reimbursement provisions (who is/isn't eligible, how amounts are calculated, how applications are made, dispute processes etc.).



Reform Area 7. Enabling industries to act

The biosecurity of Western Australian industries is important to WA's economy, environment and rural communities. Effective biosecurity measures can prevent the introduction and spread of pests and diseases that can:

- damage crops, animals and products, reduce productivity, increase production costs and decrease the value of exports
- prevent producers from accessing high-value export markets
- have devastating effects on biodiversity and ecosystems
- destroy infrastructure, and
- damage WA's reputation as a reliable supplier of high-quality food and fibre products.

Legislative measures that support and empower industries to effectively manage biosecurity risks and produce quality products can have positive outcomes for rural communities and WA as a whole. It is beneficial for the government to have laws and regulations that support and empower industry to take actions that contribute to this (see also Reform Area 2).

The challenge: encouraging industries to achieve their biosecurity goals

Effective biosecurity requires cooperation across and within industries to help prevent, detect, eradicate and minimise the spread of pests and diseases, and to stay ahead of new and emerging risks. The BAM Act provides several avenues to support, enable or require industry action on biosecurity – for example, industry funding schemes, management plans, codes of practice and the ability to accredit businesses to issue assurance certificates for export purposes.

Although the BAM Act provides a framework to enable industries to act, it does not mean that all industries are making use of the legislated mechanisms and available tools. Stakeholders said it was vital for industry to proactively seek to do this. However, this also creates a tension.

On the one hand, the goal is to empower industry to decide when and if it would like to use legislative tools to help achieve their biosecurity goals; on the other hand, there is a real need for all industries to actively participate, so that there are no gaps in the biosecurity system. The challenge is supporting industry to make full use of the legislated mechanisms, tools and provisions that are available.

What we need to achieve

The panel identified the following key outcome:

- WA industries can access and take advantage of legislated support structures to establish and deliver collective and coordinated biosecurity actions for their priority pests and diseases.



How industry funding schemes work

Under the BAM Act, regulations may be made to establish industry funding schemes (IFSs).

IFSs are industry-driven schemes to raise funds for programs to address the industry's priority declared pests, including any associated compensation.

They are voluntary schemes, with producers/growers able to opt out and forego the benefits of participating.

Across the industries that could have an IFS (apiculture, aquaculture, forestry, viticulture, horticulture, agriculture, nursery industries etc.), only three have been established – a Cattle IFS, a Sheep and Goat IFS, and a Grains, Seeds and Hay IFS.

Industry drives the use of the BAM Act's IFS provisions, deciding if, when, where and to what extent the schemes are used in practice.

An industry-based Industry Management Committee oversees each IFS and decides how the funding is used to deliver industry-wide benefits.

Opportunities for reform

The BAM Act includes significant powers to make regulations relating to quality assurance (QA) and industry funding schemes, issue management plans and approve codes of practice (even codes that are issued by industry) – all of which can be used to support or empower industry to manage its biosecurity risks.³⁷

Certification of quality assurance

Through the BAM Act review consultations, several stakeholders (many of whom were from industry) felt there were inefficiencies in the regulated processes WA businesses must undertake to trade. Processes associated with evidencing that a product meets a specific biosecurity standard were highlighted. Stakeholders suggested that these processes could be much more efficient if industry played a more active role in facilitating them. There were three aspects:

1. supporting producers to meet the standards required to sell to their preferred customers/markets, e.g. via quality assurance (QA) schemes
2. authorising third parties to accredit businesses to issue assurance certificates, and
3. more efficient processes to verify that products and processes meet the appropriate standards (e.g. inspections and audit).

Under the BAM Act's QA and accreditation regulations³⁸, the DG of DPIRD accredits a person to issue assurance certificates to evidence that a product meets certain requirements for trade purposes. When granting or renewing an accreditation, DPIRD is responsible for the administration and audits to ensure the terms and conditions of the accreditation are met.

³⁷ Compliance with a Management Plan or code of practice can also show that a person is discharging their general biosecurity obligation/duty (see Reform Area 2).

³⁸ Biosecurity and Agriculture Management (Quality Assurance and Accreditation) Regulations 2013



There are also provisions that enable the Minister or DG to recognise import or export certificates that have been issued under a corresponding law of the Commonwealth or another Australian jurisdiction. This includes certificates issued through third party accreditation schemes in other Australian jurisdictions.

In these third-party accreditation schemes, government audits the third party; the third party accredits the business to issue assurance certificates; and the third party audits the business to make sure it continues to meet the terms of the accreditation. This enables industry to play a more active role in the regulatory process, creating opportunities for industry-driven innovation, efficiencies and outreach. In WA, a third party cannot currently be authorised to accredit a business to issue an assurance certificate.

Funding biosecurity incident responses that benefit industry

A small number of industry stakeholders also suggested a broader legislative base was required to enable funds to be collected from industry (even though there are provisions that already enable this). It was envisaged that the funds would be used to support growers/producers during a biosecurity emergency or incident response.

Action is needed to ensure industry is aware of the legislated mechanisms/tools that are available to support its collective and coordinated biosecurity action under the BAM Act (such as industry funding schemes) as well as those available under other legislation such as the fee-for-service under the [Agricultural Produce Commission Act 1988](#).³⁹

It is also beneficial for industry and government to know who will be responsible for paying for an incident response and how, before an incident occurs. Cost-sharing in biosecurity is a critical part of 'shared responsibility'.

What if the destructive varroa mite came west?

Varroa destructor (varroa mite) – considered the single greatest threat to Australia's honey and honeybee pollination plant industries – was detected in NSW in 2022, and an \$18 million compensation package was announced. The eradication program was continuing as of May 2023.

What if the varroa mite can't be eradicated?

WA beekeepers are worried that the mite will not be eradicated and will be regarded as 'established' in Australia.

If it were to become established in NSW or other states, it doesn't necessarily mean that it would become established in WA. In fact, WA's geography and our strict biosecurity laws mean there is a chance that we can keep the mite out.

What would happen if it does arrive in WA?

If the varroa mite were to establish in eastern Australia, sharing the costs – including the compensation costs – of an eradication campaign in WA with other Australian jurisdictions is unlikely.

The WA industry is worried about what this would mean. Would the State government commit funds to eradicate the pest if it were to spread to WA? Would the State government commit funds to compensate affected beekeepers?

The WA beekeeping industry has already expressed its concerns and is keen to be on the front foot by having an industry-government agreement in place and the funding mechanisms to raise industry funds to support the industry.

³⁹ https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_18_homepage.html



Tell us what you think

Opportunity 11

Ensure third parties can be authorised to deliver accreditation schemes with industry.

This will support more efficient import/export of products and deliver biosecurity and product integrity outcomes for industry.

Authorisation to deliver a third-party accreditation scheme would need to involve a robust state-based audit of the authorised third-party businesses, supported by significant penalties to discourage non-compliance.

Opportunity 12

Introduce industry-government biosecurity response agreements at a state level to formalise roles and responsibilities, including cost-sharing, during a biosecurity response relevant to industry.

This will encourage industry to consider how it can use the legislated mechanisms/tools that are available to support collective and coordinated biosecurity action (e.g. industry funding schemes under the BAM Act; and fee-for-service under the *Agricultural Produce Commission Act 1988*).

The response agreements would only be in relation to pests and diseases that are not covered by national biosecurity response arrangements and could also address compensation (see Reform Area 6).

The response agreements should provide a pathway for the State government to cover the upfront costs of a response, with provisions for industry to repay its share, similar to the national biosecurity response arrangements.

Significant planning and discussion would need to occur between industry and government to identify and agree on which pests and diseases warrant a formal agreement (underpinned by science/evidence), the cost-sharing arrangements, the mechanism to raise funds from industry, and what would happen if an arrangement were not put in place. A new body (see Reform Area 3) may play a role here.



Reform Area 8. Community-led pest management

Working together through coordinated, community-led pest management can be very effective when it comes to managing widespread and established pests that have an impact on the economic, environmental, social or cultural assets of a community.

A community-led approach brings people together, fostering a sense of community and collective ownership for addressing pest problems – as well as harnessing local knowledge and expertise. It results in benefits that are greater than the sum of individual efforts – especially when actions are coordinated at a regional or landscape scale.

A community-led pest management approach not only supports WA's biosecurity system, it also contributes to sustainable land management, conservation practices and Caring for Country. It is, therefore, beneficial for the government to have laws and regulations that support and empower communities to manage pests that impact them, their region and the state as a whole.

The challenge: sustaining an ongoing collective effort

Managing widespread and established pests is unrelenting and can be resource intensive. Pests can be highly mobile, transcend geographic boundaries and threaten both public and private assets.

The challenges identified in the other reform areas of this paper also impact this aspect of biosecurity.

All land managers, including the state and local governments, have a responsibility under the BAM Act to control declared pests on their land. Community-led pest management is intended to augment, but not replace, these obligations. Individual and collective efforts benefit everyone but acting together is likely to be more effective.

With increasing pressure on the biosecurity system, state-led action and resources need to target high-risk pests and diseases that have not yet arrived within our borders or that have arrived but can be eradicated or contained. This is critical to preventing new pests from becoming widespread and established (see also Reform Area 4).

Unless high-value public assets are at stake (e.g. endangered species populations or high-value productive industries), it is generally not sustainable or effective for the State government to be the sole investor in, or driver of, programs targeting established pests.

Committed community leadership and action are needed to deliver meaningful outcomes. However, with WA's diverse landscapes, communities and pest management issues, it is challenging to provide a sustainable model to support community-led pest management efforts.

Community groups alongside local governments have an important role to play in determining which pests should be targeted in their local areas. However, there can be very different and, at times, competing views within and across communities about which pests should be the focus of collective management efforts.

What we need to achieve

The panel has identified the following key outcomes for enabling community-led pest management:

- Local communities, networks and groups are supported to lead and undertake coordinated action to manage the impact of widespread and established pests on



- assets important to them, their region and the state as a whole.
- Action undertaken by local communities, networks and groups is effective and efficient, and contributes to the management of priority pests locally, regionally and for the state.

Providing a foundation for widespread and established pest management reform

The opportunities for reform outlined in this discussion paper will provide a strong foundation to improve the collective management of widespread and established pests. These include the opportunity to:

- introduce a 'general biosecurity obligation' in recognition that everyone benefits from an effective biosecurity system and has a responsibility within this system, including managing the impact of widespread and established pests (see Reform Area 2)
- improve biosecurity communications and engagement, so everyone understands the benefits of an effective biosecurity system, and their role and responsibilities to support the system (see Reform Area 2)
- improve planning and reporting so those involved in biosecurity efforts understand what action will be undertaken, by who, when and why, and contribute to the decision-making process (see Reform Area 3)
- improve DPIRD's regulatory compliance approach through improved communications and engagement with biosecurity system participants, and an ongoing program of biosecurity behaviour change research to inform interventions (see Reform Area 9).

Opportunities for reform

In addition to the consultation and engagement processes undertaken by the panel in Stages 1 and 2 of the review, an independent evaluation was commissioned to assess the Declared Pest Rate – Recognised Biosecurity Group (DPR-RBG) model and its role in supporting WA's biosecurity system. This section is informed by this work.

The Declared Pest Rate – Recognised Biosecurity Group model

The BAM Act prompted a significant transition in the management of widespread and established declared pests, from the State government taking a direct role in controlling these pests (through the Agriculture Protection Board) to a community-coordinated approach. This approach is currently supported under the BAM Act through the DPR-RBG model.

Over the last decade, concerns with how this model operates have been raised by various bodies, including the Office of the Auditor General, the Biosecurity Council of WA and the Western Australian Local Government Association. RBGs have also expressed concern at operating within the existing model, and community support for the model varies significantly across the state, especially in the South West where petitions have been raised against it.



Under the BAM Act, the State operates a compulsory, land-based rating scheme, referred to as the Declared Pest Rate (DPR). The DPR raises funds from landholders on specified classes of land within prescribed local government districts for the purpose of funding declared pest control activities. The funds raised are matched dollar-for-dollar by the State and deposited in a State-administered Declared Pest Account (DPA).

DPA funds must be used on activities associated with controlling declared pests in the area from which the rate was collected. Landholders who pay the rate will reasonably expect to benefit from the pest management activities they help fund.

DPA funds are currently made available exclusively to groups recognised by the Minister, known as Recognised Biosecurity Groups (RBGs). Formal recognition by the Minister enables funds from the DPA to be transferred to the groups. This legislated practice is unusual – typically, funding programs have program guidelines that identify eligible entities.

RBGs use DPA funds to help landholders meet their obligations to control declared pests on their land. The groups also use DPA funding to coordinate or undertake pest management activities, awareness initiatives and education. RBGs work with their communities to determine which declared pests are priorities for action, and they collaborate with other organisations to manage pests at a landscape scale.

There are currently 14 RBGs in WA, with their operating areas covering more than 95% of the state's vast land area. However, there are noticeable gaps in areas with substantial agricultural production and ecosystem biodiversity.

While not a legislative requirement, RBGs have formed as specialist groups whose primary focus is on declared pest control using DPA funds.

Under the current model, other groups undertaking pest management activities, such as local governments and natural resource management groups, have not been encouraged to seek recognition to access DPA funds.

In 2022-23, approximately \$6 million will be made available to RBGs.

There is considerable operational diversity across the RBG areas of operation, in terms of the number of landholders, the size of rating areas, and the types of declared pests that are targeted. Where there are a high number and diversity of landholders, it can be difficult for RBGs to get consensus around the importance of pest control and the need for collaborative action.

The DPR-RBG model evolved relatively quickly from small numbers of pastoral leaseholders with vast landholdings who paid a rate and participated in the former 'zone control authorities', to approximately 22,000 landholders of different land types and sizes across the state now paying a DPR.

While the BAM Act allows for only two core rate methods for the DPR (*ad valorem* and flat rate), the component factors used to apply these methods, such as land size and types or classes of land, result in a complex array of different rating combinations across the 14 rating areas. In 2022-23, there were 35 gazetted rate calculations, which resulted in 79 potential rate combinations.

While the DPR and RBG legislative provisions are separate in the BAM Act, this separation has not carried through in how the model has evolved and currently operates.



Supported by the State, RBGs were instrumental in developing the rating method to be used in the rating area that aligns with their area of operations. RBGs still provide input to the Minister’s annual rate determination process.

Operational diversity across RBGs 2022/23

	Rangelands	Agricultural	South West
Number of RBGs	5	6	3
RBG operational area size	2,190,154 km ²	208,764 km ²	18,098 km ²
Number of ratepayers	337	6,249	15,890
Average rate per ratepayer	\$4,580	\$138	\$42
Annual funding (\$m)*	\$3.08	\$1.72	\$1.34
Ratio of ratepayers to RBG	67	1,042	5,297

**Annual funding and average rate per ratepayer are based on forecast rate revenue and matched funds*

The activities and approach of RBGs differ depending on the regional context in which they are located.

Southwest RBGs tend to focus on equipping, educating and enabling landholders to fulfil their legal obligations to control pests on their land. Activities include field days, machinery hire, and communications material.

Rangelands RBGs take the more direct approach of engaging pest control contractors (e.g. Licensed Pest Management Technicians) to set traps, lay baits and shoot pests through aerial shooting programs.

Agricultural RBGs lie somewhere in the middle, employing a mix of direct control approaches and supporting landholders to undertake their own control activities.

The types of established declared pests targeted by RBGs also vary by region.

In the Rangelands, the priority pests are wild dogs and large feral herbivores (donkeys, camels and feral horses) with some focus on declared pest plants such as cactus, Parkinsonia and mesquite.

In the Agricultural region, wild dogs, feral pigs and foxes are the main priority, and large feral herbivores tend to be less so.

In the South West, targeted animal pests typically include rabbits, foxes, feral pigs and various weeds such as cottonbush, blackberry and poke weed.

The complexity of the rating scheme and how it currently operates is difficult and costly to administer. It is also hard for ratepayers to make sense of. Other key issues raised by stakeholders through the BAM Act review consultations and independent evaluation regarding the DPR-RBG model were:

- **Objections to being charged a DPR and for those funds to go to RBGs.** This issue was particularly evident in the South West.
- **Fairness of the DPR** because it does not apply to all landholders or regions of WA (or applies differently across regions).
A DPR applies in only 47% (65 of 137) of local government districts across the state, and significant community-led pest management activities can and do operate in the absence of a DPR and an RBG.



- **Not enough resourcing** being committed to community-led pest management activities both within and outside the DPR-RBG model.
Funding for managing pests that impact our natural environment was considered lacking, and the model criticised for being too focused on pests of concern to pastoral and agricultural interests. There was also the perception that both state and local governments could be doing more to control declared pests on public land.
- The **level of State government compliance and enforcement activities** for established and widespread declared pests was widely criticised for being insufficient.
- RBGs, DPIRD and RevenueWA experience **various administration difficulties** with working efficiently and effectively within the current model due to constraints with how it has evolved and is operating.
- **Effectiveness of RBGs at supporting landholders to manage pests on their land was questioned.**
However, there was also a misconception that a sustained presence of pests means that RBGs are not effective. This is not necessarily the case as the management of widespread and established pests is an ongoing task that requires all land managers to continue to act.

Despite the challenges, RBGs undertake valuable pest management work in their communities using the DPR and matched funding they receive. They attract a strong and dedicated cohort of volunteers that are knowledgeable of the local landscape and well-networked in the community. While on-the-ground pest management outcomes can be difficult to measure, several RBGs have been able to demonstrate positive impacts for agricultural landholders from targeted pest animal control efforts (such as for wild dogs and feral pigs).

The panel acknowledges that significant effort and resources have been invested in the DPR-RBG model over the last decade, as the State's primary response to the management of established and widespread declared pests. However, the panel considers that the current model is neither sustainable nor able to adequately contribute to WA's biosecurity system into the future.

How the State enables community-led pest management needs reform.

The following section outlines the reform opportunities the panel has identified to address this, presented as an alternative model.

Alternative model for supporting community-led pest and weed management

Clear strategic direction and objectives for the State's role in community-led pest management is needed for a community-based model to succeed. According to WA's IGAB responsibilities, the State government's role is to:

- support landholders and the community to reduce the impact of established pests (community-led pest management) on primary industries, our unique environment and our way of life
- maintain and strengthen cooperative partnerships with biosecurity system participants including local governments, biosecurity and environmental groups, and the broader community.



The alternative model presented in this section retains and builds on the funding stability provided by a legislated rate and matched funds. This is important given that pest management requires ongoing and sustained action. The panel considers it appropriate to retain the current practice of using the DPR and matched funds specifically for widespread and established declared pests (although the BAM Act currently provides for these funds to be used for any declared pest).

The intent of the panel's proposed alternative model is to support locally-based activities and solutions. Importantly, it:

- simplifies the rating approach and broadens the revenue base in a targeted way
- retains public matching of funds raised through the rate, dollar-for-dollar
- strengthens planning and coordination for widespread and established pest management within the broader biosecurity system framework, including providing a mechanism for local voices to have a say on funding allocation and prioritisation
- pools the rate and matched funding and apportions it to specific purposes: base level local/regional coordination; priority pest management projects and programs; compliance program costs; and administration of the funding scheme (including audit and acquittal processes)
- broadens the range of entities eligible to receive funding, and
- incentivises financial and non-financial co-contributions from funding recipients to increase overall investment in the system.

These model features are outlined further below.

Simplify the rating approach and broaden the revenue base in a targeted way

A key strength of the DPR is that it provides a dedicated and ongoing funding source for pest management activities in WA. The raising of a rate is consistent with the principle of shared responsibility and requires the primary beneficiaries of coordinated pest control (i.e. landholders) to contribute to the costs.

Other states have funding mechanisms in place for this purpose. NSW Local Land Services and South Australia's Landscape Boards raise rates from landholders to support natural resource management efforts, which includes pest management.

While the panel supports the ongoing use of a DPR to raise funds, the current rating structure and process need significant reform. The panel considers the changes outlined below are justified to achieve simplicity, equity and efficiency in raising the revenue. Specifically, these changes will enhance accuracy and transparency in rating calculations, streamline the rating process, decrease government administrative costs and make it easier for ratepayers to understand.

The panel considers that a progressive *ad valorem*⁴⁰ rate is the fairest and simplest basis for determining the rate charged. To improve the efficiency of rate administration, the rate should align as closely as possible to the way RevenueWA administers other levies applied to land (Land Tax and the Metropolitan Regional Improvement Tax), and have the following characteristics:

⁴⁰ A rate based on the aggregated unimproved value of land and which progressively increases (in defined brackets) as the total value of land owned by an individual entity increases.



- apply a single uniform, progressive *ad valorem* rating structure
- use Land IDs as the basis for assessing the value of landholdings owned by an individual entity rather than Valuation Entity Numbers
- applies the *ad valorem* rate to the aggregate unimproved value of land held by each individual entity
- applies a minimum flat rate⁴¹ and a capped maximum rate per individual entity, and
- applies a minimum land area threshold for land to be rated.

Under this simplification, a DPR would be applied across WA to freehold or leasehold rural land classes of sufficient size. The intention is to capture land that has significant land management requirements (including pest control) to appropriately target landholders who would primarily benefit from coordinated community pest management efforts.

In this context, this would include land of a minimum size (e.g. one, five, or 10 hectares) with rural characteristics such as agricultural and pastoral properties, privately-owned conservation land, market gardens, vineyards and rural lifestyle properties. There is land that is considered rural in the Perth metropolitan area and other regions across the state, which is not rated under the current system. Under the proposed alternative model, a DPR would apply to this land.

Local, state and federal government-owned land and Crown land (such as parks and reserves), which is not currently rated, or which cannot be rated⁴², would continue to not pay a rate.

Importantly, the rate would apply to land independent of any particular pest management group (e.g. an RBG) operating in the area.

The panel recognises that this would be a significant change to the current rating model. It involves moving away from the existence of an RBG being the trigger for a DPR to be raised in an area (and RBGs being involved in the rating approach), to a system where a single progressive *ad valorem* rating structure is uniformly applied to specified land across WA.

How the DPR funds would then be allocated is addressed further in this reform area.

The panel considers these changes will significantly simplify and broaden the geographic coverage of the rate, and better target landholders who directly benefit from coordinated pest control activities. It will also help to alleviate concerns that the rate is applied unfairly.

The panel acknowledges that further work, including extensive consultation, is required to determine the exact rating parameters to be used and the land size, type and classes to be rated.

Using two progressive *ad valorem* rating structures may be justified to account for the significant differences in unimproved land values between the Rangelands and the rest of the state.

⁴¹ A minimum flat rate applied to an individual entity whose aggregated unimproved land value is below a defined threshold.

⁴² There are various entities that cannot be rated under various legislation.



What would this different rating approach look like?

Where landholders currently pay an *ad valorem* rate (in the Rangelands and some Agricultural areas) this would continue but how these rates are calculated would be different.

Where landholders currently pay a flat rate (in some Agricultural areas and the South West) they would no longer be charged in this way and would instead be charged using an *ad valorem* rate.

It is anticipated that some landholders who currently pay a rate on smaller properties (e.g. those with a land size between 1-10 hectares) **may no longer be required to pay a rate.**

Landholders who don't currently pay a rate (within or outside an existing rating area) would be required to pay a rate on land with rural characteristics above the minimum size threshold (e.g. one, five or 10 hectares)

Retain public matching of funds raised through the rate, dollar-for-dollar

The panel considers the current dollar-for-dollar matching of the DPR by the State government a strength of the model. It supports the principle of shared responsibility by providing a base level of secure government funding for pest management activities equal to the direct financial contribution made by ratepayers, and it creates scale in the funds available for pest management activities.

It also recognises the large public landholdings (which are typically not rated) that benefit from coordinated community-led pest control efforts, and that these collective efforts deliver important public benefits, such as environmental protection.

Options the panel will not progress

Replacing the DPR with fully publicly funded grants scheme

The panel considered the option of replacing the DPR with a fully publicly funded grants system to support community-led pest management efforts across WA.

This option has several benefits, such as administrative simplicity and greater capacity for investment to be directed to changing pest priorities. However, on balance, the panel does not consider this as a viable option. It does not adequately support the principle that those who benefit from an activity should contribute to the costs of that activity. There is also the risk that the funding will erode overtime and there is insecurity in funding from one year to the next. A sustained long-term funding commitment is required to manage pests.

A whole-of-state biosecurity levy

The panel considered the option of replacing the DPR with an Emergency Services style levy administered by local governments. The panel did not consider this a viable option for managing widespread and established pests, or WA's broader biosecurity system.

While everyone benefits from an effective biosecurity system, it is appropriate that everyone contributes according to their role in that system. This means that direct public funding of WA's biosecurity system is best supplemented through a mix of revenue-raising mechanisms tied to specific roles in the system, and the benefits gained.



Strengthen planning and coordination for managing widespread and established pests

A planned approach to pest management at a state-wide level is important for the efficient and effective operation of WA's biosecurity system (see Reform Area 3). The panel recognises, and agrees with key stakeholders, that overall strategic direction, planning and coordination for the current DPR-RBG model requires significant improvement.

In the context of managing established and widespread pests, a planned approach would involve:

- prioritising the allocation of resources to where the greatest return on investment can be achieved, in terms of protecting assets from the impact of pests
- pest management activities that are undertaken according to a cost-effective, science-based and risk-managed approach
- State and local government investment in pest management that is targeted to the greatest public good, and
- land managers, community groups and local governments being involved in planning and decision making according to their roles, responsibilities and contributions.

It is appropriate that a co-design process be used to develop the specific arrangements and framework for planning (and reporting) the management of widespread and established pests as one element of WA's biosecurity system. At a minimum, this will require collaboration and representation from local communities and governments to allocate and prioritise funding within a broader biosecurity system framework. This will not only improve the effectiveness of activities funded through the community-led model, it will also help to coordinate and align efforts with other State programs for managing widespread and established pests (e.g. the [Wild Dog Action Plan](#)⁴³, [State NRM grants](#)⁴⁴ and [Western Shield](#)⁴⁵).

The reform opportunity identified in Reform Area 3 will ensure that appropriate planning systems and processes (at state, regional and local levels) are in place for coordinated community-led pest management.

Funding to be pooled and apportioned

The simplification of the rate as detailed above enables, under the panel's proposed model, for both rate and matched government funds to be pooled then apportioned across the state for specific purposes. A defined methodology, determined through the improved planning and coordination processes, should be used to do this. The panel acknowledges the value of maintaining the nexus between local revenue and local impact. Landholders who pay the rate will reasonably expect to see, and benefit from, pest management activities being funded in their local area.

⁴³ <https://agric.wa.gov.au/n/5973>

⁴⁴ <https://www.wa.gov.au/organisation/department-of-primary-industries-and-regional-development/state-natural-resource-management-program>

⁴⁵ <https://www.dbca.wa.gov.au/parks-and-wildlife-service/wildlife-and-ecosystems/western-shield>



While it is intended that the vast majority of funds raised will be spent locally, the panel considers it vital that a level of flexibility and resilience is built into the system, through pooling the funds for allocation across WA. By removing the unnecessary rigidity of the current system where DPA funds cannot be reallocated across the 14 existing rating areas, the alternative model will be able to quickly respond to changing pest behaviours and priorities across regions, as well as withstand inevitable annual fluctuations in revenue raised.

The panel considers it appropriate that funds be apportioned to:

- local/regional coordination (base level of funding to coordinate pest management activities)
- priority pest management projects and programs (funding for short and longer-term pest management projects and programs, at appropriate scales)
- compliance programs (costs involved for state or local government to deliver targeted compliance activities to support priority pest management programs)
- administer the funding scheme – this incentivises a rating approach that is cost-effective to administer
- audit and acquittal processes – to ensure appropriate tracking and quality assurance on programs receiving public funds.

A flexible funding system, underpinned by a planned approach to apportioning funds, will be better placed to support pest control efforts across geographical areas, including metropolitan areas where relevant, compared to the current system that can be hampered by rigid and artificial funding boundaries.

Entities eligible to receive funding to be broadened and co-contributions incentivised.

There are many suitably skilled entities across WA that undertake activities to control widespread and established pests, such as local governments, Aboriginal groups and enterprises, regional Natural Resource Management groups and other Landcare and pest management community groups.

Under the panel's proposed model, DPR and matched funds would support the diversity of groups, interests and activities involved in these management efforts. This is a significant change from how the model currently operates, whereby RBGs have exclusive access to these funds within the area that they operate.

The panel considers that broadening the range of entities eligible to receive funds would add further depth and breadth of expertise in pest management knowledge and skills, and in other areas such as governance and communications. It will also support existing or new entities to leverage already established community networks and capacities in ways that make sense to them. Importantly, opening the funding up to other entities will help to address the bias of the current model toward the control of agricultural pests.

This approach could enable, for example, an entity to manage feral pigs at a regional or level to be funded under the proposed model. That entity could then work with a network of local groups to coordinate on the ground action across the region(s). The proposed model could also support smaller, localised community groups to target a specific pest of concern to them through small grants.



Current RBGs are well placed to continue to make a valuable contribution within an expanded delivery model. They have established knowledge and experience in working with local communities to plan and prioritise resources and efforts, and to coordinate the location and timing of pest control activities to achieve maximum effectiveness.

The panel also considers it essential that the model incentivises co-contributions (both financial and/or in kind) from eligible entities, with the intention of bringing more investment into the system. This supports the principle of shared responsibility, would provide greater leverage on the investment of public funds and further encourages coordinated collective action. Co-contributions (or co-funding) is a common characteristic of many funding programs.

Co-contributions

Co-contributions can be cash (such as income) or in kind (such as volunteer time, consumables or materials) resources that are donated or provided to a pest control project/program.

In the context of widespread and established pest management, co-contributions could take many forms, including local governments committing funds to priority pest control programs, private companies (e.g. mining companies) providing funds to local community-led pest management projects or RBGs mobilising landholder resources (such as time, service delivery fees, machinery) to target priority pests.

Importantly, introducing a level of contestability and incentivising co-contributions into the model will help drive efficiencies, performance and innovation in the delivery of pest management activities.

The panel recognises that opening the funding up to a broader range of entities should only be done within the context of a stronger planning and reporting framework – at the state, regional and local level (see Reform Area 3). Such a framework ensures that pest priorities are agreed, coordination and delivery entities involved in pest control efforts are appropriately identified, and everyone is working effectively together towards shared outcomes.

Strengthening Partnerships

There is considerable scope for small community groups (such as RBGs) to attain efficiencies in local administration by partnering with entities that deliver similar activities and/or that have relevant pre-existing capacity (e.g. relating to governance, administration or communications). This could be achieved through smaller pest management groups being organised within a larger entity's infrastructure to share overheads and administrative functions.

Such partnerships would strengthen governance support to smaller community groups and help to alleviate some of the difficulties they experience in finding and retaining suitably skilled staff for a number of the functions that are already being done by other groups. It would help to reduce the duplication of administration costs across entities operating in the same areas, ensuring that any funding received (and resources more broadly) is appropriately focused on delivering pest management services.



Tell us what you think

Opportunity 13

Simplify the rating approach and broaden the revenue base of the Declared Pest Rate (DPR) model through a uniform (where possible) progressive *ad valorem* rating structure applied to land across WA that has significant land management requirements (including pest control).

This would appropriately target landholders who would primarily benefit from coordinated community pest management efforts.

Under this simplification, a DPR would be applied across WA to freehold or leasehold rural land classes of sufficient size.

In this context, this would include land of a minimum size (e.g. one, five or 10 hectares) with rural characteristics such as agricultural and pastoral properties, privately-owned conservation land, market gardens, vineyards and rural lifestyle properties.

Opportunity 14

Retain the State government legislated dollar-for-dollar matching of funds raised through a DPR.

This recognises the significant public land estate and public benefit from a coordinated community-led approach.

Opportunity 15

Within the planning (and reporting) framework and arrangements for managing widespread and established pests, apportion pooled DPR/matched funds to:

- local/regional coordination (base level of funding to coordinate pest management activities)
- priority pest management projects and programs (funding for short and longer-term pest management projects and programs, at appropriate scales)
- compliance programs (costs involved for state or local government to deliver targeted compliance activities to support priority pest management programs)
- administer the funding scheme
- audit and acquittal processes for the funding received.

Opportunity 16

Broaden the range of pest management entities that are eligible to receive pooled DPR/matched funds, and incentivise co-contributions from funding recipients.



Reform Area 9. Compliance with WA's biosecurity laws

Compliance with legislation is important. Laws and regulations exist to protect individuals, businesses and society as a whole. Failing to comply can result in a variety of negative consequences including harm to people or the environment, damage to an industry's reputation, legal action and penalties.

Penalties, such as fines or imprisonment, are used to discourage non-compliance. They serve as a form of punishment, helping to ensure that those who break the law face consequences for their actions.

The challenge: deterring non-compliance and encouraging compliance

Compliance with the requirements of the BAM Act is fundamental to protecting WA's \$10 billion agriculture and food sector, unique natural and urban environments, and our social and cultural practices. However, like other reports relating to WA's biosecurity⁴⁶, the BAM Act review consultations found there were relatively widespread perceptions of non-compliance with the BAM Act's biosecurity provisions.

Additionally, there were widespread perceptions that the State took little action to enforce compliance and issue penalties. For penalties to be effective deterrents to non-compliance, they need to be sufficiently severe *and* people need to believe that there is a strong probability of being caught.

Encouraging compliance is important. People need to be aware of the laws, understand why they are needed, and know what they need to do to comply and how to do it.

What we need to achieve

The panel identified the following key outcomes to support compliance with WA's biosecurity laws:

- Activities to encourage compliance are underpinned by behavioural science and evaluation.
- Penalties under the BAM Act are appropriate to the offence and appropriately enforced.

Opportunities for reform

Stakeholders expect the State to deliver on its obligation to monitor compliance with the BAM Act and undertake enforcement activities in all circumstances of non-compliance. However, monitoring, surveillance, inspection and enforcement activities are costly. As the agency assisting the Minister for Agriculture and Food to administer the BAM Act, DPIRD's preferred course of action is to design activities that increase the number of people who are willing to do the right thing.

Education programs, industry guidance and information about the purpose of the rules and the penalties that apply if the rules are broken are important ways to encourage compliance with WA's biosecurity laws. However, providing information on its own is not

⁴⁶ For example, Managing the Impact of Plant and Animal Pests: Follow-up (Western Australian Auditor General's Report, Report 4: 20020-21, 31 August 2020)



enough to achieve effective compliance. Attention needs to be given to initiatives aimed at achieving the desired behaviour change. Increasingly, agencies with a regulatory role across Australia are investing in behaviour change research to help inform effective policies and strategies that can achieve the desired results.

Helping people do the right thing

Activities aimed at encouraging 'willing compliance' have been widely adopted by regulatory agencies as an integral part of their compliance and enforcement approach.

For example, an aim of the Compliance and Enforcement Policy of NSW's Department of Primary Industries is to *build a culture of voluntary compliance and empower licensees, stakeholders and other invested parties to be responsible for their actions.*

When individuals and businesses willingly comply with regulatory requirements, it can:

- reduce the need for regulatory agencies to undertake enforcement action
- increase trust between the regulator and regulated entity, and
- result in more effective regulation and better outcomes overall.

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Activities to encourage compliance need to be coupled with activities to discourage non-compliant behaviours – penalties, monitoring and enforcement. The BAM Act includes penalties for various offences. It also supports modified penalties to be issued via infringement notices.

Infringement notices are a type of enforcement action and are typically issued for minor offences or breaches of regulations. The recipient of the notice has the option to pay a specified fine (modified penalty) as an alternative to contesting the alleged offence in court. The alleged offender who pays an infringement notice is not admitting guilt and does not receive a conviction. Infringement notices allow quicker and more efficient enforcement without having to resort to more time-consuming, and costly, legal action.

Current penalties under the BAM Act

- Border biosecurity provisions support penalties ranging from \$10,000 to \$100,000, and imprisonment for 12 months for some offences.
- Compliance with the post-border biosecurity provisions is supported through penalties ranging from \$5,000 to \$100,000, and imprisonment for 12 months for some offences.
- The residue management provisions are supported by penalties of \$50,000.
- The adulteration provisions are supported by penalties of \$100,000 and 12 months imprisonment.
- The chemical safety provisions are supported by penalties of \$20,000 or \$50,000.
- Non-compliance with directions issued under the inspection provisions can result in penalties of \$20,000, and potential liability to pay for remedial action.
- Infringement notice amounts range from \$100 to \$2,000.

⁴⁷ <https://www.dpi.nsw.gov.au/biosecurity/managing-biosecurity/compliance>



Although stakeholders generally felt that the penalties under the BAM Act were adequate, a review of the penalties applied in other jurisdictions identified ways in which the adequacy of the BAM Act's penalties could be improved.

In general, the penalty regime under the BAM Act seems to provide for lower fines than other Australian jurisdictions, even when adjusted for inflation.

For instance, fines under the BAM Act would need to increase fourfold to be commensurate with most jurisdictions – although Victoria and the Commonwealth have fines of comparable value to WA.

There is also an argument that biosecurity penalties should be on par with those for environmental breaches. The penalties in NSW's *Biosecurity Act 2015* were modelled on environmental legislation and have some of the largest biosecurity penalties in Australia (up to \$2.2 million). As with breaches of environmental laws, the harm caused by biosecurity breaches can be extensive, long-lasting and difficult or impossible to reverse.

Penalties under contemporary legislation

An **aggravated offence** is an offence committed in particular circumstances set out in the legislation that make the offending more serious. If these circumstances are met, the offence attracts a more significant penalty to reflect the seriousness of the offence committed. This helps to ensure that the penalty is proportional to the harm caused and acts as an effective deterrent to future offences.

A **continuing offence** is a type of offence that involves a persistent or repeated violation of a law or regulation over an extended period. The penalties for continuing offences can be more severe than those for isolated violations, as the ongoing nature of the offence indicates a greater disregard for the law and a greater potential for harm (for example, a 'per day' financial penalty for each day that the offence occurs and creates harm). The BAM Act includes penalties for continuing offences.

Penalty units are an efficient way of expressing and updating the financial penalty associated with a regulatory offence. The penalty is expressed in terms of a specific number of penalty units, and the value of a penalty unit is pre-determined and can be reviewed and adjusted periodically to account for inflation or other changes in economic conditions. As an example, if the penalty is 10 penalty units, and the value of a penalty unit is \$100, then the total penalty for the offence would be \$1,000.

In relation to monitoring compliance and enforcement, under the BAM Act the DG of DPIRD has the authority to appoint inspectors. Inspectors can have the legal powers to enter, access, search, inspect, seize and sample, and to issue directions, notices, infringements and support prosecution when offences occur.⁴⁸

In practice, DPIRD takes a risk-based, outcome-focused approach to compliance and enforcement. This involves identifying and prioritising areas of regulatory risk based on the likelihood and potential impact of non-compliant behaviour.

⁴⁸ In addition to inspectors appointed by the DG under s 162 of the BAM Act, certain law enforcement personnel who have been given authority under other Acts (e.g. police officers, fisheries officers, wildlife officers) may exercise powers under the BAM Act as inspectors.



The relatively widespread stakeholder perceptions of non-compliance with the BAM Act and little monitoring or enforcement by DPIRD are mainly in relation to the landholder’s duty to control widespread and established declared pests on their property. By their nature, these pests are the most likely to be visible in the landscape. Their occurrence on a property is often not sufficient to indicate that a landholder is not undertaking reasonable and appropriate levels of control, and the biosecurity risk is low (from a whole-of-state perspective).

It is a reality that these pests will need ongoing active landholder management to protect assets and suppress pest numbers. A balance needs to be struck to enable the State government to target its available resources to the areas of greatest regulatory risk, while also ensuring appropriate levels of monitoring and enforcement are undertaken.

For controlling widespread and established declared pests, local monitoring and enforcement may be more effective at achieving these outcomes. Local governments can, and do, create local laws for pest plants (i.e. weeds) under the BAM Act. The local laws enable local governments to undertake enforcement actions in relation to these weeds, using existing local government systems established under the *Local Government Act 1995*. However, the weeds the local law provisions apply to are restricted to weeds that are not declared pests under the BAM Act.

The panel considers it appropriate to expand local government’s ability to create local laws for any widespread and established pest animal or plant, regardless of whether it is a declared pest under the BAM Act. This would enable local governments to monitor and enforce compliance when it is considered a priority by them to do so, and to support their community’s pest management efforts.

This expansion of local government capacity would be consistent with, and supported under, the alternative model proposed for community-led pest management in Reform Area 8.

WA’s risk-based, outcome-focused regulatory approach

DPIRD is the primary regulatory body for the BAM Act.

The [regulatory compliance approach](#) applied by DPIRD is risk-based and outcome-focused.

Risk-based approaches are considered best practice for regulatory compliance as they support a cost-effective approach to monitoring compliance, targeting available resources, and proactive, proportionate and appropriate responses.

Contemporary regulatory compliance approaches, including those used by DPIRD, involve a range of strategies and techniques to ensure compliance with laws and regulations.

These risk-based approaches involve proactive monitoring and enforcement, self-regulation and willing compliance, technology and data analytics, and collaboration and partnerships.

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⁴⁹ <https://www.wa.gov.au/system/files/2022-04/Regulatory%20Compliance%20Approach%202022.pdf>



Tell us what you think

Opportunity 17

Develop and implement initiatives to achieve behaviour/practice changes that support compliance with WA's biosecurity laws.

An ongoing program of biosecurity behaviour change research is necessary to inform these initiatives, and evaluation will be critical to ensuring that they are delivering outcomes.

Significant planning will be needed to identify and prioritise the behaviours/practices required to support compliance and develop the initiatives. A new body (see Reform Area 3) may play a role here.

Opportunity 18

Incorporate 'aggravated' offence considerations in the BAM Act to help ensure that the penalty is proportional to the harm caused.

Work will need to be undertaken to identify the circumstances that would make the offending more serious and, therefore, warrant it being an 'aggravated offence' – for example, if the offence was committed intentionally or recklessly.

Opportunity 19

Use penalty units in the BAM Act.

Using penalty units will ensure the monetary value of the penalty does not diminish over time, as it is much easier and more efficient to adjust the value of a penalty unit rather than amend the dollar amount in the legislation.

Opportunity 20

Increase the monetary value of penalties under the BAM Act, in line with the penalty framework used by environmental laws.

It is argued that the harm that is caused by violating biosecurity laws can be just as severe, long-lasting and irreversible as breaches of environmental laws.

Opportunity 21

Expand the scope of local government laws under the BAM Act to apply to any widespread and established pest animal or plant.

This will create an opportunity to make monitoring and enforcing compliance more visible at the local level. Coupled with appropriate penalties, it may reduce the incidence of non-compliance.

While it is recognised that a clearer definition of what qualifies as a 'widespread and established' pest is needed, the intent of this reform option should still be clear.



List of reform areas, key outcomes and opportunities

Reform Area 1. Clarifying the role of the BAM Act

Key outcomes

The panel has identified the following key outcomes for the Objects of the BAM Act; that the Act:

- has clear Objects, helping readers to successfully interpret and implement it
- anticipates increasing biosecurity and agriculture management risk and complexity, and
- strengthens WA's contribution to Australia's biosecurity system.

Opportunity 1

Clarify and simplify the legislative framework by defining 'biosecurity' to encompass the agriculture management outcomes currently provided for in the BAM Act, where it is reasonable to do so.

This would mean chemical products, residues on land, and the adulteration of agricultural products or feed would all be captured as 'biosecurity' for the purposes of the legislation.

Opportunity 2

Amend the objects of the BAM Act to:

- increase the Act's focus on providing for an effective biosecurity system
- be more descriptive of the contexts to which biosecurity applies under the Act, to align with the more contemporary legislation
- provide for a framework for minimising biosecurity risk and risk-based decision making, including when evidence is uncertain or lacking
- emphasise that biosecurity is everyone's responsibility for everyone's benefit
- refer to emergency preparedness and the effective management of biosecurity emergencies
- include reference to intergovernmental agreements
- provide for trade of WA's produce and products by ensuring it meets national and international biosecurity requirements.

Opportunity 3

Include a statement in the BAM Act that identifies the need to involve and engage all biosecurity system participants in its implementation, including Aboriginal peoples, the general public, communities, industries and local, state and federal government bodies.

Reform Area 2. Working together to protect WA

Key outcomes

The panel identified the following key outcomes for shared responsibility:

- Everyone contributes to WA's biosecurity by taking reasonable and practicable steps to reduce biosecurity risks and impacts that are under their control.



- Everyone understands the importance of biosecurity and the benefits it delivers to them and to WA as a whole.

Opportunity 4

Introduce a general biosecurity obligation in the BAM Act.

The general biosecurity obligation will require everyone to take reasonable and practicable measures to prevent, eliminate or minimise biosecurity risks and impacts that are under their control.

Opportunity 5

Improve biosecurity communications and engagement to ensure everyone understands what biosecurity is, how it benefits them, how they can contribute and the value of their participation.

To be effective, careful planning and implementation of tailored communication and support strategies is needed. This should be supported by a deep understanding of the target audiences and the factors that influence their behaviours.

Reform Area 3. Planning and reporting – vital to a better biosecurity system

Key outcomes

The panel has identified the following key outcomes for planning and reporting on WA's biosecurity system. These align with WA's commitment to the IGAB:

- Biosecurity investment prioritises the allocation of resources to the areas of greatest return, in terms of risk mitigation and return on investment.
- Biosecurity activities are undertaken according to a cost-effective, science-based and risk-managed approach.
- State and local governments contribute to the cost of risk management measures in proportion to the public good accruing from those measures, and their role in the system.
- All other biosecurity system participants contribute in proportion to the risks created and/or benefits gained.
- Biosecurity system participants are involved in planning and decision making according to their roles, responsibilities and contributions.
- Decisions that are made to further develop and operate WA's biosecurity system should be clear and, wherever possible, made publicly available.

Opportunity 6

Establish a formal body to provide strategic advice and leadership for WA's biosecurity system.

The body would operate with the support of the Department of Primary Industries and Regional Development.

It would be tasked with the following, to support WA's biosecurity system:

- provide strategic coordination for community, industry, local governments, and State government agencies to work together to manage biosecurity risks and impacts



- ensure coordinated biosecurity activities are undertaken according to a cost-effective, science-based and risk-managed approach
- ensure State government resources for biosecurity are prioritised to the areas of greatest return and public good.

The body would be required to:

- partner with other entities across community, industries and the regions
- involve other biosecurity system participants, according to their roles, responsibilities and contributions (in line with the IGAB principles).

The body would also be required to report on the implementation and effectiveness of the plans it establishes, and to publish its plans and reports.

Consistent with biosecurity principles established in the IGAB, it would be appropriate to undertake a co-design process to further develop the form and functions of the body.

This would include identifying:

- industry, community and government entities that could be formally represented on the body and how – aligning with the principle of shared responsibility
- other entities that could be involved, including the scale at which they should be represented and involved in planning activities for different aspects of the system, from local, regional to state level
- the specific expertise required for the body to act as a strategic leader of WA's biosecurity system and how that expertise is to be provided
- the role of the body in recommending or making decisions under the BAM Act
- the role of the body in identifying priorities and resource allocation, particularly funding to industry, community and local governments
- the role and function of the Biosecurity Council under this new structure, if any.

Reform Area 4. Prioritising pests, weeds and diseases

Key outcomes

The panel has identified the following key outcomes for the prioritisation of pests and diseases:

- Appropriate legislative controls, rigour and resources are applied to reduce and control the risk of and harm caused by pests and diseases.
- Biosecurity system participants, informed by the outcomes of WA's biosecurity prioritisation process, can more readily understand their biosecurity obligation and act on it.

Opportunity 7

Introduce the definition of 'biosecurity matter' into the BAM Act, and further classify it as either prohibited matter, restricted matter or permitted matter based on the risk presented to WA.

Although this is a fundamental shift and change to the regulation of biosecurity risks and impacts in WA, it is likely to provide a stronger foundation for WA's biosecurity system by:



- reducing administrative burden as risk may be assessed for classes of things, rather than individual organisms
- simplifying the framework, making it easier to understand, explain, deliver and comply with
- helping focus the attention and resources of biosecurity system participants on the areas that are most relevant to them, and
- supporting harmonisation of legislation across jurisdictions.

Significant planning and discussion would need to occur to establish this new framework. Consistent with biosecurity principles established in the IGAB, it would be appropriate to involve relevant biosecurity system participants in this process. A new body (see Reform Area 3) may play a role here.

Reform Area 5. Emergency powers – a necessary precaution

Key outcomes

The panel has identified the following key outcome for emergency response powers:

- The WA government can undertake quick and decisive action to prevent or control a pest or disease that has or may have such a significant impact that it warrants the use of emergency powers.

Opportunity 8

Include formal emergency provisions in the BAM Act that can be applied to all biosecurity contexts.

This will ensure quick and decisive action can be taken in the event of a biosecurity emergency, and establish the primacy of the BAM Act during a declared biosecurity emergency.

Careful consideration will be needed to ensure emergency provisions can only be activated in limited circumstances and the actions to be taken are not more difficult or demanding than they need to be.

Opportunity 9

Ensure the BAM Act is positioned to be the primary Act for biosecurity, including biosecurity emergency responses in WA (excluding biosecurity responses relating to diseases that affect only human health).

This will require the BAM Act to have provisions that meet or exceed the powers that are established in other biosecurity legislation such as the *Biosecurity Act 2015 (Cth)*, *Aquatic Resources Management Act 2016*, *Biodiversity Conservation Act 2016*, *Exotic Diseases of Animals Act 1993*, and the *Public Health Act 2016*.



Reform Area 6. Compensation can boost biosecurity efforts

Key outcomes

Compensation and reimbursement are viewed as a critical gap in the BAM Act. The panel has identified the following key outcome:

- Individuals/businesses are fairly compensated or reimbursed for direct losses⁵⁰, costs and expenses when destructive action is required, using the powers of the BAM Act, to address a high-priority biosecurity risk.

Opportunity 10

Include appropriate compensation and reimbursement provisions in the BAM Act.

These are to cover direct loss or damage to plants, animals and property, and the costs/expenses incurred, because of destructive actions undertaken using the powers of the BAM Act during a biosecurity incident or emergency.

The provisions must exclude payments relating to indirect and consequential losses.

Consistent with biosecurity principles established in the IGAB, it would be appropriate to undertake a co-design process to further develop any compensation or reimbursement provisions.

This would include identifying and agreeing on the details of any legislated compensation and reimbursement provisions (who is/isn't eligible, how amounts are calculated, how applications are made, dispute processes etc.).

Reform Area 7. Enabling industries to act

Key outcomes

The panel identified the following key outcome:

- WA industries can access and take advantage of legislated support structures to establish and deliver collective and coordinated biosecurity actions for their priority pests and diseases.

Opportunity 11

Ensure third parties can be authorised to deliver accreditation schemes with industry.

This will support more efficient import/export of products and deliver biosecurity and product integrity outcomes for industry.

Authorisation to deliver a third party accreditation scheme would need to involve a robust state-based audit of the authorised third party businesses, supported by significant penalties to discourage non-compliance.

⁵⁰ Does not include consequential losses



Opportunity 12

Introduce industry-government biosecurity response agreements at a state level to formalise roles and responsibilities, including cost-sharing, during a biosecurity response relevant to industry.

This will encourage industry to consider how it can use the legislated mechanisms/tools that are available to support collective and coordinated biosecurity action (e.g. industry funding schemes under the BAM Act; and fee-for-service under the *Agricultural Produce Commission Act 1988*).

The response agreements would only be in relation to pests and diseases that are not covered by national biosecurity response arrangements and could also address compensation (see Reform Area 6).

The response agreements should provide a pathway for the State government to cover the upfront costs of a response, with provisions for industry to repay its share, similar to the national biosecurity response arrangements.

Significant planning and discussion would need to occur between industry and government to identify and agree on which pests and diseases warrant a formal agreement (underpinned by science/evidence), the cost-sharing arrangements, the mechanism to raise funds from industry, and what would happen if an arrangement were not put in place. A new body (see Reform Area 3) may play a role here.

Reform Area 8. Community-led pest management

Key outcomes

The panel has identified the following key outcomes for enabling community-led pest management:

- Local communities, networks and groups are supported to lead and undertake coordinated action to manage the impact of widespread and established pests on assets important to them, their region and the state as a whole.
- Action undertaken by local communities, networks and groups is effective and efficient, and contributes to the management of priority pests locally, regionally and for the state.

Opportunity 13

Simplify the rating approach and broaden the revenue base of the Declared Pest Rate (DPR) model through a uniform (where possible) progressive *ad valorem* rating structure applied to land across WA that has significant ongoing land management requirements (including pest control).

This would appropriately target landholders who would primarily benefit from coordinated community pest management efforts.

Under this simplification, a DPR would be applied across WA to freehold or leasehold rural land classes of sufficient size.

In this context, this would include land of a minimum size (e.g. one, five or 10 hectares) with rural characteristics such as agricultural and pastoral properties, privately-owned conservation land, market gardens, vineyards and rural lifestyle properties.



Opportunity 14

Retain the State government legislated dollar-for-dollar matching of funds raised through a DPR.

This recognises the significant public land estate and public benefit from a coordinated community-led approach.

Opportunity 15

Within the planning (and reporting) framework and arrangements for managing widespread and established pests, apportion pooled DPR/ matched funds to:

- local/regional coordination (base level of funding to coordinate pest management activities)
- priority pest management projects and programs (funding for short and longer-term pest management projects and programs, at appropriate scales)
- compliance programs (costs involved for state or local government to deliver targeted compliance activities to support priority pest management programs)
- administer the funding scheme
- audit and acquittal processes for the funding received.

Opportunity 16

Broaden the range of pest management entities that are eligible to receive pooled DPR/ matched funds, and incentivise co-contributions from funding recipients.

Reform Area 9. Compliance with WA's biosecurity laws

Key outcomes

The panel identified the following key outcomes to support compliance with WA's biosecurity laws:

- Activities to encourage compliance are underpinned by behavioural science and evaluation.
- Penalties under the BAM Act are appropriate to the offence and appropriately enforced.

Opportunity 17

Develop and implement initiatives to achieve behaviour/practice changes that support compliance with WA's biosecurity laws.

An ongoing program of biosecurity behaviour change research is necessary to inform these initiatives, and evaluation will be critical to ensuring that they are delivering outcomes.

Significant planning will be needed to identify and prioritise the behaviours/practices required to support compliance and develop the initiatives. A new body (see Reform Area 3) may play a role here.

Opportunity 18

Incorporate 'aggravated' offence considerations in the BAM Act to help ensure that the penalty is proportional to the harm caused.



Work will need to be undertaken to identify the circumstances that would make the offending more serious and, therefore, warrant it being an 'aggravated offence' – for example, if the offence were committed intentionally or recklessly.

Opportunity 19

Use penalty units in the BAM Act.

Using penalty units will ensure the monetary value of the penalty does not diminish over time, as it is much easier and more efficient to adjust the value of a penalty unit rather than amend the dollar amount in the legislation.

Opportunity 20

Increase the monetary value of penalties under the BAM Act, in line with the penalty framework used by environmental laws.

It is argued that the harm that is caused by violating biosecurity laws can be just as severe, long-lasting and irreversible as breaches of environmental laws.

Opportunity 21

Expand the scope of local government local laws under the BAM Act to apply to any widespread and established pest animal or plant.

This will create an opportunity to make monitoring and enforcing compliance more visible at the local level. Coupled with appropriate penalties, it may reduce the incidence of non-compliance.

While it is recognised that a clearer definition of what qualifies as a 'widespread and established' pest is needed, the intent of this reform option should still be clear.



Glossary

Term	Definition
<i>ad valorem</i>	According to the value
Assets	Property (real or personal) owned by a person or the government
Assurance certificate	An assurance certificate is a certificate given by a person (authorised under an accreditation), in relation to an animal, agricultural product, potential carrier, animal feed or fertiliser, for the purpose of export or movement, that states that the certified thing is of a particular quality, produced or treated in a particular manner, free from a particular thing.
Biosecurity	The management of risks to the economy, the environment and the community, of pests and diseases entering, emerging, establishing or spreading. Intergovernmental Agreement on Biosecurity (2019)
Biosecurity emergency	The occurrence or imminent occurrence of a biosecurity hazard that is of such a nature or magnitude that it requires an urgent and coordinated response including the activation of the State Hazard Plan Animal and Plant Biosecurity, if appropriate
Biosecurity incident	The occurrence or imminent occurrence of a biosecurity hazard that requires a coordinated response and the implementation of Incident Management System principles
Biosecurity system	Government and non-government structures, processes, and activities to manage risks to the economy, the environment and the community, of pests and diseases entering, emerging, establishing or spreading
Biosecurity system participants	Individuals, governments, entities, industries and other stakeholders that participate in biosecurity and agriculture management related activities
Caring for Country	A process by which Aboriginal and Torres Strait Islander people describe, connect, manage and perform their customary obligations to that Country, their kin and ancestors for present and future generations. Australia State of the Environment (2021)
Co-design	An inclusive method of designing fit-for-purpose programs, policies or services: <ul style="list-style-type: none"> • that brings citizens and stakeholders together and • where decision making is based on the experience of experts and on consensus of the group. Victorian Government (2020) https://www.vic.gov.au/co-design
Compensation	A means of recognising, through payment, damage or loss caused
Consequential loss	An indirect or flow-on consequence of damage or loss, for example, unrealised earnings stemming from the closure of a business, lost time or productivity
Contemporary biosecurity legislation	Consolidated biosecurity legislation that was introduced in Australia after the BAM Act was enacted including <i>Biosecurity Act 2014</i> (Qld), <i>Biosecurity Act 2015</i> (NSW), and <i>Biosecurity Act 2019</i> (Tasmania)



Term	Definition
Declared pest	a) a prohibited organism under the BAM Act; or b) an organism for which a declaration under section 22(2) of the BAM Act is in force
Emergency management	Management of the adverse effects of an emergency including — <ul style="list-style-type: none"> a. prevention — the mitigation or prevention of the probability of the occurrence of, and the potential adverse effects of, an emergency; and b. preparedness — preparation for response to an emergency; and c. response — the combating of the effects of an emergency, provision of emergency assistance for casualties, reduction of further damage, and help to speed recovery; and d. recovery — the support of emergency affected communities in the reconstruction and restoration of physical infrastructure, the environment and community, psychosocial and economic wellbeing
Emergency pest or disease	Pests and diseases that are: <ul style="list-style-type: none"> a. exotic to Australia and it is considered to be in the national interest to be free of the pest/disease; or b. a variant of an endemic pest or disease (that can be distinguished by investigative and diagnostic methods) which if established in Australia, would have a national impact; or c. a serious pest or disease of unknown or uncertain cause; or d. a severe outbreak of a known endemic pest or disease, and that is considered to be of national significance with serious social or trade implications. Intergovernmental Agreement on Biosecurity (2012)
Environmental biosecurity	The protection of the environment and/or social amenity from the risks and negative effects of pests and diseases entering, emerging, establishing or spreading. Priorities for Australia’s biosecurity system (2018)
Inspector (under the BAM Act)	<ul style="list-style-type: none"> a. in relation to the identification or movement of stock — an inspector appointed under section 162 (of the BAM Act) or a police officer; and b. in relation to fish — an inspector appointed under section 162, a fisheries officer or an inspector appointed under the Pearling Act 1990 section 35(1); and c. in relation to a declared pest other than fish — an inspector appointed under section 162 or a wildlife officer; and d. in relation to anything else — an inspector appointed under section 162 BAM Act 2007
Permitted organism	An organism for which a declaration is in force under section 11 of the BAM Act
Pest	In the context of the discussion paper, invertebrate and vertebrate pests (excluding humans) and weeds
Prohibited organism	An organism for which a declaration is in force under section 12 of the BAM Act



Term	Definition
Public good	<p>Public good is defined as having two important characteristics:</p> <ul style="list-style-type: none"> • non-excludable - the use of the good by one person does not preclude anyone else from using the good • and non-rival - the use of one good by one person does not diminish the utility of another person consuming the good
Quality assurance scheme	<p>A scheme relating to animals, agricultural products, potential carriers, animal feed or fertilisers that is designed to assure that the animals, plants, agricultural products, potential carriers, animal feed or fertilisers —</p> <ol style="list-style-type: none"> a. are of a particular quality or grade; or b. are in a particular condition; or c. were produced in a particular area or place; or d. were produced in a particular manner; or e. have been treated in a particular way; or f. are free from a particular organism, chemical residue, contaminant or adulterant; or g. comply with particular conditions or requirements <p>BAM Act 2007</p>
Recognised biosecurity group (RBG)	<p>A community-based independent association recognised by the minister under section 169 of the BAM Act</p>
Reimbursement	<p>Payment to a person, under specific circumstances, to cover money spent or costs incurred from a biosecurity incident or emergency response</p>
Stakeholders	<p>In this paper, refers to individuals and organisations with an interest in the BAM Act review</p>
Widespread and established pests and diseases	<p>A pest or disease that is perpetuated, for the foreseeable future, within its ecological range in an area and where it is not feasible (whether in terms of technical feasibility or a cost-benefit analysis) to eradicate the pest or disease</p> <p>Adapted from Intergovernmental Agreement on Biosecurity (2019)</p>
Unlisted organism	<p>The term for an organism that is not a permitted organism or a declared pest under the BAM Act</p>
Willing compliance	<p>The regulated community willingly comply with the rules because they understand them, see the benefit and/or are influenced by the regulator</p> <p>Adapted from Australian Maritime Safety Authority Compliance Strategy 2018-2022</p>



Biosecurity Management in Western Australia

Stage 3 of the statutory review of
the *Biosecurity and Agriculture
Management Act 2007*

Draft Submission

June 2023

1

Acknowledgement

The WA Local Government Association (WALGA) acknowledges the many traditional owners of the land on which we work throughout Western Australia. We pay our respects to their Elders, past, present and emerging. WALGA acknowledges the continuing knowledge and cultural practices that they bring to the Local Government and biosecurity management sectors to support resilient and sustainable land management.

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1. Introduction

Local Government plays a key role in biosecurity management in Western Australia. Local Governments' involvement in biosecurity ranges from assisting with early detection and reporting of pests and diseases, participating in State responses to biosecurity incursions, managing declared pests on lands owned under State law, working in partnership with Recognised Biosecurity Groups on control activities for declared pests, developing and enforcing pest management local laws, and supporting community groups to implement management actions for pests and diseases. It does this through organisational leadership, building and utilising strong networks and partnerships with stakeholders, and delivering on-ground action.

The *Biosecurity and Agriculture Management Act 2007* (BAM Act) came into effect in May 2013 with the *Biosecurity and Agriculture Management Regulations 2013*. The Minister for Agriculture and Food has responsibility for administering the Act and is required to carry out a review every ten years from commencement.

In March 2022, the State Government appointed an independent review panel to undertake the statutory review. The panel has been tasked with assessing the extent to which the BAM Act provides a fit-for-purpose, efficient and effective legal framework to underpin a world class biosecurity system, and related agricultural management, for Western Australia.

The review is being undertaken in a three stage public consultation process:

- **Stage 1 identify themes** invited open submissions on key issues relevant to the review of the BAM Act, and occurred from 16 June to 27 July 2022. A total of 113 submissions were received from a diverse range of stakeholders, including government representatives, community groups, NGOs and landholders. WALGA submitted a [Discussion Paper](#) that identified 11 key biosecurity management themes for the Local Government sector, and met with the review panel on 5 September 2022 to discuss these further.

Key points from the Stage 1 consultation period included:

- the BAM Act is working well but has inconsistency in application, and uncertainty about roles and responsibilities
 - border biosecurity is addressed well
 - the risk and impact of harmful pests, weeds and diseases in WA is growing, with some improvement in management needed
 - WA's biosecurity system is not appropriately balanced to deliver social, environmental and economic outcomes, with a focus on agricultural management
 - more work needs to be done to achieve compliance
 - improved efficiencies, resourcing and funding for biosecurity are needed
 - biosecurity communication and education are needed
 - Recognised Biosecurity Groups funded by declared pest rates may not be the best way of supporting a community-led approach.
- **Stage 2 explore themes** considered the range of issues identified during Stage 1, and selected four key themes that stakeholders saw as important to explore in more detail:

- 1 **principles to underpin WA's biosecurity**, including biosecurity in all contexts and shared responsibility
- 2 **legal foundations of WA's biosecurity**, including prioritising pests, weeds and diseases, and enabling industry and community action
- 3 **planning, coordinating and resourcing WA's biosecurity system**, including responsibilities and timing
- 4 **community-led pest and weed management**, including the Declared Pest Rate and Recognised Biosecurity Groups.

Stage 2 delved into the challenges and asked questions on what could be improved to inform the development of options and solutions. Feedback was sought through discussions with the review panel, workshops with DPIRD staff, and an online survey between 27 October and 4 December 2022.

WALGA participated in a policy workshop on the Declared Pest Rate and Recognised Biosecurity Groups on 20 September 2022.

WALGA partnered with DPIRD to host a consultation workshop for the sector on 24 November 2022, with Local Governments from across the State providing input.

- **Stage 3 solutions and reporting** presents legislative and non-legislative reform opportunities identified during the previous stages together with additional research in a [Discussion Paper](#), and is open for feedback for five weeks until 30 June 2023.

There are nine areas identified for reform, with desired outcomes and ways in which these might be achieved outlined for each. The feedback will help the review panel finalise its recommendations to the Minister later in 2023.

The discussion paper does not address matters relating to technical amendments raised by stakeholders during the consultation process to date, however these will be included in the review panels final report to the Minister.

2. Purpose of this Draft Submission

This draft submission summaries the nine areas for reform, target outcomes and suggested improvements identified in Stage 3 Discussion Paper. Alignment of the target outcomes with the WALGA Biosecurity Advocacy Position, and potential benefits or issues for the reform opportunities, are outlined.

As well as responding to [Stage 3 of the BAM Act Review directly](#), **Local Governments are also strongly encouraged to provide WALGA with feedback on the opportunities for reform by COB, Monday 26 June** via environment@walga.asn.au. The feedback received will be incorporated into WALGA's Stage 3 submission to the BAM Act Review on behalf of the sector.

Further information on how to submit a response is provided in Section 6 of this paper.

3. *Biosecurity and Agriculture Management Act 2007*

The BAM Act and associated regulations are the legal framework that supports biosecurity and agriculture management for the Western Australia by providing the essential powers and duties that enable:

- leadership in the biosecurity system
- shared responsibility, including funding arrangements and cost recovery for some areas of biosecurity
- surveillance for pests, weeds and diseases
- prevention and timely responses to incursions
- long-term management of pests, weeds and diseases that have established in WA
- management of the sale and use of agricultural and veterinary chemicals.

In December 2013, an assessment by the Office of the Auditor General, [Managing the Impact of Plant and Animal Pests: A State-wide Challenge](#) found that the BAM Act was failing to achieve state-wide pest management, due to the lack of an integrated approach across the State, lack of clearly defined roles and responsibilities of government agencies, limited monitoring of pests and no enforcement of the regulations, among other reasons.

The State Government responded to the Auditor General's report by developing the [Invasive Species Plan for Western Australia 2015-2019](#) and the [Western Australian Biosecurity Strategy 2016-2025](#).

The WA Biosecurity Strategy sets the overall direction for the management of emerging and ongoing biosecurity issues within the State, and is underpinned by three principles:

- biosecurity is a shared responsibility
- effective risk management underpins decision making
- policies and programs are transparent, consistent and evidence based.

In 2020, the [Auditor General conducted a follow-up audit](#) which found that State Government had not effectively addressed all the findings from the 2013 audit, although some progress had been made.

4. WALGA biosecurity advocacy position

WALGA's current Biosecurity Advocacy Position was endorsed in December 2022 and replaces the previous positions from 2017 and 2006. It was developed following sector consultation on WALGA's Discussion Paper for Stage 1 of the BAM Act Review. The draft Advocacy Position was considered in November 2022 by each of the 12 Country and 5 Metropolitan Zones in WA, which are groups of geographically aligned member Local Governments responsible for providing input into policy formulation. State Council then endorsed the Advocacy Position at the meeting on 7 December 2022.

WALGA's Advocacy Position 4.5 Post Border Biosecurity states:

Western Australia's economy, environment and the community are facing increasing challenges posed by already established and new pests, weeds and diseases.

Local Government has a significant role in biosecurity management, as land managers and regulators, and therefore has an interest in ensuring that Western Australia's biosecurity system, including control of declared pests, is effective and appropriately resourced.

WALGA considers significant changes to the operation of the State's biosecurity system, including the Biosecurity and Agriculture Management Act 2007, are required to ensure these risks can be managed now and into the future.

To be effective the Western Australian biosecurity system must:

- 1) Take a transparent approach to the notion of 'shared responsibility' by ensuring that:*
 - a) The respective roles and responsibilities of Commonwealth, State and Local Government, industry, landholders, community groups and individuals are agreed and clearly articulated; and*
 - b) There is improved pest management on State Government managed land and a formalised structure for State Government agencies with responsibilities for biosecurity management to work together and coordinate their activities.*
- 2) Be underpinned by a strategic framework, developed in collaboration with stakeholders, that:*
 - a) Establishes priorities for biosecurity threats in geographically defined regions, sets measurable targets and guides investment in biosecurity activities; and*
 - b) Is regularly evaluated and reported on.*
- 3) Have a greater focus on environmental biosecurity, through the increased recognition and management of pest species that have significant ecological impacts.*
- 4) Be adequately, sustainably and equitably funded:*
 - a) The appropriateness and effectiveness of the Declared Pest Rate (DPR) and Recognised Biosecurity Group (RBG) model as key mechanisms for the management of widespread and established declared pests should be reviewed and alternate mechanisms considered;*
 - b) Increased and more equitable distribution of funding for every step in the biosecurity continuum and adequate resourcing for all stakeholders, including Local Government; and*
 - c) The provision of funding for declared pest management in metropolitan areas.*
- 5) Ensure that the criteria and process for listing of declared pests is evidence-based, timely and transparent.*
- 6) Have an increased emphasis on compliance through education and enforcement activity, to ensure land managers are aware of their legislative responsibilities and are supported to implement biosecurity actions.*
- 7) Facilitate the use of new technologies, strategic monitoring, and the establishment of data management systems to inform biosecurity investment decisions and support adaptive management.*
- 8) Improve the community's understanding, awareness and action in relation to biosecurity to assist with threat surveillance and timely response to incursions.*

5. Biosecurity reform areas

Stage 3 of the BAM Act Review sets out nine priority reform areas:

- Reform Area 1: Clarifying the role of the BAM Act
- Reform Area 2: Working together to protect WA
- Reform Area 3: Planning and reporting- vital to a better biosecurity system
- Reform Area 4: Prioritising pests and diseases
- Reform Area 5: Emergency powers- a necessary precaution
- Reform Area 6: Compensation can boost biosecurity efforts
- Reform Area 7: Enabling industries to act
- Reform Area 8: Community-led pest management
- Reform Area 9: Compliance with WA's biosecurity laws.

Within these nine reform areas, there are 21 opportunities identified to clarify, strengthen and support a strengthened biosecurity system in WA.

WALGA has reviewed the nine reform areas, the target outcomes and the suggested opportunities for improvement. Alignment of the target outcomes with the WALGA Biosecurity Advocacy Position, and anticipated benefits or issues for the reform opportunities, are outlined in **Table 1**.

WALGA is seeking feedback on the benefits and issues of the proposed reform opportunities, as well any additional important considerations that Local Governments would like to see included.

The [Stage 3 Discussion Paper](#) outlines several significant legislative and non-legislative changes to the current biosecurity management arrangements:

- The establishment of a formal biosecurity body, with representatives from all biosecurity system participants, to provide strategic leadership for biosecurity through the development and oversight of a plan for the collaborative management and prioritisation of investment in pests and diseases across WA.
- A simplified framework and assessment process for 'biosecurity matter', which would be further defined as prohibited, restricted or permitted matter based on the level of risk presented to WA to replace the current assessment and declaration of individual organisms as unlisted, permitted, prohibited or declared pests.
- The Declared Pest Rate would change to a uniform *ad valorem* rating structure applied to the entirety of WA to land of sufficient size, and retain the State Government legislated dollar-for-dollar matching of funds raised. The pooled funds would be apportioned to priority pest management and compliance programs by the formal biosecurity body, with direction from local/regional levels, and also provide base-level funding for coordinating local/regional pest management activities.
- The range of pest management entities that are eligible to receive pooled funds would be broadened from Recognised Biosecurity Groups to include Local Government, regional NRM groups, Landcare and Aboriginal groups, and others, with co-contributions required from funding recipients.
- The scope of Local Government local laws will be expanded to apply to any widespread and established pest animal or plant.

Table 1: Review of Biosecurity Reform Areas

Reform Area 1: Clarifying the role of the BAM Act					
Review panel key outcomes (what we need to achieve)	WALGA's extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	WALGA's response on the importance of pursuing this opportunity for reform**	WALGA's identified benefits or issues with the reform opportunities
The Act has clear Objects	Agree	N/A	<p>Opportunity 1 is to clarify the legislative framework by defining biosecurity to encompass agriculture management outcomes currently provided for in the Act, including chemical products and residues on land.</p> <p>Opportunity 2 is to amend the objects of the BAM Act to describe the contexts to which biosecurity applies, provide for risk-based decision making, include biosecurity emergencies, and reference intergovernmental agreements.</p> <p>Opportunity 3 is to identify all biosecurity system participants, including Aboriginal peoples.</p>	Neutral	<p>Opportunity 2 benefit: a greater focus on environmental biosecurity will reduce ecological impacts and help reverse Australia's ongoing decline in biodiversity.</p> <p>Opportunity 3 benefit: Partnering with Aboriginal and Torres Strait Islander people add valuable cultural and ecological knowledge in the management of biosecurity issues.</p>
The Act anticipates increasing biosecurity risk and complexity	Agree	Yes (Statement 3)		Very important	
The Act strengthens WA's contribution to Australia's biosecurity system	Agree	Yes (Statement 1)		Very important	

*Strongly disagree, disagree, neither agree nor disagree, agree, strongly agree

**Not important at all, low importance, neutral, important, very important

Reform Area 2: Working together to protect WA					
Review panel key outcomes (what we need to achieve)	WALGA's extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	WALGA's response on the importance of pursuing this opportunity for reform**	WALGA's identified benefits or issues with the reform opportunities
Everyone contributes to WA's biosecurity by taking reasonable and practicable steps to reduce biosecurity risk and impacts that are under their control	Agree	Yes (Statement 1)	<p>Opportunity 4 is to introduce a general biosecurity obligation in the BAM Act (similar to recent reforms in workplace health and safety legislation)</p> <p>Opportunity 5 is to improve biosecurity communications and engagement</p>	Important Very important	<p>Opportunity 4 benefit: Introducing a general legal obligation for biosecurity management in the Act will provide legislative weight to the concept of shared responsibility.</p> <p>Opportunity 4 issue: A general legal obligation is a new concept for biosecurity management. It relies on all participants in the biosecurity system having an understanding of their obligation, and undertaking action as deemed reasonable. While the general obligation is intended to be non-prescriptive, it does create a system of accountability, the implications of which are unclear. As an example with similarities, the new <i>WA Work Health and Safety Act 2020</i> introduced a general legal obligation for persons conducting a business or undertaking (PCBUs) to ensure, so far as is reasonable practicable, workers and other persons are not exposed to risks to their health and safety. Employees were replaced with the term 'workers', which included employees, contractors, students and volunteers. The changes resulted in confusion in the Local Government sector as to what were reasonably practicable steps for the workers they were responsible for.</p>
Everyone understands the importance of biosecurity and the benefits it delivers to them and to WA as a whole.	Agree	Yes (Statement 8)			

					<p>It is important that the roles and responsibilities of each system participant is clarified. The roles and responsibilities of key state agencies such as DPIRD and DBCA need to be clearly defined and communicated to enable effective coordination and implementation of biosecurity actions. Local Governments role in the current system is also poorly articulated.</p> <p>Opportunity 5 benefit: Education and awareness of biosecurity responsibilities is a fundamental element of achieving voluntary compliance.</p>
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Reform Area 3: Planning and reporting – vital to a better biosecurity system					
Review panel key outcomes (what we need to achieve)	WALGA's extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	WALGA's response on the importance of pursuing this opportunity for reform**	WALGA's identified benefits or issues with the reform opportunities
Biosecurity investment prioritises the allocation of resources to the areas of greatest return	Agree	Yes (Statement 4)	<p>Opportunity 6 is to establish a formal body, supported by DPIRD, to provide strategic advice and leadership for WA's biosecurity system.</p> <p>The body would have government, industry and community representatives, and plan activities at the local, regional and state level.</p>	Very important	<p>Opportunity 6 benefit: A formal body to provide strategic leadership for biosecurity through the development of a plan for the collaborative management and prioritisation of investment in pests and diseases across WA is critical to achieving outcomes.</p> <p>Involvement of all biosecurity system participants in planning and delivery of actions through representation on the body will provide the expertise and coordination required.</p> <p>Planning at the state, regional and local level is required to ensure prioritisation and alignment of activities to contribute to the biosecurity system as a whole.</p> <p>Evaluation and reporting on action plan achievement is important to gain public confidence through accountability and transparency, measure success, inform investment decisions and ensure adaptive management.</p>
Biosecurity activities are undertaken according to a cost-effective, science-based and risk-management approach	Agree	Yes (Statement 2)	<p>It would provide strategic coordination of activities between biosecurity system participants, and identifying priorities and resource allocation to the areas of greatest return.</p>		<p>Evaluation and reporting on action plan achievement is important to gain public confidence through accountability and transparency, measure success, inform investment decisions and ensure adaptive management.</p>
State and Local Governments contribute to the cost of risk management measures in proportion to the public	Disagree	No	The body would report on the effectiveness of the implementation of the plan.		<p>Opportunity 6 issue: There is currently a lack of State Government control of declared pests on land under their jurisdiction, due to a lack of resourcing. It is important that this issue is addressed</p>

good accruing from those measures, and their role in the system					
All other biosecurity system participants contribute in proportion to the risks and benefits	Agree	Yes (Statement 4)			<p>during the strategic planning of biosecurity activities.</p> <p>Local Government has an important, but not greater, role in the biosecurity management system compared with other stakeholders (industry, community). The objective that couples Local Government with State Government as entities required to fund the cost of risk management measures implies that Local Governments are key to resourcing the system. The intention of including Local Government in this objective needs to be clarified.</p>
Biosecurity system participants are involved in planning and decision making	Agree	Yes (Statement 2)			
Decisions on WA's biosecurity system should be clear and publicly available	Agree	Yes (Statement 2)			

Reform Area 4: Prioritising pests and diseases					
Review panel key outcomes (what we need to achieve)	WALGA's extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	WALGA's response on the importance of pursuing this opportunity for reform**	WALGA's identified benefits or issues with the reform opportunities
Appropriate legislative controls, rigour and resources to reduce and control the risk of and harm caused by pests and diseases.	Agree	Yes (Statement 5)	Opportunity 7 is to introduce the definition of 'biosecurity matter' into the BAM Act, and further classify it as either prohibited, restricted or permitted matter based on the level of risk presented to WA, similar to Tasmania's Biosecurity Act 2019.	Important	Opportunity 7 benefit: A simplified framework and assessment process based on assessment of the level of risk or the matter would provide a more transparent process, and potentially a stronger foundation for WA's biosecurity system. The current framework for the assessment and declaration of organisms in WA is unclear, with stakeholders questioning the reduction in the number of declared animals and pests, and change of some control categories to unassigned, following a review by DPIRD in 2016.
Biosecurity system participants, informed by determined priorities, can understand their obligation and act on it.	Agree	Yes (Statement 1)	This would replace the current assessment and declaration of organisms as unlisted, permitted, prohibited or declared pests in WA. It would reduce the administration burden as risks may be assessed for classes of things rather than individual organisms, and make it simpler to understand requirements.		Opportunity 7 issue: WA's current biosecurity system is based on the declaration of organisms and assignment of management categories, which provides the legislative basis for management obligations of landholders. The replacement of this process with prescriptive legal requirements such as control orders, permits and codes would need to be clearly designed and communicated.

Reform Area 5: Emergency powers – a necessary precaution					
Review panel key outcomes (what we need to achieve)	WALGA's extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	WALGA's response on the importance of pursuing this opportunity for reform**	WALGA's identified benefits or issues with the reform opportunities
The WA Government can undertake quick and decisive action to prevent or control a pest or disease that may have a significant impact	Agree	Yes (Introduction Statement 4)	<p>Opportunity 8 recommends including formal emergency provisions in the BAM Act to ensure quick and decisive action.</p> <p>Opportunity 9 is to ensure the BAM Act has provisions that meet or exceed the powers in other biosecurity legislation, so that it is the primary Act for biosecurity (excluding diseases that affect only human health).</p>	<p>Very important</p> <p>Important</p>	<p>Opportunity 8 benefit: There are increasing challenges posed by new pests, weeds and diseases. It is critical that the BAM Act includes effective emergency provisions for pests and diseases that have not yet arrived within our borders (not limited to declared pests), or subject to delay during reviews by the State Administrative Tribunal.</p> <p>Opportunity 8 issue: It is essential that Local Government is consulted in the emergency response where emergency actions impact on Local Government operations or responsibilities.</p>

Reform Area 6: Compensation can boost biosecurity efforts					
Review panel key outcomes (what we need to achieve)	WALGA's extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	WALGA's response on the importance of pursuing this opportunity for reform**	WALGA's identified benefits or issues with the reform opportunities
Individuals/businesses are fairly compensated or reimbursed for direct losses and costs when destructive action is required to address a high-priority biosecurity risk.	Agree	N/A	Opportunity 10 is to include appropriate compensation and reimbursement provisions in the BAM Act.	Important	<p>Opportunity 10 benefit: Compensation may encourage individuals, businesses and organisations to report and take action on biosecurity risks, which may have significant implications if left unmanaged. The only compensation provisions that currently exist in the BAM Act are through Industry Funding Schemes, which are fully funded by industry, for industry.</p> <p>Opportunity 10 issue: The proposal to include compensation and reimbursement provisions in the BAM Act appears to be targeted at the public, businesses and organisations. Local Governments should be included as organisations that are eligible for compensation.</p> <p>As an example, removal or pruning of infected tree species is currently the recommended treatment to eradicate Polyphagous Shot Hole Borer. This destructive action would be a significant expense for Local Government, if not funded by DPIRD as per the current response plan.</p> <p>In addition, there is the loss of public amenity and direct cost of planting replacement trees. This reform area could be revised to include consequential losses as deemed reasonable.</p>

Reform Area 7: Enabling industries to act					
Review panel key outcomes (what we need to achieve)	WALGA's extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	WALGA's response on the importance of pursuing this opportunity for reform**	WALGA's identified benefits or issues with the reform opportunities
WA industries can access and take advantage of legislated support structures to establish and deliver biosecurity actions	Agree	N/A	<p>Opportunity 11 is to ensure third parties can be authorised to deliver accreditation schemes within the industry.</p> <p>Opportunity 12 is to introduce industry-government biosecurity response agreements, to formalise roles and responsibilities, and cost-sharing, during a biosecurity response relevant to an industry.</p>	<p>Important</p> <p>Important</p>	<p>Opportunity 12 benefit: While provisions to support WA industries to better establish and deliver biosecurity actions are not directly relevant to Local Government, there are benefits for the public good. The WA beekeeping industries desire for an industry-government agreement with funding mechanisms to eradicate varroa mite, should it need to be eradicated in WA, provides a good example. There would be flow on benefits for local communities, with a significant increase in hobby beekeepers in recent years.</p>

Reform Area 8: Community led pest management					
Review panel key outcomes (what we need to achieve)	WALGA's extent of agreement with outcomes*	Alignment with WALGA's Biosecurity Advocacy Position	Review panel's identified opportunities for reform to achieve outcomes	WALGA's response on the importance of pursuing this opportunity for reform**	WALGA's identified benefits or issues with the reform opportunities
Local communities, networks and groups are supported to lead and undertake coordinated action to manage established pests on assets important to them, their region and the state as a whole	Agree	Yes (Statement 4)	<p>Opportunity 13 is to simplify the rating approach and broaden the revenue base of the Declared Pest Rate through a uniform and progressive ad valorem rating structure applied to land across WA of sufficient size.</p> <p>Opportunity 14 is to retain the State Government legislated dollar-for-dollar matching of funds raised through a DPR.</p> <p>Opportunity 15 is to apportion pooled funds to priority pest management programs and compliance programs.</p> <p>Opportunity 16 is to broaden the range of pest management entities that are eligible to receive pooled funds (including Local Government) and incentivise co-contributions from funding recipients.</p>	<p>Very important</p> <p>Very important</p> <p>Very important</p> <p>Very important</p>	<p>Opportunity 13 benefit: WALGA considers, in-principle, that a broad-based DPR across WA for all freehold or leasehold or rural land classes of sufficient size represents a fairer system of funding the biosecurity system. It is noted that this would include land considered rural in the Perth metropolitan area and other regions across the state, which is not rated under the current system. WALGA considers this is preferable to a whole of state biosecurity levy (similar to the Emergency Services style levy), which was generally not supported by Local Government and which the review panel has noted it will not progress.</p> <p>Opportunity 13 issue: Further detail on this proposal is required. The DPR is currently applied to 47% (65 of 139) Local Government districts across the state. The application of the DPR across the entirety of WA represents a significant change to the current DPR model. There may be opposition from landholders to paying the rate, as some Local Governments have noted in the existing system, and communication and education on the broader benefits to the public good will be vital to ensuring support and compliance.</p>

<p>Action undertaken by local communities, networks and groups is effective and efficient, and contributes to the management of priority pests locally, regionally and for the state</p>	<p>Agree</p>	<p>Yes (Statement 4)</p>			<p>There also needs to be clarification as to whether Local Government land is defined as a rateable entity.</p> <p>Opportunity 15 benefit: WALGA supports the apportion of pooled funds to the management of widespread and established pests that are determined to be priorities at the local, regional and state level, as determined by the new formal biosecurity body.</p> <p>Opportunity 15 issue: The methodology on how the DPR funds would be allocated requires further clarification. WALGA notes that a large portion of funding generated from the Emergency Services Levy and Waste Levy is not received by Local Government, but allocated to the activities of State agencies. All DPR funds should be allocated to direct biosecurity activities of the pest management entities, with a separate budget provision for State agencies.</p> <p>It is noted that landholders who pay the rate will expect to see pest management activities funded in their local area. There is little land in the Perth metropolitan area that would be subject to the new DPR, thus the existing problem of a lack of resources to control established pests and diseases in urban areas has not been addressed.</p> <p>WALGA does not support the apportion of pooled funds to compliance programs. Compliance should be undertaken by the State Government regulator, DPIRD.</p> <p>The DPR should be collected by RevenueWA and not Local Government.</p>
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				<p>Opportunity 16 benefit: WALGA supports the broadening of eligible entities to receive funding to include Local Government, regional NRM groups, Landcare, Aboriginal and other pest management groups.</p> <p>WALGA supports the introduction of co-contributions from eligible entities as a fair and equitable approach to increasing investment in biosecurity management. This would recognise and leverage the existing significant investment, both cash and in-kind, that Local Governments currently contribute to biosecurity management at the local level.</p> <p>Opportunity 16 issue: It is unclear whether the pest management entities would need to be recognised by the Minister to receive funds, as is currently the case for Recognised Biosecurity Groups.</p>
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				<p>required but not mandated by the BAM Act, such as when pest plant species are delisted but remain problematic.</p> <p>Local Laws should not be identified as being more effective than State provisions at achieving the control of widespread and established pests. Rather, they have used been a last resort where State biosecurity provisions have been ineffective.</p> <p>Local Governments should not have the responsibility for monitoring and enforcement of an expanded range of Local Laws, which is effectively a cost-shift from State to Local Government.</p> <p>There is also the potential that a plethora of Local Laws are created by different Local Governments for the same species, with inconsistencies in provisions and penalty rates. A local law template for the sector may be useful to provide guidance on content and whether BAM Act penalties apply, or penalty rates are at the Local Government discretion. WALGA has a local law template for pest plants to assist Local Governments.</p>
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6. How to provide feedback

Given the short timeframe provided for Stage 3 of public consultation for the BAM Act Review, WALGA is strongly encouraging Local Governments to:

1. **Provide feedback directly to the Review Panel by Friday 30 June 2023** through the online survey portal [here](#).

AND

2. **Provide WALGA with a copy of their survey responses as well as any additional feedback on each of the key reform areas outlined in this draft submission.** Responses can be provided to environment@walga.asn.au by **COB Monday 26 June 2023**.

WALGA will be hosting an online workshop on Stage 3 BAM Act Review to facilitate feedback from the sector on **Wednesday 14 June, 10.30 am – 12 pm**. Please register [here](#) by Monday 12 June.

Feedback received from Local Governments will inform WALGA's Stage 3 submission to the BAM Act Review on behalf of the sector, and WALGA's ongoing biosecurity advocacy on behalf of the sector.

For more information, please contact **Melanie Davies, Biodiversity and Sustainability Project Officer**, mdavies@walga.asn.au or call 9213 2065.

7. Next steps

The Review Panel will deliver its final report to the Minister for Agriculture and Food later this year. The information received in Stage 3 will help the review panel formulate its final recommendations. The WA Government will then determine if it will act on those recommendations and, if it chooses to proceed, how further work and consultation will be done to progress the recommendations.

11.3 ECONOMIC DEVELOPMENT STRATEGY

File Reference:	ADM106
Location:	Shire of West Arthur
Applicant:	Kerryn Chia, Projects Officer
Author:	Kerryn Chia, Projects Officer
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	30/05/2023
Disclosure of Interest:	Nil
Attachments:	1. Economic Development Strategy ↓

SUMMARY:

Council is requested to endorse the attached Economic Development Strategy.

BACKGROUND:

Council approved the preparation of an Economic Development Strategy (EDS) for the Shire to help guide the shire staff in economic development within the Shire and townsite of Darkan. It is widely recognised that the town of Darkan has struggled economically and has a number of issues which are curtailing development of the town (such as housing). These issues were also identified by the local community at a number of workshops over the past few months.

The Shire engaged Anna Dixon Consulting to prepare the Economic Development Strategy on our behalf. Anna hosted an Economic Development Workshop which was well attended and provided input into the Economic Development Strategy. She also met with business owners and spoke to various community representatives during the preparation of the document. Anna liaised closely with Shire staff and reviewed all the existing Shire integrated planning documents. A draft was prepared and put out for public comment in May this year.

COMMENT:

No community input was received in response to the draft strategy and two submissions were received from councillors. This input was used to review the document and produce a final report (see Attachment).

CONSULTATION:

Community through the Economic Development Workshop
Local Businesses through one-on-one consultation
Shire strategic planning documents

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Implementation of the EDS will require ongoing funding and a commitment from council to fund the action plan. For the 2023 financial year it is anticipated that funding will be focused on:

- housing issues (EDS Action 2.1) – Total expenses - \$90,795
 - Housing Plan - \$6,500

- Conversion of block of land to freehold - \$25,600 (this is per block and based on a land purchase price of \$20,000)
- Business case and Quantity Surveyor for the development of new subdivision opposite the pool - \$43,175
- Soil sampling at four different blocks within the townsite (including Burrowes Street West) - \$15,520
- Industry Attraction Fund (EDS Action 3.11) - \$10,000
- Streetscaping (EDS Priority 1) - \$10,000-\$15,0000 – there are a number of grant applications currently pending in relation to streetscaping activities

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Our Community - Safe, Friendly, Inclusive

Outcome 1.2 – Support available for people of all ages and abilities

Strategy: Provide services and infrastructure to meet the needs of the community

Theme: Local Economy – Stable, sustainable agricultural industry, a dynamic and growing business sector

Outcome 2.2 – A growing, diverse business community

Strategy: Maintain and enhance our existing assets to encourage visitation

Strategy: Investigate opportunities for growth within the local economy

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Significant	Severe
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Nil
Risk Likelihood (based on history and with existing controls)	N/A
Risk Consequence	N/A
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	N/A
Principal Risk Theme	N/A
Risk Action Plan (Controls or Treatment Proposed)	N/A

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-057

Moved: Cr Karen Harrington

Seconded: Cr Adam Squires

That Council endorse the Economic Development Strategy as presented.

CARRIED



Shire of
West Arthur

Economic Development Strategy

2023-2033

westarthur.wa.gov.au

Forest to Wheatbelt



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We acknowledge the contributions made by key stakeholders, businesses and residents through consultation sessions and business and community surveys.

The Shire of West Arthur Economic Development Strategy was prepared by Anna Dixon Consulting in collaboration with the Shire of West Arthur. If you require further information or have any questions relating to this Strategy, please contact:

The Shire of West Arthur
 31 Burrowes Street
 Darkan WA 6392
 T (08) 9736 2222
 E shire@westarthur.wa.gov.au

Photo Acknowledgements: Caroline Telfer, Kerryn Chia, Frank Chia, and Astrid Volzke

DOCUMENT MANAGEMENT

Version:	
Release Date:	
Date Adopted:	
Comments:	



***The Shire of West Arthur acknowledges the Wilman Noongar people as the traditional custodians of this land.
We pay our respects to elders past, present and emerging.***

Message from the Shire President and CEO



Vin Fordham Lamont
Chief Executive Officer

The Shire of West Arthur Economic Development Strategy 2023-2033 provides a valuable roadmap as we build on our economic strengths, introduce new economic streams, and collaborate with other government entities, target industries and the business community to attract investment in our region.

The Shire of West Arthur is home to spectacular natural landscapes, our history is steeped in agriculture and our strong sense of community creates an energy and dedication to drive our region forward.

This document is designed to identify areas of most viable economic success and support the Shire, industries, the business sector and the community to focus on the actions that will reap the most rewards, in the short, medium and longer term.

Local government has several roles in ensuring the economic prosperity and growth of our community. Our primary functions of setting direction, planning for the future, regulation and managing community assets and infrastructure are further complemented by our role as an advocate and facilitator, bringing together stakeholders to collectively pursue shared interests.

The Shire of West Arthur Economic Development Strategy 2023-2033 aligns with the strategic direction set out in the Strategic Community Plan - West Arthur Towards 2031 and Corporate Business Plan 2021-2025, the State Planning Strategy 2050, and will positively influence economic development for the community.



Cr Neil Morrell
President

The community of West Arthur is resilient, collaborative and committed to our region. This strategy provides a robust and practical plan for the future - enhancing the aspects of our region we value and presenting new opportunities that will support future growth.

This plan leverages our existing assets, infrastructure and industries, providing short term actions, along with a longer-term strategic direction that will facilitate partnerships, funding opportunities and investment attraction in key areas.

Our community-mindedness and ability to embrace collaborative approaches to achieve outcomes is a vital ingredient in the ongoing success of our region. Achieving our economic goals can only be done in partnership with business, community and stakeholders. We would like to thank everyone who shared their ideas and provided input into this strategy.

This comprehensive strategy sets out several paths to enrich our community and aligns with what we value as a community. It highlights our areas of strength and presents economic potential in areas yet to be fully exploited. I look forward to working with our community and partners further afield to see our economic vision for West Arthur realised.



“Local Economic Development is a way to build up the economic capacity of an area in order to improve quality of life.” World Bank



Introduction

The Shire of West Arthur is a small, prosperous local government area covering 2,850km², including the townsites of Darkan, Duranillin and Arthur River, and Bowelling. Darkan is the administrative centre and the main settlement, located approximately 200 kilometres southeast of Perth, 60 kilometres from Collie and 115 kilometres from Bunbury.

West Arthur enjoys an enviable mix of beautiful rivers and lakes, rich agricultural land, strong community cohesion and liveability. Strategically positioned on a major transportation route, the Coalfields Highway, in the agricultural Wheatbelt South sub-region of Western Australia, it is rich with investment and tourism potential, with many natural and historical assets.

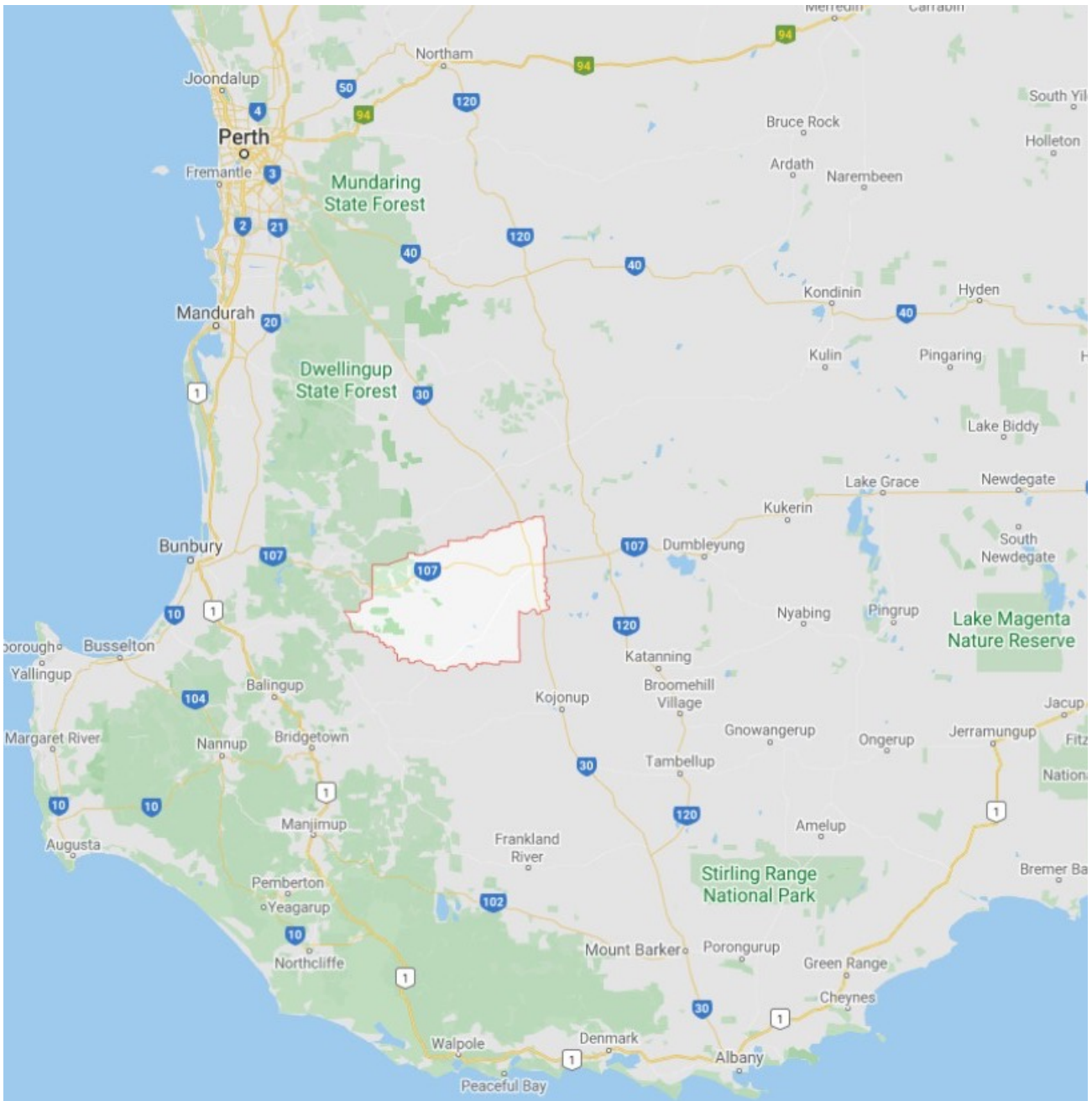
Traditionally a wool producing region, primary producers have moved into grain and meat production in recent years, with most operating mixed farming enterprises. There is a wide range of opportunities for industry diversification in the Shire and value-adding for premium niche products.

Steeped in pioneering and agricultural history, the Shire is nestled between the forests of the South West and the Wheatbelt to the east. Its close proximity to Perth, Bunbury, Albany, and Narrogin gives it a strong comparative advantage, with easy access to the Southern Wheatbelt, South West, Great Southern and Peel regions.

Community Vision:
*“In 2027, the Shire of West Arthur will be a safe, sustainable
 and vibrant place to live.”¹*

At the heart of our Economic Development Strategy is a belief in the potential of our Shire to become a destination of choice for business, lifestyle, tourism and investment. Retention and growth of existing businesses, new business attraction, jobs, investment, residential development and new commercial/industrial assessment are some of the benefits to be realised through this strategy.

Supporting business retention and expansion is a key priority in our Economic Development Strategy along with enhancing the overall attractiveness of our community as a place to live, invest in, or visit. By identifying initiatives to further improve our assets, our Action Framework identified initiatives that can leverage opportunities, bring vibrancy to the main street and other strategic locations, support new and existing business, and strengthen the Shire’s tourism offering.



“The ongoing viability of our Shire and community will continue to be at the forefront of all deliberations of Council.”
West Arthur Shire President²



Our Roadmap for Success

Economic Vision

Our economic vision has evolved as a result of widespread stakeholder consultation and consideration of the directions, needs and priorities set out in the Shire's Strategic Community Plan and Corporate Business Plan. Featuring strongly in these plans is the need for a stable, sustainable agricultural industry and a dynamic and growing business sector.³

***Shire of West Arthur's Economic Vision:
A resilient, diverse and prosperous economy, with an active agricultural and
business sector supported by partnerships and collaboration.***

This ten-year Economic Development Strategy is the roadmap we will use to pursue our economic development vision. It sets the direction for priorities, objectives, and actions and is based on an assets-based, multifaceted approach to fully build on our strengths and capture new opportunities for economic growth. It also takes into consideration the key determinants that contribute to long-term regional economic development:

- Human capital
- Sustainable communities and population growth
- Access to international, national and regional markets
- Comparative advantage and business competitiveness
- Effective cross-sectoral and intergovernmental partnerships⁴

Our strategy has been informed by extensive research and consultation and outlines the Shire's existing position and strategic opportunities, whilst showcasing what matters to our community and the Council's commitment to ensuring this strategy is delivered.

Economic Development Priorities

As a result of research and stakeholder consultation, seven priority areas have been identified as foundational to achieving our economic development vision. A detailed rationale for each of these is provided in the Action Framework at the conclusion of this document.



1. Placemaking and Activation



2. Infrastructure Development



3. Business Support



4. Tourism Development



5. Strategic Industries and Diversification



6. Investment Attraction



7. Economic Development Capacity

Economic Development Objectives

It is within these priorities that we aim to achieve the following economic development objectives:

1. A vibrant town centre and activated spaces within our townsite.
2. Built infrastructure that is well maintained and meets the needs of our community
3. A growing and diverse business community.
4. A thriving visitor economy that leverages our natural and heritage assets.
5. Greater economic resilience through industry diversification.
6. New industry development and diversified job opportunities.
7. Sufficient allocation of resources to successfully drive our strategy forward.

Measures of Success

- ✓ Shire population remains stable or increases
- ✓ Increased number of development approvals
- ✓ Increased availability of housing
- ✓ An increase in annual visitor numbers
- ✓ No net loss of businesses in the Shire
- ✓ Increase in new, diversified industries
- ✓ Fit for purpose infrastructure
- ✓ Well maintained and improved natural assets

Strategic Context

Approach

This Economic Development Strategy has been developed based on the findings of research, analysis, and stakeholder engagement (see Figure 1).

This includes socioeconomic research and analysis, policy context, mapping assets and opportunities, a collaborative workshop with local stakeholders and one-on-one interviews.

The Strategy forms a new component of our Integrated Planning Framework. Whilst guided by our Strategic Community Plan and Corporate Business Plan, it will also inform future reviews of these plans as part of an intentional strategic roadmap for our Shire that supports future decision-making. This approach is outlined in Figure 2.



Figure 1: EDS development process.

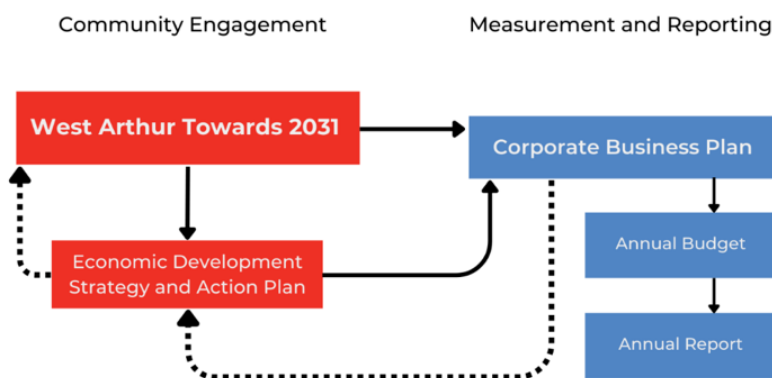


Figure 2: Shire of West Arthur Integrated Planning Framework

Our Role

The Shire of West Arthur has several roles to play in relation to economic development. Particularly in a regional setting, these roles extend beyond the primary functions of governing the local government’s affairs, responsibility for performance of local government functions, allocation of the local government’s finances and resources and policy development. These roles are outlined below and in the Action Plan.

Leader / Planner	Lead the community, set an example, set direction and plan for the future.
Owner/ Custodian	Fulfil Council’s obligations to manage the community’s assets – economic, social, physical and environmental infrastructure.
Regulator	Undertake a particular role in response to legislation.
Information Provider	Provide information, develop resources to promote community or economic understanding, and to inform decision making.
Advocate	Make representations on behalf of the community.
Facilitator / Initiator / Partner	Bring together or partner with stakeholders to collectively pursue a shared interest or service to resolve an issue.
Direct Service Provider / Part Funder	Fully fund or contribute funds and/or resources to provide a service, promote initiatives or progress a project.



Policy Alignment

This Economic Development Strategy has been developed in alignment with state, regional, sub-regional and local planning policy. This ensures that the recommendations made take into account critical strategic priorities for the State, region and community and align with their objectives. This hierarchy of documents, along with their aims and recommendations, are summarised in Figure 3.^{5 6 7 8 9 10 11 3}

WESTERN AUSTRALIA	
State Planning Strategy 2050	Foundations for a Stronger Tomorrow
<ul style="list-style-type: none"> • Global competitiveness • Resilient regions and sustainable communities • Infrastructure planning and coordination • Conservation 	<ul style="list-style-type: none"> • Global location of choice • Value add strategic commodities • Emerging technology and consumer class • Aboriginal cultural heritage and enterprise • Transitioning to net zero emissions technologies
WHEATBELT / WHEATBELT SOUTH	
Wheatbelt Regional Planning and Infrastructure Framework	Wheatbelt Blueprint & Wheatbelt South Sub Regional Economic Strategy 2014
<ul style="list-style-type: none"> • Liveable communities and vibrant economy • Valued natural amenity 	<ul style="list-style-type: none"> • Job intensive industry development • Build on comparative strengths
SHIRE OF WEST ARTHUR	
Local Planning Strategy Local Planning Scheme No.2	West Arthur Towards 2031 Corporate Plan 2021-2025
<ul style="list-style-type: none"> • More diversified use of rural land as appropriate • Processing and value adding industries • Promote tourism • Greater provision for heritage 	<ul style="list-style-type: none"> • Diversification in agriculture for improved employment • Growing, diverse business community and existing businesses develop and grow

Figure 3: EDS policy alignment at state, regional and local level.



Our Current Position

Profile

The Shire of West Arthur is located in the Wheatbelt region of Western Australia (WA), adjoining the South West, Wheatbelt and Great Southern regions. Darkan is the main town and administrative hub. The Shire is within the Gnaala Karla Booja Indigenous Land Use Agreement. The Shire of West Arthur takes a multifaceted approach to economic development. With a growing awareness of the need to go beyond economic statistics to build a full understanding of the quality of life in communities^{12,13} a range of indicators, drawing on the OECD Framework, are presented below. Indicators are provided at either the LGA scale, or functional Statistical Area (SA) scale - Wagin SA2 or Wheat Belt South SA3.

Population

The Shire of West Arthur has a population of 795, a 3.5% decrease since 2016, against a trend of population growth in WA. Aboriginal and Torres Strait Islander people make up 3.5% of the Shire's population, similar to WA.^{14,15} The median age is 47, older than the WA median of 38.¹⁴ A small proportion of residents were born overseas (9.1%), significantly lower than WA (32.2%).^{14,15}

Developed by the Australian Bureau of Statistics, Socio-Economic Indexes for Areas (SEIFA) assess the welfare of Australian communities. Based on census data, it includes measures of household income, education, employment, occupation, and other indicators of advantage and disadvantage. This index can be used for a range of purposes including targeting areas for business and services, strategic planning and social and economic research.¹⁶ Overall, the Shire has more disadvantage than WA, with a SEIFA Index of Relative Socio-Economic Advantage and Disadvantage (IRSAD) score of 988 in 2016, compared to 1,015 for WA.¹⁷

Safety

The Shire of West Arthur is a safe community and over the past ten years reported offences have averaged 20 per year¹⁸, with a steady decline since 2018/19. Reported offences in 2021-22 were 0.5 per 100 people¹⁹, lower than WA with 4.78 per 100. The Shire's SA2 area also has low prison admissions.²⁰



795 ↓
POPULATION
ABS, 2021



47 ↑
MEDIAN AGE
ABS, 2021



988 ↓
AREAS OF DISADVANTAGE
SEIFA IRSAD, 2016



0.5 ↓
OFFENCES / 100 PEOPLE
WAPOL, 2021-22

Education

Early childhood development is ranked in the top index score in Australia (Q5), performing better than surrounding local governments (see Figure 5). This reflects a very low proportion of students who are developmentally vulnerable on at least one Australian Early Development Census domain.²⁰

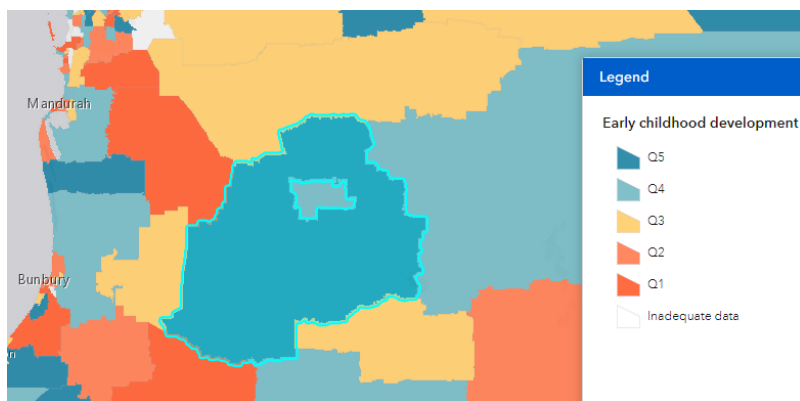


Figure 4: Least disadvantage (Q5) in Wagin SA2 area (Shire of West Arthur)

Darkan Primary School caters for Kindergarten to Year 6 and is a reputable, long-established school with a supportive P&C. Enrolled student numbers have trended downward over the past five years, from 81 in 2018 to 67 in 2022, based on Semester 2 student numbers.²¹

There are no high school or tertiary education institutions based in the Shire. Almost half of residents have attained year 12 or equivalent (47.5%). In 2021 7.1% of residents were undertaking tertiary study (university or vocational training), compared to 21.3% in WA.^{14,15}

Civic Engagement and Identity

The community has high rates of civic participation and a strong local identity. The last local government election participation rate calculated for the Shire was 48.7%,²² above the WA country average of 33.5% (2021).²³

The Shire of West Arthur Council has seven Councillors, with low gender diversity evident over the past 10 years.²⁴

In the Shire, 33% of residents report volunteering for an organisation or group in the past 12 months, more than double the rate in WA (15.9%).¹⁴

Heritage is an important part of local identity, and 141 places and sites were identified within the Shire in the recent Local Heritage Survey.

Access to Services

Darkan townsite is considered car-dependent based on the access to local amenities, despite the townsite itself being a walkable size.²⁵ The Shire is located on major road transport routes, providing access to Perth, Albany,



7.1% ↓

TERTIARY STUDY

ABS, 2021



48.7% ↑

LG ELECTION PARTICIPATION

WAEC, 2013



33% ↑

VOLUNTEER

ABS, 2021



141

HERITAGE PLACES

Local Heritage Survey, 2022



CAR DEPENDENT SERVICES- DARKAN

Walkscore, 2023

Collie, and Bunbury. A TransWA road coach runs regularly between Perth and Albany and stops at Arthur River. The Shire does not have other public transport options.

A private airstrip is located at Hillman Farm, approximately 15 kms north-west of Darkan townsite.

The Shire’s digital inclusion index is 63, below the national average²⁶ and 75.5% of households have internet access at home, below the WA average (85.1%).^{14,15}

Darkan has a well-equipped Community Resource Centre, which provides internet access for those in the community that do not have access at home.

Climate and Environment

The Shire enjoys a warm temperate²⁷ (Mediterranean climate), with lower occurrence of frost and heat compared to other parts of the Wheatbelt region, based on long term averages.²⁸ However, it is worth noting that West Arthur has been identified as having a high drought indicator (0.7), largely as a result of its high dependence on agriculture.²⁹

The Shire is within the Jarrah Forest Bioregion (JAF) of Australia,³⁰ and the ecological collapse of the Northern Jarrah Forest due to hotter and drier conditions with more fires is a key risk for Australasia.³¹

Overall, 4.2% of the land area in the Shire is protected.¹⁴ The Convention on Biological Diversity sets a target of 17% of each world ecoregion to be protected by 2020.³²

The Shire is located within the southwest Australia world biodiversity hotspot, one of Earth's most biologically diverse yet threatened terrestrial areas.³³ Biodiversity loss is among the top global risks to society.³⁴

Most farmers do not have access to a rubbish service. Co-mingled recycling and general waste kerb side services are offered to the townsite and those on the rubbish route, with an estimated 859kg of landfill waste and 152kg of recovered waste per household in 2020-21.²⁴

Health

The Shire has lower self-reported rates of both mental health conditions (including depression or anxiety) at 5.3%, compared to 8.3% in WA, and cancer at 1.6%, compared to 2.7% in WA.¹⁴

Self-reported rates of asthma, arthritis, heart disease and stroke were all above the WA rate.

Around half of residents (53.3%) self-report no long-term health conditions, less than the rate of 61.2% in WA.¹⁴

There is a low rate of GPs in the area²⁰ and hospital services are available in Collie and Narrogin.

The Shire boasts a wide range of sporting facilities, as identified in section Strategic Assets and Opportunities.



63 ↓

DIGITAL INCLUSION

ADII, 2021



ZONE 5

WARM TEMPERATE

ABCB



4.2% ↓

LAND PROTECTED

ABS, 2021



859KG

LANDFILL /HOUSEHOLD

MyCouncil, 2020-21



53.5% ↑

NO LONG TERM CONDITION

ABS, 2021

Income and Jobs

There are an estimated 622 employee jobs in the Shire^{14, 35} and the labour force participation rate is 66.9%, above WA (62.95%).¹⁴ The Shire’s SA2 area ranks well for low underemployment and low long-term unemployment.²⁰ Approximately 76% of jobs are in the agriculture sector, well above the Wheatbelt region (29.4%) and WA (2.4%).

Personal incomes in the Shire are diverse, with employee income the main source of income for only 49.2% of earners, well below the WA proportion of 77.7%. The other main sources of income are own unincorporated business 31.7% and investment 17.1% income (see Figure 6).

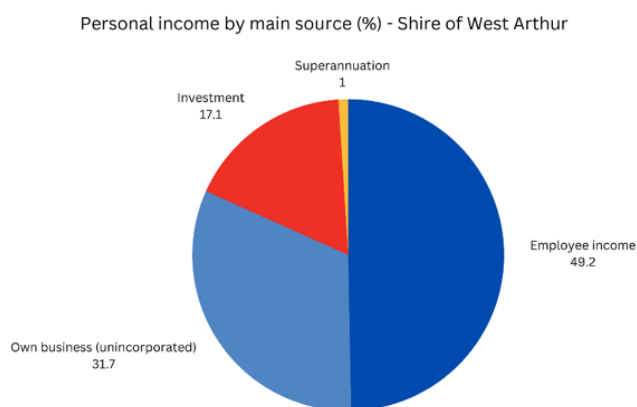


Figure 5: Main personal income by source (%) Shire of West Arthur 2021

The top 5% of earners account for 20.6% of income share,¹⁴ similar to WA at 22.2%. Median total income is \$51,095, comparable to WA (\$51,389)¹⁴ and the Shire’s SA2 area shows low financial stress.²⁰

Land and Housing

There are 334 dwellings recorded in the Shire, with an estimated 12.3% (41 dwellings) unoccupied, which is higher than the WA (10.9%) average. However, it is reasonable to conclude that a significant percentage of this data for ‘Unoccupied Dwellings’ is largely attributable to abandoned farming properties, with some semi-vacant residences in the townsite under external ownership (not principal place of residence).

According to Shire data, there are currently 11 known vacant, habitable properties in the Shire. Six of these are zoned residential and four are zoned commercial. The four commercial properties are all located within the main street of Darkan and the residential properties, held under a number of different ownership arrangements, are centrally located within the town site.

There is low housing stock diversity within the Shire, with 97% separate homes and 82% three or more bedrooms. Lone person households are 29%¹⁴ and overcrowding is not an issue.²⁰ Affordable housing, freehold land and rental rates are identified as advantages in the broader region however, availability is limited.^{36, 37}

↑
AGRICULTURE
 MAIN EMPLOYER
ABS, 2021

20.6% **↑**
INCOME TOP 5%
ABS, 2021

12.3% **↑**
DWELLINGS UNOCCUPIED
ABS, 2021

51.9% **↑**
OWN HOME OUTRIGHT
ABS, 2021

\$143 **↓**
MEDIAN RENT / WEEK
ABS, 2021

Twelve serviced blocks were released by Development WA in 2021, with all now sold and awaiting development by the owners. There are a small number of privately held, undeveloped residential blocks. There were no residential building approvals between 2017 to 2021.¹⁴ Over half of homes in the Shire are owned outright (51.9%), above WA (29.2%), and median mortgage repayments are \$915 per month, half the WA median. There is a low rate of renting (16%) and median weekly rent is \$143, well below the WA median of \$340 per week. Overall, the Shire’s SA2 area shows low housing stress. Housing stress is an indicator of affordability and usually means that people are paying more than 30% of their income on housing.²⁰

Economic Output

The Shire of West Arthur has an annual total economic output of \$131.6 million (0.9% of Wheatbelt). The largest sector by output is Agriculture, Forestry & Fishing, with \$97.2 million or 73.87% of output. The other main output sectors are Rental, Hiring & Real Estate Services \$8.64 million (6.6%), Manufacturing \$7.07 million (5.4%) and Public Administration & Safety \$6.91 million (5.3%).

Gross Regional Product

Real Gross Regional Product was estimated at \$59.44 million (0.9% of Wheatbelt) and the annual gross value of agricultural production was \$258.4 million (30 June 2021). Regional exports generated in the Shire were \$87.6 million (1.2% of Wheatbelt) with Agriculture accounting for 95.9% (\$83.93 million). The largest value-added sector was Agriculture (66%) followed by Rental, Hiring & Real Estate (12.8%).³⁸

Businesses

Businesses in the Shire increased from 183 in 2017 to 207 in 2021 however, most of this growth (23) was in non-employed businesses.¹⁴ The number of businesses with a turnover of zero to less than \$50,000 increased from 27 in 2017 to 38 in 2021, and the number of businesses with turnover of \$2m to less than \$5m increased from 14 in 2017 to 27 in 2021.

Wages & Employing Industries

Wages and salaries output is \$15.4 million (0.6% of Wheatbelt). Agriculture, Forestry & Fishing accounts for 76% of jobs and 42.8% of wages output, followed by Public Administration & Safety at \$3.34 million (21.7%). Between 2016 to 2019, the highest growth rates in employment by industry (%) in the Shire’s SA3 region were in Information Media & Telecommunications, Electricity, Gas, Water & Waste Services, and Arts & Recreation Services.

By total numbers, the largest gains in employment by industry were in Administrative & Support Services (124), Manufacturing (74) and Financial & Insurance Services (60). Between 2016 to 2019, the largest declines in employment by industry (%), particularly compared to national growth, were in Health Care & Social Assistance, Professional, Scientific & Technical Services, Wholesale Trade, and Construction. By total numbers, Agriculture had the largest contraction in employment by industry (-107). This could be attributed to factors such as increasing farm size and automation.³⁹



\$97.2M

OUTPUT (AG)

Remplan, 2021



\$83.93M

EXPORTS (AG)

Remplan, 2021



207 ↑

BUSINESSES

ABS, 2021



GROWTH %

INFORMATION MEDIA & TELECOMMUNICATIONS

ABS, 2019



GROWTH #

ADMINISTRATION & SUPPORT SERVICES

ABS, 2019



Challenges

Over the past five years, the Shire of West Arthur has considered ways to strengthen its economy to build scale and capacity and drive population growth. The development of this EDS reflects the Shire and community's desire to embrace emerging opportunities and fully leverage its assets.

Featuring strongly in the Corporate Business Plan is the need for a stable, sustainable agricultural industry, and a dynamic and growing business sector. Economic opportunities identified in the Shire's Strategic Community Plan centre around agriculture, livestock and food supply chain, and tourism.

Industry Diversification

We recognise that economic development is an ongoing process of improving our community. This requires strategically investing in overcoming challenges and building on strengths. There are a number of challenges we face as a small regional Shire. Whilst our agricultural sector is strong and forms the cornerstone of our economy, over reliance on one sector could negatively impact our economy if there was a major sectoral downturn or drought event.

Currently there is high demand but low availability of housing and limited land availability. Potential impacts of this include loss of labour force and economic opportunities. The agricultural industry is experiencing increasing farm sizes and automation⁴⁹, which reduces the amount of employment provided by the sector. It is also vulnerable to external factors such as technological advancement, climate change and market conditions. Implementing pathways to increase the resilience of this vital sector is important. As such, economic diversification is an important priority within this Economic Development Strategy. Other economic challenges facing the Shire are shown below in Figure 7.^{40 41 42}



Figure 6: Shire of West Arthur Economic Challenges

Business Attraction

A key priority for West Arthur is to attract new business and investment. Decision-making factors influencing business location include⁴³:

- Access to markets
- Availability of raw materials
- Availability of intermediate goods and services
- Availability and cost of labour
- Availability of adequate utilities
- Availability of worker accommodation
- decision-making factor for a business
- Business climate
- Quality of life factors
- Telecommunications

Infrastructure Limitations

It is imperative that the infrastructural foundations for new types of businesses to enter, or emerge within the Shire are established.

Research shows that broadband and mobile connectivity, distribution, transmission, generation of energy, and water security are major infrastructure gaps that could negatively impact on economic development.⁴²
Infrastructure Australia 2022

Increased reliance on digital connectivity in the region is leading to more online businesses, reinforcing the need for adequate infrastructure. Housing stock is also critical in attracting and retaining a skilled workforce and new residents and investors.

Limited housing stock is currently a constraint in the Shire's economic growth. A recent Regional Housing Analysis, commissioned by the Wagin, Woodanilling, Williams, West Arthur, Dumbleyung and Lake Grace Voluntary Regional Organisation of Council (4WDL)⁴⁴ suggests that Local Government governments can play an important facilitating role in new worker housing developments either independently or in collaboration with State Government and community housing organisations, with the assistance of bridging grants and finance.

Insecure water supplies could increase the region's susceptibility to drought impacts, negatively impacting on agriculture production which accounts for 46% of the region's exports. Limited availability of freshwater is also an issue. **There are opportunities to draw on the water study undertaken by the Shire⁴⁵** and leverage best-practice agricultural knowledge to overcome these issues. Energy infrastructure is critical for economic growth. The region is one of three locations being scoped by Western Power and the State Government for the development of a renewables-based disconnected microgrid pilot⁴² and windfarms are also scoping out the area for opportunities.



Economic Insights

Growth Industries

Key regional growth industries are those which have a strong existing presence in the region and show potential for growth or to develop a competitive advantage. Between 2016-2019, the Shire's SA3 area showed competitive advantage in a range of industries.

According to research undertaken by Infrastructure Australia⁴², the following key regional growth industries have the most significant potential for driving economic growth and job creation in the Wheatbelt.

Agriculture, forestry and fishing

- Technological innovation – potential to build a \$100B agricultural industry by 2030.
- \$34M was channelled into the 2021/22 federal budget for agricultural innovation.
- Aquaculture export volume expected to rise to meet global demand.
- Growth opportunities in value adding processes, niche food productions, wine and beverage manufacturing, horticulture and aquaculture.
- Techniques to reduce livestock greenhouse gas emissions may also provide opportunities to increase livestock productivity and resilience (animal breeding, diet supplements, feed alternatives, improved pastures, stocking rates and biological control).⁴²

Tourism

Tourism is a functional economic area that can include a range of industry sectors such as food and beverage, accommodation, arts and recreation, and transport. The Shire's SA3 region has shown an existing competitive advantage in Arts & Recreation.

- Significant potential exists for tourism growth through several nature-based and adventure-experience tourism offerings, along with biodiversity and food and agritourism opportunities.
- Overnight visitor numbers to the Wheatbelt region grew from 824,000 in 2013-2015 to over 1 million in 2017-2019.
- Growing interest exists in high-value ecologically sustainable tourism activities.
- Opportunities exist to expand astrotourism and agritourism offerings.⁴²

Energy

- Forecast to grow significantly.
- Transitioning away from coal to cleaner sources.
- Hydrogen industry could bring \$11 billion annually to Gross Domestic Product by 2050.
- Proposed Hydrogen Hubs and Carbon Capture and Storage (CCS) technologies likely to be based in regional areas where there are sources of coal and gas.
- The Western Australian government is investigating local business opportunities in wind energy as part of the WA Recovery Plan.
- Bioenergy is an emerging sub-sector and the Wheatbelt region is well-placed for large-scale production⁴²

High Potential Industries

The following additional sectors have been identified based on their comparative or competitive advantage in the region and their potential in broader regional Australia.

Knowledge sector

This area includes the industry sectors of education and training, professional services, research and development, and high technology.

The Shire's SA3 region has shown an existing competitive advantage in some areas related to the knowledge sector.

- Growth in Australia's knowledge sector forecast to increase from 1% to 1.7% by 2030.
- Significant opportunities exist through technology and technological advancement.
- Outward migration of young people can be minimised by providing educational facilities, with 66% of young people educated in the regions staying in regional communities to work.⁴²

Transport

- Growing demand for Australian exports.
- Significant opportunities for regional freight infrastructure improvements and expansions and technological advancements in this sector.⁴²

Food and Beverage Manufacturing

- Rapid growth in the food manufacturing and agribusiness sectors.
- Considerable opportunities, with a projected annual growth of 3.6% to 2030 in national value.⁴²

Through its Business Opportunity Outline (BOO) project, the WA Department of Primary Industries and Regional Development outlines the significant potential for WA agribusiness and food and beverage sectors.

Figure 8 presents 15 food and beverage growth areas identified as having considerable investment opportunities, presented in Figure 8⁴⁶:



Figure 7: Food and beverage growth areas for Western Australia, identified in DPIRD's Business Opportunity Outline.



Economic Trends

“The wellbeing of our communities is dependent upon their ability to adapt and respond to changes in the broader economic environment.” WALGA⁴⁷

The following key economic trends are expected to impact on Western Australia’s economy in the future⁴⁷:

- Shift in global economic power (Asia is expected to account for 40% of global GDP by 2030, creating opportunities for supply of goods and services).
- Technological change (shift towards a digital and knowledge based economy and increasing prevalence of automation).
- Ageing population (approximately 5% of Australia’s population will be 85 and over by 2050, creating opportunities for health care and social services provision).
- Fiscal constraints (impacting on infrastructure outside of the metropolitan area).

Other general trends to consider include:

- Demand for sustainable plant-based proteins that address health, environmental and social concerns.
- An increasingly mobile workforce and increased workforce flexibility.
- Growing digital literacy.
- Environmental sustainability.
- Growth in regional hubs and co-working and co-study arrangements.
- Carbon farming and ecosystem service-based markets.
- Transition to clean energy technologies.

Comparative Advantages

Comparative advantages in the Wheatbelt region^{36, 37, 42} (shown in Figure 8) are also applicable in the Shire of West Arthur and can be grouped into themes of: locational, social and natural amenity, and enterprise.



Figure 8: Wheatbelt Comparative Advantages

The Wheatbelt Blueprint highlights the need to focus on job-intensive industry development and building on comparative strengths in production and processing, population services, as well as research and development in both of these sectors.³⁷

Competitive Advantages



Using a shift share analysis from 2016 to 2019 by industry of employment at SA3 scale (Wheat Belt South)⁴⁸, the SA3 region showed a regional competitive effect (eg. how much of a sector job change within a given region is the result of some unique competitive advantage of the region) in a range of industries (see Figure 10).

Figure 9: Industries with a regional competitive effect in Wheat Belt South SA3 (2016-2019) versus national growth

The most significant regional effect compared to the nation was in Agriculture, followed by Manufacturing. Compared to WA, the region also had a competitive effect in the industries shown in Figure 10, except for Education & Training, with the most significant both Agriculture and Administrative & Support Services. Regional competitive effect can be attributed to advantages these industries have in the local area.

In 2016-2019, competitive effect was lowest compared to the nation in Public Administration, Health Care & Social Assistance, and Construction. When compared to WA, competitive effect was lowest in Health Care & Social Assistance, Public Administration and Education & Training.

This could indicate the region faced a disadvantage causing localised job loss in these industries. While Agriculture remains the largest employer in the SA3, sub-region and Wheatbelt region, this industry had the largest decrease in employment numbers during the period. This could be attributed to factors such as increasing farm size and automation.⁴⁹

Strategic Assets and Opportunities

The following strategic assets have been identified for economic development purposes and to support further growth opportunities. Identifying the key strategic assets and attributes of the Shire of West Arthur is integral to developing opportunities for economic growth and prosperity. These have been assessed based on the Shire’s relative attractiveness as a place to invest and as a place to live, based on the Organisation for Economic Cooperation and Development (OECD) Regional Wellbeing Index¹²:

- Population and health
- Safety
- Education
- Civic engagement and identity
- Access to services
- Climate and environment
- Income and jobs
- Land and housing
- Economic outputs
- Investment and business

Within this context, six major assets with the potential to be leveraged for economic development have been identified and are presented in Figure 11.



Figure 10: Identified Strategic Assets, Shire of West Arthur



1. Location

The Shire of West Arthur is within close proximity to Perth, Bunbury and Albany and offers convenient access to the Southern Wheatbelt, South West, Great Southern and Peel regions.

It is serviced by the Albany Highway, which provides connection to the Perth Metropolitan area and the regional city and port of Albany to the south.




The Coalfields Highway links the Shire with the South West region, including the industrial bases of Collie and Kemerton, Port of Bunbury, and the wider Wheatbelt region to the east.

A TransWA road coach runs regularly between Perth and Albany and stops at Arthur River. A private airstrip is located at Hillman Farm, approximately 15 kms north-west of Darkan townsite.

Opportunities

- Trade and tourism
- Accessing domestic and international markets for tourism and agriculture
- Industry and investment attraction
- Leveraging the needs of industries in neighbouring regions
- Existing air infrastructure (Airstrip)
- Transport and logistics

WHEATBELT SUB-REGIONAL MAP

-  Regional Boundary
-  Local Government Boundary
- NORTHAM** Sub-Regional Centres
-  Town or city (only selected towns have been shown on this map for reference purposes)
- TAMMIN** Local Government Authority
- SCALE** 20km 0 20 40 60 80 100km

WHEATBELT REGION





2. Community Infrastructure

The Shire of West Arthur's existing community infrastructure is well-maintained and could be built on to enhance liveability and attract new residents and businesses. Community sport and recreation infrastructure includes a public swimming pool, Darkan Sport and Community Centre, football oval, 18-hole golf course, Moodiarrup Sporting Club which includes tennis courts, bowling green and nine hole golf course, Arthur River Country Club (9 hole golf course and tennis courts), Collie-Darkan Rail trail. The Shire also has a well-established and reputable independent public school that offers a comprehensive and personalised education.

Opportunities

- Place enhancement and activation
- Improved integration between precincts
- Enhancement and re-purposing of heritage buildings
- Main street beautification and walkability of Darkan townsite
- Greater tourism offerings
- Business and investment-ready infrastructure
- State and Federal funding programs
- Uptake of new business models
- 4WDL Housing Initiative
- Wheatbelt Southern Inland Health Initiative
- Southwest Catchment Council and Blackwood Basin Group
- Beaufort Paleochannel
- Partnerships with surrounding Shires
- Wheatbelt secondary freight project (WSFN)
- Business/Commercial Hub
- Business incubators
- Pop-up shops



3. Strong Agricultural Industry

Agriculture is the key economic output and employing industry within the Shire of West Arthur and its stability is a highly regarded asset, with strong potential for diversification. The Shire's Strategic Community Plan emphasises agriculture, livestock, and the food supply chain as key focus areas for economic development.² This industry supports a significant aspect of the business and manufacturing sectors, with goods and services primarily targeted to agricultural activities. The community's aspiration is for a stable and sustainable agricultural industry.⁴⁰

The Department of Primary Industries and Regional Development identifies fifteen key opportunities for value-adding within the food and beverage manufacturing industry. With some reduction in total numbers employed in Agriculture, these have the potential to provide new diversification opportunities within the Shire.⁴⁶

Opportunity

- Value adding
- Niche, high-growth areas
- Premium food and beverage manufacturing
- Horticulture and aquaculture
- Agritourism (farm stays)
- Agribusiness
- Agroforestry
- Research and development
- New market destinations
- Mechanisation and technology
- Regenerative agriculture
- Organics
- Automation
- Support Services
- Downstream processing



4. Community and People

Community and liveability have been ranked highest in the West Arthur’s Community Scorecard, with an overall score of 61.4.⁴⁰ The Shire offers an attractive rural lifestyle and a friendly small community with commutable distances to larger regional centres and just 2 ½ hours from Perth. This provides connectivity and easier access to services than many other Wheatbelt communities.

The safe, inclusive community provides an idyllic location for a tree change, raising a family, starting a business or a retreat from the city. Affordable housing and vacant land present opportunities not available in larger centres, with FIFO workers expressing interest in locating here during their off swing.

Human capital in the Shire of West Arthur is a major strength. With a high level of volunteering, residents are resourceful and proactive in community building and supporting local businesses. Volunteering broadens networks and professional skills and serves as an indicator of the economic and health status of a community.⁵⁰

The community has a track record of coming together to improve local infrastructure, amenity and experiences. Its strengths lie in strong leadership during times of crisis, and a communicative, supportive and well-managed Local Government, with a success in managing grants and bequests.⁴⁰

Quality of life, affordability, family-friendly communities, and a strong sense of community are all significant locational draws for both residential and business development and these rely on the provision of population services and housing availability.

Opportunities

- Attraction of target demographics
- Investment in population services
- Collaboration with other local governments
- Build on human capital to expand knowledge, skills, expertise and productivity
- Expansion of existing community programs or initiatives
- Low reliance on employment income presents investment opportunities
- High rates of outright home ownership provide stability
- Completion of housing needs assessment



5. Natural and Heritage Assets

Many of the Shire's strongest assets are found within its natural environment and heritage. Pristine natural landscapes and waterways provide an array of tourism and recreation opportunities within the Shire. Lake Towerrinning is the jewel in the crown, offering swimming and water sports and has been identified in the Shire's Strategic Community Plan as a 'premier, iconic natural asset.'⁴⁰

Additional natural assets include wildflower reserves, walking trails, Hillman Rock, Hillman Dam and several quiet river waterways. Clear skies provide the perfect conditions for astrotourism experiences and many natural assets align with adventure tourism activities such as hiking, climbing, mountain biking and skydiving.

The Shire's post-contact heritage dates back to the mid-1800s, with several historical landmarks and buildings showcasing the region's rich and interesting history, including the Betty Brown Museum, Arthur River Heritage Precinct, 6-Mile Cottage, and Collie Darkan Rail Trail.

The Local Heritage Survey was completed in 2022 and documents the considerable significance of the heritage and history of West Arthur's towns and districts. It also provides strategic guidance to conserve those places as assessed as having a high level of cultural significance. Of 141 identified places (including sites) in the Local Heritage Survey, one place is State Registered (Category 1), "The Arthur" Wool Shed Group. In addition to this, the group of buildings in Arthur River have been identified for inclusion as well and are currently 'interim' listed. These include the Post Office, Church, Hall, Inn Kitchen, Stables and Wells.

There are also registered Aboriginal sites including Arthur River and Arthur River: Watkins Farm. Lake Towerrinning is of historical significance and was occupied by Aboriginal peoples until around 1938. Currently, formal Aboriginal engagement is carried out through the South West Land and Sea Council.

Opportunities

- Tourism Development (Eco/nature-based tourism; trail development; astrotourism; adventure/recreational tourism; historical tourism; authentic Aboriginal tourism)
- Leveraging existing infrastructure for new tourism offerings (sky diving)
- Activation and repurposing of historical and heritage assets
- Tourism infrastructure development
- Funding for Category 1 buildings for conservation works
- Grant funding



6. Housing and Land Affordability

The Town Planning Scheme outlines residential (R12.5) and rural residential zoned property in Darkan townsite, as well as commercial and industrial, including Darkan Light Industrial Area which offers direct heavy vehicle access to Coalfields Road. Potential uses include agricultural wholesale, manufacturing or engineering (drawing on proximity to both agricultural and mining sectors).

Land, commercial and residential properties are significantly more affordable in West Arthur than in the rest of WA, offering a range of opportunities to realise property potential. Ground truthing of initial housing data conducted by the Shire of West Arthur suggests that housing vacancy rates in the town of Darkan are approximately 3-5%.

In 2021, a release of serviced blocks by Development WA resulted in the sale of 12 blocks, all of which are still waiting construction of housing. There is a small number of remaining vacant residential blocks within the Darkan townsite, although the majority were not on the market at the time of this document's development.

Currently there is high demand but low availability of housing and limited land availability. Despite current supply constraints, a number of opportunities exist to increase housing and land availability in the Shire. Feasible options include smaller, footprint efficient standalone and semi-detached dwellings, with opportunities in affordable rentals, shared equity, rent to buy schemes and small housing opportunities.

Opportunity

- Unencumber existing land
- Release of land onto the market
- Low housing stress (affordability)
- Stimulate construction activity
- Development of existing vacant freehold blocks for residential, commercial, and industrial use.
- Attraction of industry sectors to develop industrial land
- Leverage proximity to both agricultural and mining sectors

Economic Development Action Plan



Economic Development Action Plan



The actions within this framework have emerged as a result of widespread community and stakeholder consultation, as well as strategies identified within the Shire’s Strategic Community Plan and Corporate Business Plan.

Targeted actions in this framework are structured within our seven priorities for success. These priorities provide a multifaceted and focused approach to economic development. Actions have been identified within the context of our major assets and associated opportunities, growth industries, comparative advantages, and challenges.

These actions will contribute to the achievement of our economic development objectives:

- A vibrant town centre and activated spaces within the Shire
- Built infrastructure that is well maintained, attractive and inviting
- A growing and diverse business community
- A thriving visitor economy that leverages our enhanced natural assets
- Greater economic resilience through industry diversification
- New industry development and diversified job opportunities
- Sufficient resource allocation for strategy implementation

Metrics:

- ✓ Shire population remains stable or increases
- ✓ Increased number of development approvals
- ✓ Increased availability of housing
- ✓ An increase in annual visitor numbers
- ✓ No net loss of businesses in town
- ✓ Increase in new, diversified industries
- ✓ Fit for purpose infrastructure
- ✓ Our natural assets are well maintained and improved

This Action Plan will be further supported by a detailed implementation plan that specifies roles and responsibilities, strategic partnerships and details associated costs and resources.

The successful delivery of this Action Plan is dependent on partnerships and collaboration to maximise resources. Potential partners to engage with as part of this action framework include:

- Chambers of Commerce
- Contractors, architects and engineers
- Tourism agencies
- Educational Institutions
- Cultural attractions
- Employment agencies
- Financial Institutions
- Legal firms
- Manufacturing associations
- Media outlets
- Airport authorities
- Real estate agents
- Real estate developers
- Transport companies
- Utility providers
- State and Federal Governments

Coopetition: "Achieving collaboration advantage through sharing resources, capabilities and capacity to manage or respond to shared opportunities or constraints."⁴⁷ WALGA



Priority 1: Placemaking & Activation

Rationale: Physical amenity improvements contribute to community well-being and a sense of local pride, and encourage tourists to stop and spend money. Vibrant and active spaces are essential to liveability, community and visitor safety, thus increasing investment and strengthening tourism experiences. The Rail Reserve and main street are both visible from the highway and have the potential to offer appealing and interesting gathering places - particularly for motorists who are looking for a rest stop where there is something for them to engage with and potentially enjoy a retail experience in the main street.

Objective: A vibrant town centre and activated spaces within our townsite.

Partnerships: Public Transport Authority, consultants, council, local businesses, Community Arts Network, Heritage Council of WA, funding bodies.

Actions		Timeline
1.1	Expand existing Master Plan (2021) for the Rail Reserve to further enhance this area and its connection with the main street in a strategic manner, establishing this precinct as a major focal point for visitors and locals, offering opportunities for a range of engaging experiences.	Long term
1.2	Ensure the town planning scheme review supports this master plan and allows appropriate zoning and planning policies to promote activation.	Long term
1.3	Establish a Main Street Committee (governance structures to be determined by the Shire in consultation with local businesses) to undertake an audit of all businesses in the Main Street to identify gaps in the retail mix and be a conduit for business attraction and soft infrastructure such as training and capability building and business networking.	Quick Win
1.4	Develop a Mainstreet Activation plan that addresses townscaping; building façade improvements and incentives; revitalization and street enhancement.	Medium term
1.5	Work with the Community Arts Network to initiate interactive installations (e.g. town hedge maze, sculptural and mural art).	Quick win
1.6	Develop a Burrowes Street Policy to ensure viable businesses are attracted to the main street that create a critical retail mix.	Medium term
1.7	Investigate opportunities to provide for pop up shops and multi-tenancy/micro-scale enterprises.	Quick Win
1.8	Investigate opportunities to find modern uses for historic buildings through repurposing for community infrastructure or leasing for commercial operations. Identify grant opportunities for the restoration and refurbishment of heritage buildings. Identify clear guidelines that support commercial tenancy of heritage buildings.	Medium Term
1.9	Support the new owners/future lessee of the Darkan Roadhouse to provide quality food and drink/café style and reinstate the fuel service.	Quick win
1.10	Leverage the Shire’s registration as a ‘film friendly’ location with ScreenWest to create economic opportunities resulting from film and television.	Medium term
1.11	Investigate the opportunity to establish a cultural and arts precinct within the town.	Long term
1.12	Enhance the Duranillan entrance statement.	Quick win

Priority 2: Infrastructure Development

Rationale: Cost-effective, modern and reliable infrastructure is needed to allow the Shire to confidently promote itself as a place that is investment ready. The provision of supporting infrastructure and services to existing and new SMEs is essential for a strong and viable business sector and will support economic and employment outcomes. Increased reliance on digital connectivity in the region is leading to more online businesses, increasing the need for adequate infrastructure.

Objective: Built infrastructure that is well maintained and meets the needs of our community.

Partnerships: Public Transport Authority, developers, employers, residents, funding bodies, State and Federal government, Darkan Caravan Park, Lake Towerrinning Management Group, Department of Planning, and existing residents, construction and building companies.

Actions		Timeline
2.1	Complete a housing and land strategy that identifies new land release opportunities, and assesses housing stock diversity and suitability across the life stage, based on insights and recommendations from the 4WDL Regional Housing Analysis 2023. Focus should be placed on seizing opportunities for affordable rentals, shared equity, rent to buy schemes and small housing.	Long term
2.2	Communicate with residents and developers on expected housing needs and better understand what shovel ready sites exist and the timeline for more housing to come on the market.	Medium term
2.3	Improve internet access and mobile phone coverage by sourcing support through regional telecommunications programs such as Regional Mobile Communications Program and Regional Telecommunications Project. https://www.agric.wa.gov.au/econnected/mobile-connectivity-regional-telecommunications	Medium term
2.4	Investigate potential for more chalet/cabin style accommodation at Darkan Caravan Park and Lake Towerrinning (on boat ramp side of lake).	Quick win
2.5	Develop interpretive centre at Lake Towerrinning to detail flora, fauna, European and Aboriginal Heritage in the area. Establish an undercover bar and bbq area near the boat ramp at Lake Towerrinning.	Medium term
2.6	Establish an EV charging station at a central location.	Quick win
2.7	Investigate the potential for existing vacant blocks or disused buildings in town to be developed for worker/ visitor accommodation. https://www.wa.gov.au/organisation/department-of-planning-lands-and-heritage/infrastructure-development-fund	Quick win
2.8	Investigate water security and develop opportunities associated with sources.	Medium term

Priority 3: Business Support

Rationale: A supported business sector is fundamental to a vibrant economy. Business needs for information, innovation, learning and networking should be supported in order to have vibrant and relevant businesses and local spending. Supporting business success strengthens investment attraction activities and generates new opportunities.

Objective: A growing and diverse business community.

Partnerships: West Arthur small business community, Small Business Development Corporation, West Arthur community, Wheatbelt Business Network, RSM Business Local, Darkan youth.

Actions		Timeline
3.1	Evaluate and assess the specific needs of the Shire’s small business sector, including home-based businesses and the potential role for business incubators and, other business-mentoring models in supporting small business growth and development.	Quick win
3.2	Review the SBDC Small Business Friendly Local Government suite of initiatives to ensure they are being systematically implemented and reviewed for appropriateness.	Quick win
3.3	Explore opportunities for community partnerships to operate cafés and retail shops.	Quick win
3.4	Strengthen local business networks and associations working with the WBN and the SBDC Business Local Program (RSM Business Local).	Medium term
3.5	Develop a Shire of West Arthur youth entrepreneurship and mentoring program to ensure a strong and vibrant entrepreneurial culture becomes one its competitive strengths.	Medium term
3.6	Assess West Arthur’s retail/commercial gaps and expenditure leakage and identify opportunities to address these out-flows.	Quick win
3.7	Working with RSM Business Local and Wheatbelt Business Network, support themed workshops (succession planning, marketing, social media) and other activities to support small businesses. Prioritise high-risk businesses that are experiencing expansion, retention or closure challenges.	Medium term
3.8	Develop a Business Guide and ensure it outlines all the services and processes of the Shire that assist business investment opportunities.	Medium term
3.9	Establish a working group to determine the feasibility and viability of establishing a new commercial business hub. Develop a business plan and concept plan for the business hub. This will identify key markets, demand, location, and typology.	Long term
3.10	Develop a business retention and expansion program targeted at the Shire’s key sectors.	Medium term
3.11	Develop an Industry Attraction Program	Medium term

Priority 4: Tourism Development

Rationale: Tourism growth relies on the ability to attract new visitors by offering tourism products that meet the needs of existing and new target markets. The Shire has several natural and heritage assets which can be further enhanced to foster growth in the visitor economy. Potential exists to position the Shire as a destination of choice for outdoor and adventure tourism. Tourism infrastructure gaps should be addressed to influence visitors’ destination perceptions and likelihood of repeat visits. Infrastructure and Placemaking & Activation actions cut across tourism and will further strengthen tourism development outcomes.

Objective: A thriving visitor economy that leverages our natural and heritage assets.

Partnerships: Tourism WA, neighbouring local governments, Wheatbelt Development Commission, airport, local businesses, local tourism groups and associations, Darkan Pub development group, local farmers, regional tourism businesses, Darkan Roadhouse owners/managers.

Actions		Timeline
4.1	Develop a tourism attraction strategy to identify and prioritise specific tourism growth areas: agritourism, astrotourism, sky diving, recreational/adventure tourism, eco-tourism, indigenous tourism.	Quick win
4.2	Trail development and enhancement (Collie to Darkan Rail Trail, Pump Track and Darkan Nature Play Area) linking to WA Mountain Bike Strategy and South West Mountain Bike Plan.	Medium term
4.3	Improve directional signage to Lake Towerinning so it is more visible to motorists and create an entrance statement at the Lake itself.	Quick win
4.4	Improve way finding, directional and information boards to move people through different offerings in the district.	Quick win
4.5	Support the community group that is developing the Darkan Hotel and promote the pub for quality food, drink and accommodation.	Quick win
4.6	Investigate potential to leverage the Hillman airstrip through fly-ins or other aero-related activities.	Quick win
4.7	Support the establishment of HIP camps/Free Camping/Nature Based Camping.	Medium term
4.8	Restore Nangip Creek Walk and Darkan Heritage Trail to a better condition.	Medium term
4.9	Develop a toolkit for businesses that identifies how they can be tourism ready.	Quick win
4.10	Encourage regional tourism businesses to share content and promote the ecosystem, not just the individual asset. Host workshops and develop marketing platforms that are regionally based.	Medium term
4.11	Support the reinstatement of the petrol bowsers at the Roadhouse.	Quick win
4.12	Revisit authentic Aboriginal culture and interpretation through the new South West Native Title Settlement governance structures.	Medium term
4.13	Investigate the viability of establishing visitor cabins at Lake Towerinning on Shire owned land opposite the existing caravan park for those who want to stay at the Lake but do not want to camp.	Long term
4.14	Develop a ‘Welcome to West Arthur’ entry statement or signage at Arthur River.	Quick win

Priority 5: Strategic Industries and Diversification

Rationale: Industry diversification supports a resilient economy by reducing the risk of being overly exposed and overly reliant on one sector. The Shire has a longstanding agricultural industry, along with a mature business sector that further supports the industry. The strength of this sector presents significant opportunities for further diversification into growth and high-potential industries and the introduction of technological advancement.

Objective: Greater economic resilience through industry diversification.

Partnerships: Grower Group Alliance, AgriStart, Innovation Hub, University research partnership, CSIRO, Department of Jobs, Tourism, Science and Innovation, Department of Primary Industries and Regional Development.

Actions		Timeline
5.1	Investigate opportunities to partner with a research centre or university (example – Pingelly Future Farm).	Medium term
5.2	Work with DPIRD to attract businesses wanting to set up intensive horticulture, aquaculture or commercial worm farming.	Long term
5.3	Specifically target economic opportunities and stakeholders within strategic growth industries.	Medium term
5.4	Promote industrial site availability.	Quick win
5.5	Continue to investigate opportunities associated with the Wheatbelt Secondary Freight Project.	Medium term
5.6	Explore opportunities for downstream processing of agricultural products.	Medium term
5.7	Support the expansion of associated ancillary businesses.	Long term
5.8	Investigate development of sheep sale yards.	Medium term
5.9	Investigate development of pelleting plant.	Medium term
5.10	Attract a renewable diesel producer.	Medium term
5.11	Investigate potential barriers or drivers of employment loss in Public Administration, Health Care & Social Assistance, and Construction. This could potentially be actioned with other SA2 shires.	Medium term
5.12	Identify more specific local advantages for Administrative & Support Services, Agriculture and Manufacturing and protect against changing contexts.	Medium term

Priority 6: Investment Attraction

Rationale: Ensuring the Shire is well prepared to support future investment in terms of critical infrastructure is essential. This will strongly position West Arthur to proactively target specific sectors to grow the local economy, maintain and grow the population and provide a diversity of employment opportunities.

Objective: New industry development and diversified job opportunities.

Partnerships: Real estate agents, property developers, State government, academic institutions, landholders, Collie industries and commercial chains, Wheatbelt Development Commission.

Actions		Timeline
6.1	Develop a site and facilities database – inventory of available real estate and facilities. Identify appropriate uses for each development site (e.g. manufacturing, distribution, office use, flex space). Database should include: <ul style="list-style-type: none"> • Number of facilities and sites available for lease/purchase • Size and condition • Purchase and rental rates • Infrastructure and utility setup • Telecommunications capabilities • Parking availability 	Quick win
6.2	Develop a central point of contact for development inquiries. Document interactions with developers and businesses to ensure a central repository and institutional knowledge.	Quick win
6.3	Actively develop partnerships and collaboration with key stakeholders including, academic institutions, industry, and landholders.	Medium term
6.4	Project an open-for-business attitude and approach by creating a commercial investment profile and pitch deck that is suited to key commercial opportunities available in the Shire. Ensure that the Town’s website clearly defines these opportunities and who to contact if interested.	Quick win
6.5	Provide incentives for business attraction, ‘critical mass’ or ‘destination’ projects to help facilitate economic development.	Medium term
6.6	Target industries and commercial chains that already have a foothold in Collie and other regional centres within close proximity to the Shire, for identifying leveraging or development opportunities.	Quick win
6.7	Focus on high potential businesses that are good candidates to locate to the Shire.	Medium term
6.8	Conduct a local sector analysis: Identify factors that are important to each industry sector; evaluate the Shire’s capacity to satisfy those factors; rank industries on the basis of the Shire’s capacity to meet location requirements and its overall ED Objectives.	Medium term
6.9	Cluster analysis: Industries grow more quickly when there are linked clusters in the region or neighbouring regions and these clusters are associated with higher employment. Identify core industries in the community or region and determine which ones have the most growth potential. Identify and target businesses that support that industry (suppliers and buyers). Identify a cluster that is emerging locally and build on it.	Long term
6.10	Stimulate local construction through use of aggregated demand (with other LGA) and use of modular, offsite, housing construction. Consider house and land packages.	Long term

Priority 7: Economic Development Capacity Building

Rationale: An important factor in delivering this strategy will be budget capacity and the ability to resource economic development initiatives. Leadership, partnerships and support from the wider community will be needed in order to fully realise the economic vision. This may require the establishment of an Economic Development Officer position within the Shire (or a shared service with surrounding local governments); or an external resource contracted to deliver the strategy. Either way, there needs to be a dedicated economic development leader to champion the plan and work with key partners. The Shire itself is also a key employer, and maintaining sound governance, as well as long term financial planning, will ensure it remains in a stable position into the future.

Objective: Sufficient allocation of resources to successfully drive our strategy forward.

Partnerships: WALGA, business and community groups, funding providers, council, local community, neighbouring local governments, State and Federal governments.

Actions		Timeline
7.1	Nominate a resourced position responsible for implementing and reporting on the EDS.	Quick win
7.2	Make use of support provided by WALGA including research. Include basic best practice economic development training for senior staff and Councillors.	Quick win
7.3	Bring together business and community groups to introduce the strategy and identify areas of mutual interest (resident attraction, festivals, events, business support and tourism).	Quick win
7.4	Identify business and community groups with an economic development mandate to partner and collaborate with.	Quick win
7.5	Maintain an inventory of economic development, tourism and community development grants available through the State and Australian Governments and Community Development Foundations.	Quick win
7.6	Promote available programming/grants to local businesses and entrepreneurs.	Medium term
7.7	Make economic development and tourism a dedicated line item within the annual budget deliberation.	Quick win
7.8	Increase local capacity to implement initiatives by targeting community based economic development. This actively involves residents, businesses, support organisations and volunteer networks to become active participants and ambassadors for the Shire.	Medium term
7.9	Partner with neighbouring local governments for regional economic development activities.	Medium term
7.10	Collaborate with, or advocate to, State Government and Federal Government for delivery of economic outcomes through integrated planning and funding.	Long term
7.11	Investigate opportunities for shared facilities, and system-wide benefits to ensure cost-effective investment.	Medium term

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12 CORPORATE SERVICES

12.1 C29 - ELECTRONIC ATTENDANCE POLICY

File Reference:	ADM015
Location:	N/A
Applicant:	N/A
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	15/06/2023
Disclosure of Interest:	Nil
Attachments:	1. Electronic Attendance Policy

SUMMARY:

Council is requested to consider adopt C29 - Electronic Attendance Policy.

BACKGROUND:

This Policy establishes parameters for requests for electronic attendance at meetings and the expectations of Council and Committee members attending meetings electronically in relation to equipment and location.

The objective of the Council's Policy are:

1. To provide Council with a formal written record of all policy decisions.
2. To provide the staff with precise guidelines in which to act in accordance with Council's guidelines.
3. To enable the staff to act adequately handle enquiries from electors without undue reference to Council.
4. To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council.
5. To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances.
6. To enable ratepayers to obtain immediate advice on matters of Council Policy.

COMMENT:

This Policy applies to electronic attendance at Ordinary Council Meetings, Special Council Meetings and Committee Meetings for Elected Members, Independent Members of Committees and Shire Officers who are members of Committees.

This policy also applies to Elected Member attendance at Agenda Briefing Forums, Council Briefing Sessions, and Council Workshops

CONSULTATION:

Chief Executive Officer

STATUTORY ENVIRONMENT:

2.7. Role of council

(1) The council -

- (a) governs the local government's affairs; and
- (b) is responsible for the performance of the local government's functions.

- (2) Without limiting subsection (1), the council is to -
- (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

POLICY IMPLICATIONS:

Annual Review of Policy

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Significant	Severe
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Lack of transparency and accountability in decision making process.
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	All themes
Risk Action Plan (Controls or Treatment Proposed)	Endorse council policy manual and apply policies in making decision in the council.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council adopt C29 - Electronic Attendance Policy.

RESOLUTION CO-2023-058

Moved: Cr Adam Squires

Seconded: Cr Robyn Lubcke

1. That the Electronic Attendance Policy Clause 28 be amended to read “Suitable equipment for attending electronic meetings includes Shire provided devices (e.g. tablet or laptop) or personal devices such as tablets or desktop/laptop computers. Any of these devices used must have a video camera installed or attached. Mobile phones are not considered to be suitable for attending meetings electronically.”
2. That Council adopt the attached C29 - Electronic Attendance Policy as amended and authorise its inclusion in the Policy Manual.

CARRIED

Policy Title	C29 – Electronic Attendance Policy
Policy Type	Governance
Responsible Officer	Chief Executive Officer



Purpose

This Policy establishes parameters for requests for electronic attendance at meetings and the expectations of Council and Committee members attending meetings electronically in relation to equipment and location.

Scope

This Policy applies to electronic attendance at Ordinary Council Meetings, Special Council Meetings and Committee Meetings for Elected Members, Independent Members of Committees and Shire Officers who are members of Committees.

This policy also applies to Elected Member attendance at Agenda Briefing Forums, Council Briefing Sessions, and Council Workshops

Definitions

For the purpose of this policy —

Briefing means a briefing session of Council as listed in the Shire of West Arthur Notice of Meetings or an Agenda Briefing Forum for an Ordinary Council Meeting.

Meeting means an Ordinary Council Meeting, Special Council Meeting, or Committee Meeting (including the Audit and Risk Management Committee) of the Shire of West Arthur.

Natural Disaster includes fire, flood, lightning, movement of land and storm.

Relevant period means the period of 12 months ending on the day on which the proposed meeting is to be held.

Regulation means a regulation from the Local Government (Administration) Regulations 1996.

Regulations means the Local Government (Administration) Regulations 1996.

Workshop means an informal workshop of Council as listed in the Shire of West Arthur Notice of Meetings

Policy Statement

Meetings Held by Electronic Means

1. Meetings may be held by electronic means in accordance with Regulation 14D(2).

“(2) A meeting may be held by electronic means –

- a) *If –*
 - i. *A public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and*
 - ii. *The mayor, president or council considers it appropriate for the meeting to be held by electronic means because of the public health emergency or state of emergency and having regard to the matters in subregulation (2B);*

or

b) *If –*

- i. *A direction is issued under the Public Health Act 2016 or the Emergency Management Act 2005 that prevents the meeting from being held in person; and*
- ii. *The mayor, president or council authorises the meeting to be held by electronic means;*

or

c) *It the council otherwise authorises the meeting to be held by electronic means.”*

2. Under the Regulations, Council cannot authorise a meeting to be held under subregulation (2)(c) if holding the proposed meeting under that authorisation would result in more than half of the meetings (including the proposed meeting) of the council or committee, in the relevant period, being held under an authorisation under subregulation (2)(c).
3. Council must have regard to whether the location from which each member attends the meeting via electronic means and the equipment the member intends to use to attend the meeting are deemed suitable for the member to be able to effectively engage in deliberations and communications during the meeting. Suitable locations and equipment are designated by the provisions of this Policy.

Requests for Electronic Attendance at Meetings

4. Requests for electronic attendance at meetings must be made in accordance with Regulation 14C(2):

“(2) A member of a council or committee may attend a meeting by electronic means –

a) if –

- i. *a public health emergency or state of emergency exists or a natural disaster has occurred; and*
- ii. *because of the public health emergency, state of emergency or natural disaster, the member is unable, or considers it inappropriate, to be present in person at the meeting; and*
- iii. *the member is authorised to attend the meeting by electronic means by the mayor, president or council;*

or

b) if the member is otherwise authorised to attend the meeting by electronic means by the mayor, president or council.

5. Requests for electronic attendance at briefings and workshops are not legislated, however are covered by this Policy. If a member intends to attend an unlegislated meeting such as a briefing or workshop electronically, they do not need to ask for permission, but should advise ceo@westarthur.wa.gov.au at their earliest convenience to ensure the appropriate video conferencing equipment is made available and tested prior to the meeting.
6. Requests for electronic attendance should be made preferably two business days prior to the meeting, briefing or workshop for which electronic attendance is being requested.
7. All requests for electronic attendance should specify the location from which the member wishes to attend the meeting and the equipment the member intends to use to attend the meeting.
8. Requests for electronic attendance at Ordinary Council Meetings are to be made by email to the President and copied in to the CEO.
9. Requests for electronic attendance at Committee Meetings are to be made by email to the

President and copied in to the Committee Chairperson and the CEO.

10. Approval to attend a meeting electronically will be provided via return email from the President, with a copy sent to all parties included on the original email request.
11. Should the application for electronic attendance at a meeting meet the requirements for approval as specified in this policy, and approval for electronic attendance is denied by the President, the member may seek approval of the Council.
12. All requests for approval of electronic attendance by Council must be submitted to the Chief Executive Officer, preferably 10 clear business days ahead of the meeting at which the request is to be made.
13. A matrix can be found at Appendix 1 to this Policy, to assist with making requests for electronic attendance at meetings.

Requirements for Approval

14. There is no limit to the number of meetings that can be attended electronically due to a public health emergency, state of emergency, or a natural disaster (regulation 14(2)(a)).
15. For Ordinary Council Meetings, Special Council Meetings and Committee Meetings, the member's electronic attendance at the proposed meeting under r14(2)(b) of the Regulations must not result in the member attending more than half of the meetings (including the proposed meeting) of the Council or Committee in the relevant period under an authorisation under r14(2)(b) of the Regulations. This cap does not apply to a member who is a person with a disability as defined in s3 of the *Disability Services Act 1993*.
16. There is no cap on electronic attendance for Agenda Briefing Forums, briefings and workshops, however physical presence is encouraged, particularly for meetings that require a high level of collaboration and involvement.
17. The Shire's Governance team will record electronic attendance on the Attendance Register and will advise the President or Council if the requester is eligible for electronic attendance based on the percentage of meetings the person has attended electronically under Regulation 14C(2)(b).
18. In approving the request, the President or Council must have regard to whether the location from which the member wishes to attend the meeting and the equipment the member intends to use to attend the meeting are deemed suitable for the member to be able to effectively engage in deliberations and communications during the meeting, in line with the provisions of this Policy.

Suitable Locations

19. Locations within Australia and its Territories are considered to be suitable for electronic attendance.
20. Due to increased cyber security risks with overseas communications networks, attendance from international locations will not be approved.
21. The location from which the member attends must be indoors, quiet, and private.
22. If other people are present at the location at the time of the meeting, the member must be able to close a door in order or take other measures required to minimise noise and maintain privacy.

Electronic Means

23. The electronic means for all electronic meetings will be set up by Shire officers using a software or web-based application approved for use by the Shire.
24. Shire officers will include the details of how to connect to all meetings electronically on the Outlook calendar invite for that meeting.

Suitable Networks and Equipment

- 25. Members attending meetings electronically must connect through a suitable network and using suitable equipment.
- 26. Suitable networks include private home internet and WIFI, or a mobile hotspot from a trusted personal mobile device.
- 27. Due to increased cyber security risks, public WIFI is not considered to be a suitable connection for electronic attendance (this includes connections at cafes, airports, hotels and restaurants).
- 28. Suitable equipment for attending electronic meetings includes Shire provided devices (e.g. tablet or laptop) or a personal computer or laptop with a video camera. Mobile phones are not considered to be suitable for attending meetings electronically.
- 29. It is recommended that remote participants use fully charged headphones with at least six hours of talk-time during the meeting.

Maintaining Confidentiality During the Meeting

- 30. If the meeting or part of the meeting for which a member is attending electronically is to be closed to the public, the member must make a declaration that they can maintain confidentiality during the meeting or the closed part of the meeting (as the case requires).
- 31. This declaration must be recorded in the minutes of the meeting and should be worded as follows: *"I [Member Name], declare that I am able to maintain confidentiality during the closed part of this meeting. If I am no longer able to maintain confidentiality, I will excuse myself from the meeting."*
- 32. Should the member make the above declaration and subsequently cannot maintain confidentiality, they must leave the meeting or the closed part of the meeting.
- 33. The declaration is to be made before the meeting goes behind closed doors.
- 34. Clauses 30 to 33 of this Policy apply to all attendees of meetings where the entire meeting is held by electronic means.

History	22 June 2023
Delegation	Nil
Relevant Legislation	<i>Disability Services Act 1993, s3.</i> <i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996, r.14C-r14E.</i>
Related Documentation	Nil

Appendix 1

Matrix for Making Requests to Attend Meetings Electronically

No request is required to attend Agenda Briefing Forums, Council Briefings and Council Workshops electronically, however please advise the CEO at your earliest convenience if you intend to attend electronically.

The request for electronic attendance is due to a Public Health Emergency, State of Emergency or Natural Disaster				
Circumstance	Type of Meeting	Request Approval From	Copy In	50% Cap Applies?
Initial Request	Ordinary Council Meeting, Special Council Meeting	President	CEO	No
Initial Request	Committee Meeting	President	CEO	No
Application for electronic attendance has been denied by President but meets the requirements for approval as specified in this Policy.	Ordinary Council Meeting, Special Council Meeting	Council. Send request to CEO at least 10 business days clear of the Council meeting at which the request is to be made.	CEO	No

The request for electronic attendance is <u>NOT</u> due to a Public Health Emergency, State of Emergency or Natural Disaster				
Circumstance	Type of Meeting	Request Approval From	Copy In	50% Cap Applies?
Initial Request	Ordinary Council Meeting, Special Council Meeting	President	CEO	Yes
Initial Request	Committee Meeting	President	CEO	Yes
Application for electronic attendance has been denied by President but meets the requirements for approval as specified in this Policy.	Ordinary Council Meeting, Special Council Meeting	Council. Send request to CEO at least 10 business days clear of the Council meeting at which the request is to be made.	CEO	Yes

Surname _____ Other Names _____

Date of Meeting _____

- Type of Meeting**
 (Please tick one)
- Ordinary Council Meeting
 - Committee Meeting
 - Special Council Meeting

Consideration of Location and Equipment Available	
Regulation 14C(5) – In deciding whether to authorise a member to attend a meeting by electronic means, the Shire President or Council must have regard to whether the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.	
Location Proposed	
Equipment Available	

IMPORTANT NOTE
The Shire President or Council cannot authorise a member to attend a meeting if the member’s attendance at the proposed meeting would result in the member attending more than half of the meeting type in the 12 months prior to the requested meeting date by electronic means. (<i>Regulation 14C(3)</i>).

Signature _____ Date _____

Please send this form to the Chief Executive Officer who will complete the member’s attendance section and forward to the Shire President or the Council for consideration.

OFFICE USE ONLY

MEMBERS ATTENDANCE

Number of Meetings Attended by Electronic Means in the 12 Months Prior to the Meeting Date

Ordinary Council Meeting	
Special Council Meeting	
Committee Meeting	

Number of Meetings Scheduled in the 12 Months Prior to the Meeting Date

Ordinary Council Meeting	
Special Council Meeting	
Committee Meeting	

Would Attending the Proposed Meeting Electronically Result in the Member Exceeding The 50% Requirement?

Yes No

Council/Shire President’s Consideration

The Shire President or Council should consider the following factors in determining whether the location and equipment is deemed suitable.

LOCATION

The location must be quiet and private. If there are other people at the location at the time of the meeting, you may require the person to be in a room that has a door that can be closed during the meeting, and request that the person wear headphones if appropriate.

EQUIPMENT AND ELECTRONIC MEANS

The equipment must support Council’s preferred electronic means for remote attendance, being Microsoft Teams.

Is the Location and Equipment Deemed Suitable?

Yes No

Is the Request to Attend the Proposed Meeting by Electronic Means Approved?

Yes No

Signature _____ Date _____

12.2 F26 - ICT DISASTER RECOVERY PLAN

File Reference:	ADM015
Location:	N/A
Applicant:	N/A
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	15/06/2023
Disclosure of Interest:	Nil
Attachments:	1. F26 - ICT DISASTER RECOVERY PLAN ↓

SUMMARY:

Council is requested to consider adopt F26 – ICT Disaster Recovery Plan.

BACKGROUND:

The Policy provides the Shire of West Arthur with an overview of its current Disaster Recovery capabilities and the steps it can take to recover from a variety of disaster situations.

The objective of the Council's Policy are:

1. To provide Council with a formal written record of all policy decisions.
2. To provide the staff with precise guidelines in which to act in accordance with Council's guidelines.
3. To enable the staff to act adequately handle enquiries from electors without undue reference to Council.
4. To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council.
5. To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances.
6. To enable ratepayers to obtain immediate advice on matters of Council Policy.

COMMENT:

Business Continuity Planning has wider implications than ICT Disaster Recovery Planning but in organisations such as the Shire, which are highly dependent on ICT systems and networks for service delivery, there is a very high correlation.

Where operational services are reliant on IT systems and networks, their loss presents a business continuity event. Applications, systems, and networks usually have resilience enabling business operations to continue at reduced levels, but a disaster situation may involve significant technical outages and loss of business operations.

This document details the steps the Shire should take to 'Respond' and 'Recover' in a variety of the most likely 'disaster' situations.

CONSULTATION:

Simon Cohen – Cohesis
Chief Executive Officer

STATUTORY ENVIRONMENT:

2.7. Role of council

(1) The council -

- (a) governs the local government's affairs; and
- (b) is responsible for the performance of the local government's functions.

- (2) Without limiting subsection (1), the council is to -
- (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

POLICY IMPLICATIONS:

Annual Review of Policy

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Significant	Severe
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Lack of transparency and accountability in decision making process.
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	All themes
Risk Action Plan (Controls or Treatment Proposed)	Endorse council policy manual and apply policies in making decision in the council.

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-059

Moved: Cr Duncan South
 Seconded: Cr Karen Harrington

That Council adopt Policy F26 – ICT Disaster Recovery Plan.

CARRIED

Policy Title	F26 – ICT Disaster Recovery Plan
Policy Type	Corporate Services
Responsible Officer	Manager Corporate Services



Purpose

This document provides the Shire of West Arthur with an overview of its current Disaster Recovery capabilities and the steps it can take to recover from a variety of disaster situations.

Scope

This policy applies to IT and the Executive.

Definitions

In this document, the terms “we”, “us”, “our” and “the Shire” refers to Shire of West Arthur.

Glossary

BCP: Business Continuity Planning; **DR:** Disaster Recovery; **MTPO:** Maximum Tolerable Period of Distruption.

Overview

The Relationship Between BCP and DR

The Shire’s BCP Lifecycle is shown below and provides an overview as to the phases for responding to a disruption to normal service levels. It demonstrates the importance of having effective Preparation, enabling prompt Responses to acceptable service levels until the Recovery has been completed.

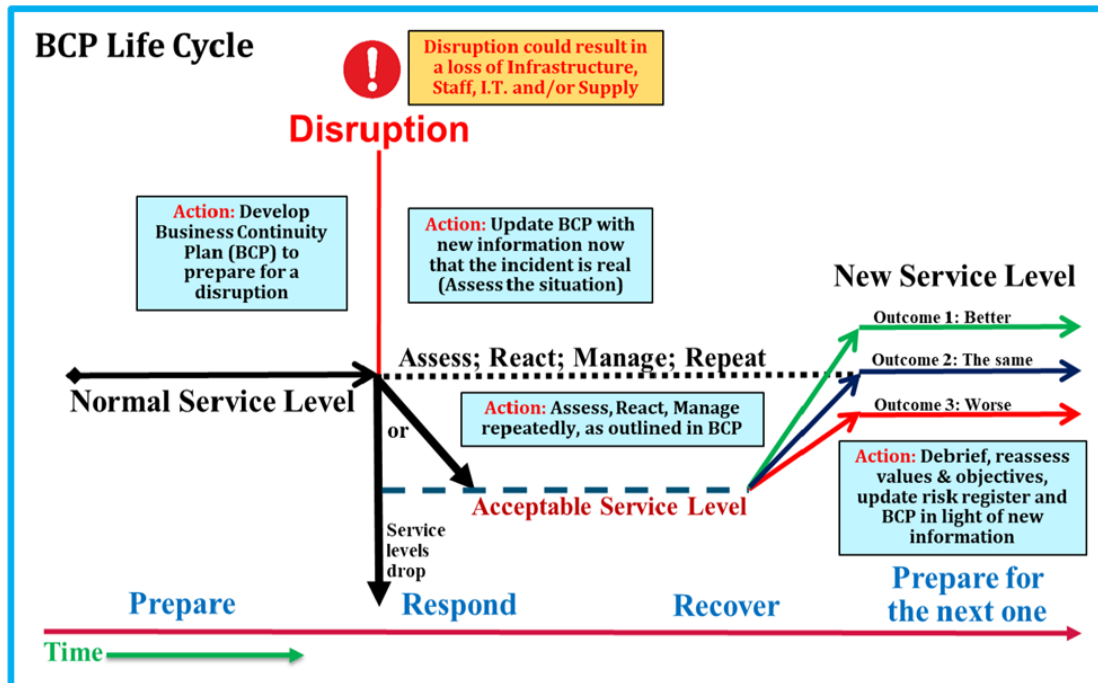


Diagram 1 - BCP Life Cycle

Business Continuity Planning has wider implications than ICT Disaster Recovery Planning but in organisations such as the Shire, which are highly dependent on ICT systems and networks for service delivery, there is a very high correlation.

Where operational services are reliant on IT systems and networks, their loss presents a business continuity event. Applications, systems and networks usually have resilience enabling business operations to continue at reduced levels but a disaster situation may involve significant technical outages and loss of business operations.

This document details the steps the Shire should take to 'Respond' and 'Recover' in a variety of the most likely 'disaster' situations.

The Governance Framework for ICT BCP and DRP

The Governance Framework for ICT BCP/DRP is described by the relationship between data and infrastructure backups, time to recover and catastrophic consequences. The relationship assists in determining the investment required to support the BCP/DRP.

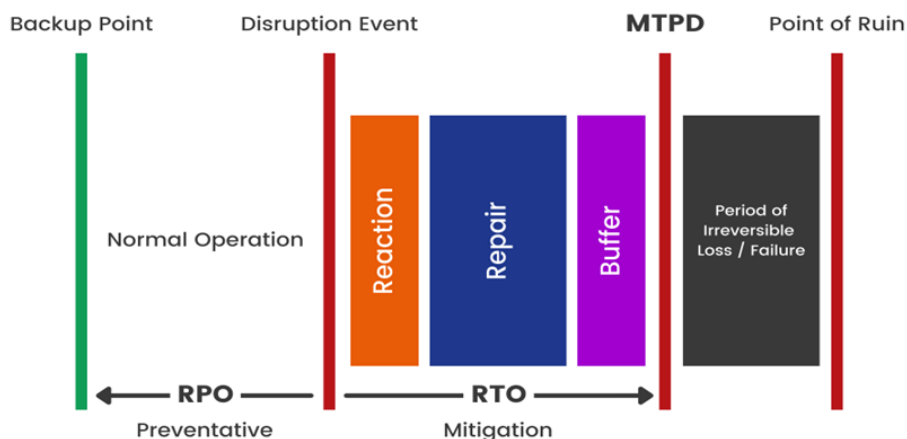


Diagram 2 - RPO-RTO-MTPD Relationship

Data backups (Recovery Point Objective) - a Recovery Point Objective (RPO) is defined as the maximum amount of data – as measured by time – that can be lost after a recovery from a disaster, failure, or comparable event before data loss will exceed what is acceptable to an organisation. For example, an RPO of 60 minutes requires a system backup every 60 minutes. The RPO is usually prescribed for SaaS and hosted systems in the contractual relationship between the supplier and the customer. For on-premise systems, the backup frequency initiated on-site determines the RPO.

Time to recovery (Recovery Time Objective) - a Recovery Time Objective (RTO) is the duration of time and a service level within which a business process must be restored after a disaster to avoid unacceptable consequences associated with a break in continuity. The RTO is usually prescribed for SaaS and hosted systems in the contractual relationship between the supplier and the customer. For on-premise systems, the backup frequency initiated on-site determines the RTO.

Catastrophic consequence (Maximum Tolerable Period of Disruption) – a Maximum Tolerable Period of Disruption (MTPD) is the maximum allowable time that an organisation's key IT-dependent products or services are made unavailable or cannot be delivered before the impact is deemed as unacceptable. The MTPD is peculiar to the customer regardless of SaaS, hosted or on-premise systems. The MTPD for a customer cannot be less than the sum of the RPO and RTO as provided by the Shire, a SaaS or hosted provider.

Key Risk Situations and Mitigations

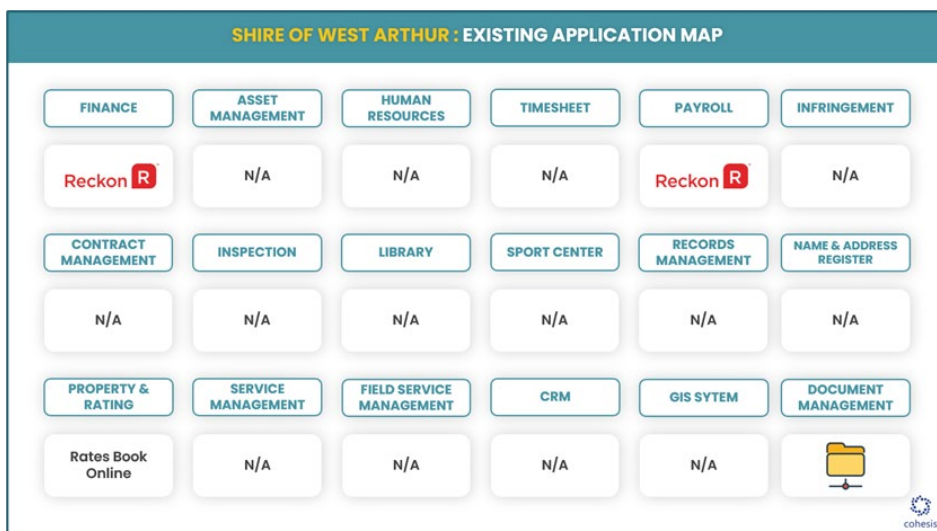
Loss of Data

The Shire currently has a limited backup strategy which is as follows:

- Nightly backups are taken and stored onsite.
- There is no redundancy – backups are not replicated.
- ICT Support asserts that backups are seldom tested.

Loss of an Application

The diagram below shows the applications currently in use by the Shire:



Notes:

- Reckon, RatesBook Online & Fixed Assets Online are 3rd party SaaS solutions.
- Microsoft 365 (not shown) is used for business applications.
- The Document Management system (File server) is hosted on premise on the Shire’s virtual server.

Files, folders, and server configuration can be recovered easily (assuming the server does not fail). However, if the server were to fail then restoration could take between 24 hours and 6 weeks depending on the cause.

Loss of ICT Infrastructure

The Shire’s core ICT infrastructure required to deliver business services is as follows:

Element	Description
Server Cabinet	The server cabinet contains: <ul style="list-style-type: none"> • 1 Dell Tower Server running 2 VMs (File server & Domain Controller) • 1 FortiGate Firewall Appliance • 1 Unifi Switch for Connectivity
Server Security	Servers are domain joined. FortiGate and Unifi Switch configured with complex local passwords.
Server Patching	The Shire has an existing formal process for server patching.
Network and Infrastructure Architecture Diagram	The Shire maintains network and infrastructure diagrams.

Network, Server and Storage Capacity Management	Usage is monitored via RMM system for Server / Storage capacity issues. Networking onsite is reviewed periodically and is currently being refreshed.
Primary internet connection	Telstra Fibre
Internet connection speed	Download: 94 MB / sec Upload: 83 MB / sec

Until recently, the Shire relied upon a slow and intermittent ADSL connection which resulted in limited options for offsite backup and redundancy. Telstra Fibre has now been connected providing the Shire with the opportunity to greatly enhance its backup and resilience capabilities.

The Shire’s Managed ICT support service has stated that should the server fail, recovery could take between 24 hours and 6 weeks, depending on the cause.

The Shire should consider migrating its documents to SharePoint 365.

Loss of Business Location

The Shire’s on-premise infrastructure is hosted in the Shire’s Administration building. Given the current lack of offsite backups or resilient cloud-based infrastructure, the loss of the Admin building would result in catastrophic disruption to the delivery of business services.

To mitigate this risk the Shire needs to enhance its backup capabilities.

Learn and Improve

Continuous Improvement is a key element of improving our Information Security posture and as such it is important we seek to learn from Information Security Incidents as they occur.

Following the closure of an incident a Post Incident Review should be held to discuss:

- What happened, when and why?
- What activities were performed to contain, resolve and restore systems, services and data?
 - How successful were they?
 - What worked?
 - What didn’t?
 - And Why?
- What information was needed sooner?
- What could / should be done differently next time?
- How could internal / external communications be improved?
- What additional tools / processes / training are needed to improve detection, analysis and mitigation of future incidents?
- What corrective actions can be taken to prevent reoccurrence of this and other similar threats?
- What key warning signs or indicators should be monitored or used to detect similar incidents?

Update Incident Response Plan

This plan should be continually updated to reflect the insights gained from the Shire’s incident response activities.

Key Systems and Recoverability Requirements

The table below shows the key systems and the priority order in which they should be recovered in the event of a disaster.

Restore Priority	System	Target RPO	Target RTO	Restore / Recovery Steps known (doc link)	Comments
1	Firewall, Switches, Routers	Last Known Good Configuration or State.	24 Hrs		Fortigate Firewall Appliance
2	Network, Internet	Last Known Good Configuration or State.	24 Hrs		Telstra Fibre
3	Server & Backup Infrastructure	Last Known Good Configuration or State.	24 Hrs		Subject to available server hardware, power supplies at the time of disaster.
4	Email System	1 hour	1 Hour		M365
5	ERP Business Systems (Finance, Payroll)	2 Hours	TBC		Reckon Online
6	File & Print Services	2 Hours	TBC		Infinitem Technologies
7	Phone Systems	N/A	TBC		Infinitem Technologies / Telstra
8	Rates Book Online & Fixed Assets Online	2 Hours	TBC		Provided and managed by Moore

Restore Priority	System	Target RPO	Target RTO	Restore / Recovery Steps known (doc link)	Comments
9	Website & Social Channels	5 Business Days – requires internal confirmation	5 Business Days – requires internal confirmation		Website hosted by Market Creations (Council Connect)

Policy Compliance

We will verify compliance to this policy through various methods, including but not limited to, business tool reports, internal and external audits, and feedback to the policy owner.

Any employee found to have violated this policy may be subject to disciplinary action, suspension, up to and including termination.

History	22 June 2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i> <i>State Records Act 2000</i>
Related Documentation	Acceptable Use Policy, Incident Management Policy; Risk Management Policy

12.3 F27 - ICT INCIDENT MANAGEMENT PROCEDURES

File Reference:	ADM015
Location:	N/A
Applicant:	N/A
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	15/06/2023
Disclosure of Interest:	Nil
Attachments:	1. F27 - ICT Incident Management Procedures ↓

SUMMARY:

Council is requested to consider adopt F27 – ICT Incident Management Procedures.

BACKGROUND:

This policy enables the Shire of West Arthur to effectively respond and resolve a probable or actual information Technology incident or event. It outlines instructions to help detect, react, and limit effects of such incidents. It ensures a consistent and effective approach to the management of incidents including the identification and communication of security events and weaknesses. This policy is part of our IT security and governance framework and should be reviewed alongside our other complimentary policies and procedures.

The objective of the Council's Policy are:

1. To provide Council with a formal written record of all policy decisions.
2. To provide the staff with precise guidelines in which to act in accordance with Council's guidelines.
3. To enable the staff to act adequately handle enquiries from electors without undue reference to Council.
4. To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council.
5. To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances.
6. To enable ratepayers to obtain immediate advice on matters of Council Policy.

COMMENT:

An incident is an unplanned interruption to or quality reduction of an IT service. It may be caused due to an asset that is not functioning properly or network failure. Examples of IT asset incidents include printer issue, WIFI connectivity issue, application lock issue, email service issue, laptop crash, file sharing issue, etc. Incident Management describes the activities required to identify, **analyse**, and correct hazards or threats to prevent a future re-occurrence. All incidents must be notified to the Manager Corporate Services and to the ICT Support Team. Where the incident is assessed to have a high impact, the Manager Corporate Services must activate the Incident Management Response Team (IMRT).

Without effective incident management, an incident can disrupt business operations, information security, IT systems, employees, customers, or other vital business functions.

CONSULTATION:

Simon Cohen – Cohesis
Chief Executive Officer

STATUTORY ENVIRONMENT:

2.7. Role of council

- (1) The council -
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to -
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

POLICY IMPLICATIONS:

Annual Review of Policy

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Significant	Severe
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Lack of transparency and accountability in decision making process.
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	All themes
Risk Action Plan (Controls or Treatment Proposed)	Endorse council policy manual and apply policies in making decision in the council.

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-060

Moved: Cr Adam Squires
 Seconded: Cr Robyn Lubcke

That Council adopt Policy F27 – ICT Incident Management Procedures.

CARRIED

Policy Title	F27 – ICT Incident Management Procedures
Policy Type	Corporate Services
Responsible Officer	Manager Corporate Services



Purpose

This document enables the Shire of West Arthur to effectively respond and resolve a probable or actual information Technology incident or event. It outlines instructions to help detect, react, and limit effects of such incidents. It ensures a consistent and effective approach to the management of incidents including the identification and communication of security events and weaknesses. This policy is part of our IT security and governance framework and should be reviewed alongside our other complimentary policies and procedures.

Scope

This policy applies to IT and the Executive.

Definitions

In this document, the terms “we”, “us”, “our” and “the Shire” refers to Shire of West Arthur.

Policy Statement

An incident is an unplanned interruption to or quality reduction of an IT service. It may be caused due to an asset that is not functioning properly or network failure. Examples of IT asset incidents include printer issue, WIFI connectivity issue, application lock issue, email service issue, laptop crash, file sharing issue, etc. Incident Management describes the activities required to identify, **analyse**, and correct hazards or threats to prevent a future re-occurrence. All incidents must be notified to the Manager Corporate Services and to the ICT Support Team. Where the incident is assessed to have a high impact, the Manager Corporate Services must activate the Incident Management Response Team (IMRT).

Without effective incident management, an incident can disrupt business operations, information security, IT systems, employees, customers, or other vital business functions.

Responsibilities

The Incident Management Response Team (IMRT) will provide oversight, direction, and support in managing the incident response. Its primary focus is on strategic issues identification and

management, stakeholder engagement and communications and ensuring appropriate resources are allocated to the response.

The table matrix below describes the initial roles of the IMRT. These may need to evolve depending on the nature and severity of the incident.

Title	Included	Role
CEO	Mandatory	Ultimate responsibility for the Shire’s response; IMRT Chair.
Manager Corporate Services	Mandatory	Strategic issues identification and management.
Managed IT Support Provider	Mandatory	Responsible for providing insight into the cause of the incident and implementing the agreed technical responses.
Manager Financial Reporting	Optional	Providing Financial Insights and ensuring core finance processes continue to run (e.g., payroll).

The following shows the initial RACI matrix for incident resolution within the IMRT – assumes “Optional” members are not initially needed to attend IMRT meetings.

Role	Responsible	Accountable	Consulted	Informed
CEO		✓		
Manager Corporate Services	✓			
Managed ICT Support Provider	✓		✓	
Manager Financial Reporting			✓	
Staff				✓
External Stakeholders				✓

Note: should “Optional” IMRT members be required to attend meetings, their status will change to “Consulted” as they will be acting in an advisory capacity.

Policy Requirements

The Manager Corporate Services will follow the following incident response process as shown in the diagram below:

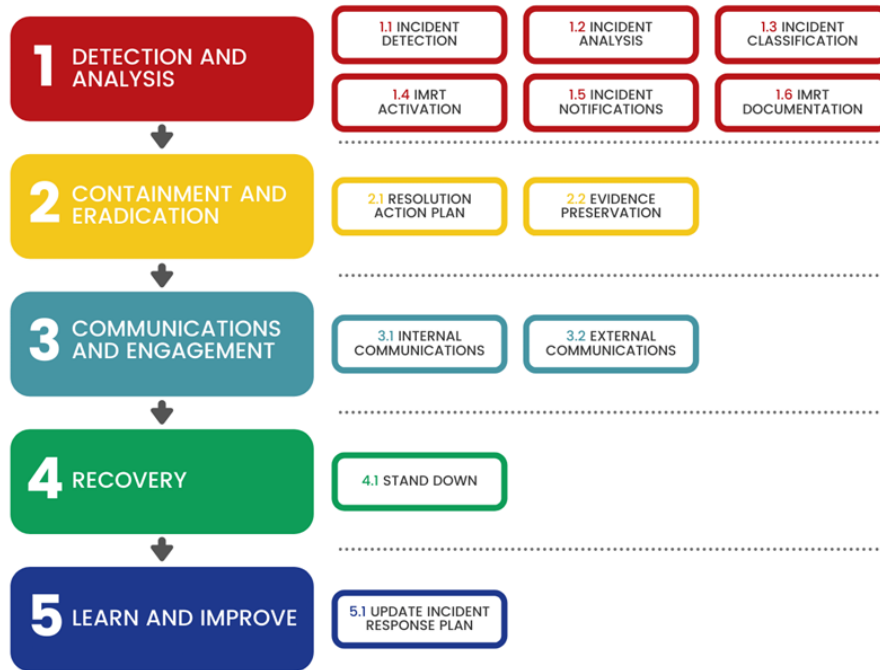


Image 1. Incident Response Process

Detection and Analysis

Incident Detection

If the Shire is already dealing with a suspected incident, then initial detection is likely to have already occurred. However, further detection activities may be required to better understand the extent and size of the incident or the likelihood that it will reoccur. It is important to understand the nature of the incident: Is it the result of a malfunction or an IT asset breakdown?

Incident Analysis

The table below identifies some useful steps to help identify whether the incident continues to occur. It is generally recommended to only allocate a maximum of 4 hours for initial incident analysis so as not to delay the overall response process.

Incident Classification

Action	Description
Updated Resources	Ensure you have access to the latest: Computer peripherals Printers and scanners ISP service Software licenses Documentation that may include system designs/architecture, security plans, GPO configuration, etc.
Reviewing log entries and security alerts	Are there any unusual entries or signs of suspicious behaviour on the network or applications?
Have Standard Operating Procedures (SOPs) for different operating systems	For Windows workstations, follow an SOP on what to look for or review (i.e. specific event log sources, the types of events to search for, etc.). The same applies for Linux and Unix Operating Systems.
Consult with network and application experts	Is there a legitimate explanation for the network failure that has been experienced?
Conduct IT asset check-up and maintenance	Check what caused the IT asset to break down or stop working. Were maintenance activities done to ensure IT assets are working properly?
Watch list / monitor list	Develop a list of IT assets with suspected issues and possible need for maintenance, repair, or replacement.

The table below provides a quick guide for classifying the category of a cyber incident. It also provides indicators to determine whether the incident is escalating.

Impact Levels	Information Security	Triggers for escalating to a higher category
Zero (Event)	A suspected (or unconfirmed) Incident with no impact to security of internal systems or data.	Substantial increase in the number or continued Information Security alerts with potential to breach security controls.
Minor (Incident)	Successful compromise of security controls but Minor impact to security of internal systems or data. No loss of data or data breach. (e.g., security of systems or data temporarily affected but no breach or data loss has occurred.)	Actual or high likelihood: of substantial or major impact to services; or IT asset not functioning properly
Moderate (Significant Incident)	Moderate impact to security of internal systems or data. Limited or major impact to systems, information, or data. May have caused temporary loss of service or data breach. Issue is believed to be contained or recoverable without impact to external stakeholders (e.g., email containing private, personal, or sensitive information sent to unintended recipient which has since been deleted).	A situation where: An incident is found to not be contained or containable; or ongoing or prolonged impact to systems or services like network failure.
High (Emergency)	Serious breach of internal security controls resulting in: a possible statutory breach; or the loss of personal and/or sensitive data which may cause injury, harm, distress, or loss of life; or some embarrassment or reputational damage for the Shire; or impact to the environment or the wider community.	A situation where: Wider consequences for the community have been identified; or Large-scale reputational damage for the Shire is likely.

IMRT Activation

The Manager Corporate Services is responsible for notifying and activating the IMRT which will occur in the following circumstances.

Impact Level	Information Security Category	Notify	Activate IMRT	Notification Method
Zero	Event	No	No	N/A
Minor	Incident	No	No	Email Manager Corporate Services
Moderate	Significant Incident	Yes	Maybe – depends on incident	Email IMRT
High	Emergency	Yes	Yes	Meeting(s)

The responsibilities as defined in the RACI table above may need to evolve as circumstances dictate.

If an incident is classified as HIGH, the IMRT must be activated as a team will be required to manage the response effort. Note: if lower classified incidents require a team to manage the response, the IMRT can be activated. Advice should be sought from the Manager Corporate Services.

Depending on the nature and severity of the incident the Chief Executive Officer may activate the Business Continuity and Crisis Management Plan.

Notifications

Only relevant stakeholders must be notified that an incident has occurred. Note: in the event of an Information Security Emergency, it may be necessary for us to cease electronic communications and go ‘off the grid’.

External Notifications

Depending on the nature and severity of the incident, we may need to notify appropriate external agencies. These may include:

External Organisation	Account Manager	Email	Phone
Telstra	Roddy Macaulay	rodny.macaulay@tbtcregionalwa.com.au	08 9722 7311 0419 429 633
LGIS	David Wood	david.wood@lgiswa.com.au	08 9483 8828 0409 024 457
Managed Support Provider - Infitum Technologies	Lachlan Britt	lachlan@infitum.net.au	08 9943 8343
Western Power			13 13 51
Website Management Agency Market Creations	Sharon Watson	sharon.watson@marketcreations.com.au	08 6158 1000 08 9920 8500
Legal – McLeods Lawyers	Neil Douglas	ndouglas@mcleods.com.au	08 9424 6210 0411 115 146

IMRT Documentation

Upon establishment, the IMRT should immediately begin documenting information about the incident. The documentation should include ‘Incident log’ and an ‘IMRT decisions log’.

Incident Logs should include the following:

- Incident date and time
- Incident status – New / In Progress / Resolved
- Incident Type and Classification – Ransomware, Malware, DDos
- Scope – details of affected networks, systems, applications or impacted information assets
- External Impact – details of entities affected by the incident and how they are affected (or likely to be affected)
- Internal Impact – what services or systems are impacted and how are they affected
- Initial responses – what initial measures, if any, have been taken to respond to the incident.

The IMRT Decisions log should be maintained by the Manager Corporate Services or a delegate and should include:

- Minutes from all IMRT meetings
- Details of all critical decisions (including the rationale for each decision)
- Operational actions taken
- Action items and owners
- Future meeting dates and times

Containment and Eradication

Resolution Action Plan

For all Information Technology Asset Incidents, a Resolution Action Plan should be created to determine current and future actions to remediate current threats and prevent them reoccurring. This may also include activities to upgrade, restore or repair IT Assets, systems, services, or data.

The key elements of a Resolution Action Plan are:

Step	Category	Considerations
1	Containment	<ul style="list-style-type: none"> • What is being done to contain the threat? • What is the level of confidence it will work? • Why?
2	Remediation	<ul style="list-style-type: none"> • What is being done to remove the threat? • What is the level of confidence it will work? • Why?
3	Requirements	<ul style="list-style-type: none"> • What resources (e.g. people, rooms, systems, external providers) do you need to successfully complete the activities? • Are they available to you? • If not, how can you get them?
4	Communications	<ul style="list-style-type: none"> • What messages need to be communicated and to whom? • When should we communicate? • How often should we communicate? • Who is responsible for communicating?

The details of the Resolution Action Plan will vary depending on the nature of the incident. In all cases it is important to consider:

- The time believed to be required to contain or remediate the threat.
- The resources required to resolve the incident and potentially to replace, repair or restore systems, services, data or IT assets.
- The services and systems affected during the resolution process.

Evidence Preservation

In responding to an incident, the Manager Corporate Services is responsible for nominating someone to ensure all relevant evidence relating to the threat is captured. This will assist any forensic investigation and help inform future risk mitigation activities.

Examples of the type of information that should be recorded are:

- IP Addresses.
- RAM Images.
- Hard drive images and raw images.
- CCTV, video, and audio recordings.
- Databases and files.
- System logs and configuration files.
- Network logs and configuration files.
- Network diagrams.
- Network packet captures and flows.
- Social media posts.
- Emails.

When preserving evidence, the nominated person needs to:

- Create a log of all evidence captured including the date and time collected.
- Ensure it is secure with access limited to only key individuals (e.g., the nominated person and the Manager Corporate Services).

Communications and Engagement

Internal Communications

Depending on the nature of the incident, it may be necessary for the organisation to alert its employees and key service contractors. This is important if IT networks, systems or applications are affected impacting service delivery – which may generate negative publicity.

Key messages to consider when communicating to employees include:

- What has happened and why (if known)?
- What will happen next?
- What are employees / contractors expected to do?
- Who employees can contact if they have questions?
- How community-facing employees should respond to questions?

All internal communications should be reviewed and approved by the Manager Corporate Services.

External Communications

Depending on the nature of the incident, it may be necessary for us to communicate with external stakeholders. This is important if the incident is likely to disrupt business operations or result in widespread disruption to public facing websites or services.

Key messages to consider when communicating to external stakeholders include:

- What has happened and why (if known)?
- What IT Assets are affected?
- What steps are being taken to resolve the situation?
- Whether a timeline for resolution can be communicated?
- What external stakeholders are expected to do?
- Who can external stakeholders contact if they have questions / concerns?

All external communications should be reviewed and approved by the Manager Corporate Services.

Recovery

An incident recovery plan should be developed detailing the approach to recovering IT networks, systems and data once containment and eradication is complete. The Recovery Plan should include steps to:

- Restore networks, systems, and data to their 'normal' state.
- Ensure the vulnerabilities enabling the incident have been remediated.
- Monitor affected systems to validate they are functioning normally.

Depending on the nature of the incident, the Recovery Plan may need to be developed in conjunction with business continuity, IT service advisors and any other forensic or law enforcement bodies.

Stand Down

Once the Recovery Plan has been successfully implemented, the Manager Corporate Services will advise the IMRT that it is now acceptable to 'Stand Down'.

However, the decision to 'Stand Down' can only be taken by the IMRT Chair.

Learn and Improve

Continuous Improvement is a key element of improving our Information Security posture and as such it is important we seek to learn from Information Security Incidents as they occur. Following the closure of an incident a Post Incident Review should be held to discuss:

- What happened, when and why?
- What activities were performed to contain, resolve, and restore systems, services and data?
 - How successful were they?
 - What worked?
 - What didn't?
 - And Why?
- What information was needed sooner?
- What could / should be done differently next time?
- How could internal / external communications be improved?

- What additional tools / processes / training are needed to improve detection, analysis and mitigation of future incidents?
- What corrective actions can be taken to prevent reoccurrence of this and other similar threats?
- What key warning signs or indicators should be monitored or used to detect similar incidents?

Update Incident Response Plan

This plan should be continually updated to reflect the insights gained from the Shire’s incident response activities.

Policy Compliance

We will verify compliance with this policy through various methods, including but not limited to, business tool reports, internal and external audits, and feedback to the policy owner.

Any employee found to have violated this policy may be subject to disciplinary action, suspension, up to and including termination.

Acknowledgement

I confirm that I have read, understood, and agree to adhere to this policy:

Full name:

Position:

Signature:

Date:

History	22 June 2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995</i> <i>State Records Act 2000</i>
Related Documentation	Acceptable Use Policy, Risk Management Policy; Disaster Recovery Plan

12.4 PC5 - BETTY BROWN HISTORICAL CENTRE MANAGEMENT AND COLLECTION

File Reference:	ADM015
Location:	N/A
Applicant:	N/A
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	15/06/2023
Disclosure of Interest:	Nil
Attachments:	1. PC5 - Betty Brown Historical Centre Management and Collection ↓

SUMMARY:

Council is requested to consider adopt PC5 – Betty Brown Historical Centre Management and Collection.

BACKGROUND:

This Policy will be used to guide the funding, establishment, and management structure of the Betty Brown Historical Centre. In addition, it will assist with the collection and inclusion of items into the Betty Brown Historical Centre, in accordance with the key theme and sub-themes of the Centre.

The objective of the Council's Policy are:

1. To provide Council with a formal written record of all policy decisions.
2. To provide the staff with precise guidelines in which to act in accordance with Council's guidelines.
3. To enable the staff to act adequately handle enquiries from electors without undue reference to Council.
4. To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council.
5. To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances.
6. To enable ratepayers to obtain immediate advice on matters of Council Policy.

COMMENT:

This Policy applies to the Betty Brown Historical Centre and those involved in the management and operations thereof.

The Betty Brown Historical Centre and its collection are owned by the Shire of West Arthur. The Centre is housed in the Road Board building in the Health and Resource Centre. Normal access to the Centre will be during the CRC opening hours of 8.30am to 4.30pm with after hours by prior appointment.

CONSULTATION:

Projects Officer
Community Development Officer
Chief Executive Officer

STATUTORY ENVIRONMENT:

2.7. Role of council

(1) The council -

- (a) governs the local government's affairs; and
- (b) is responsible for the performance of the local government's functions.

- (2) Without limiting subsection (1), the council is to -
- (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

POLICY IMPLICATIONS:

Annual Review of Policy

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Significant	Severe
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Lack of transparency and accountability in decision making process.
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	All themes
Risk Action Plan (Controls or Treatment Proposed)	Endorse council policy manual and apply policies in making decision in the council.

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-061

Moved: Cr Adam Squires
 Seconded: Cr Graeme Peirce

That Council adopt Policy PC5 – Betty Brown Historical Centre Management and Collection.

CARRIED

Policy Title	PC5 – Betty Brown Historical Centre Management and Collection
Policy Type	People and Culture
Responsible Officer	Chief Executive Officer



Purpose

This Policy will be used to guide the funding, establishment, and management structure of the Betty Brown Historical Centre. In addition, it will assist with the collection and inclusion of items into the Betty Brown Historical Centre, in accordance with the key theme and sub-themes of the Centre.

Scope

This Policy applies to the Betty Brown Historical Centre and those involved in the management and operations thereof.

Definitions

For the purpose of this policy —

Deaccessioning means the administrative process of removing an item from the collection.

Policy Statement

The Betty Brown Historical Centre and its collection are owned by the Shire of West Arthur. The Centre is housed in the Road Board building in the Health and Resource Centre. Normal access to the Centre will be during the CRC opening hours of 8.30am to 4.30pm with after hours by prior appointment.

Centre Management

1. Museum Reference Group

The Centre will be managed by a Museum Reference Group (MRG) which will consist of a maximum of six members of which, up to three members will be Shire of West Arthur representatives (either staff or elected members) and up to three West Arthur Community Resource Centre (CRC) representatives (either staff or nominated representatives). The MRG will be responsible for the operation of the Centre, the collection and cataloguing of items for inclusion in the Centre, and updating policies and procedures associated with the Centre. The MRG will meet on an “as required’ basis.

Specifically, the MRG will be responsible for the following:

- Setting procedures and guidelines associated with the management of the Centre.
- Adopting and supporting the Collection Procedures Manual for the Centre.
- Approving the Centre content (e.g., information for inclusion on panels, items to be included in the Centre).
- Considering the annual budget needs and presenting to the Shire of budget consideration through the annual report.
- Developing the long-term vision of the Centre both financially and strategically through the Centre’s Forward Plan.

- Overseeing short-term planning and determining how new exhibits or programmes will be funded.
- Approving significant changes to displays.
- Recommending use of reserve/renewal funds to the Shire.
- Approving who can open the Centre after hours/when it can be opened.
- Maintaining contact with relevant peak bodies and networks, in particular Museums Australia (WA); and
- Identifying risks associated with the Centre and implementing strategies to manage these risks.

2. Role of Organisations in MRG

Each organisation within the MRG will have specifically allocated roles in the management of the Centre. The roles of each organisation are outlined below.

The Shire of West Arthur will be responsible for:

- Managing Centre funds.
- Meeting day to day operational and maintenance costs (power, cleaning materials, and consumables) excluding wages. All expenses are to be approved in advance by a Shire authorised officer.
- Insuring the items contained within the collection and display cases and panels in the Centre.
- Cleaning the Centre, a minimum of twice per week.
- Payment of remuneration to the CRC for operating the Centre as part of the Memorandum of Understanding between the Shire and the CRC; and
- Provision of staff to manage the Centre.

The CRC will be responsible for:

- ensuring the Centre is accessible to the public during opening hours.
- assisting visitors with enquiries.
- having a good understanding of the Centre and assisting visitors with electronic devices associated with the Centre (e.g., iPad and headphones) and managing the upkeep of the software on these devices; and
- ensuring the Centre is kept clean and tidy outside of normal Shire cleaning.

3. Centre Funding

The ongoing management of the Centre will be funded by the Shire of West Arthur. A portion of the money bequeathed to the Shire by Ms Betty Brown (\$50,000) plus funds remaining from the bequest following establishment has been annexed for future management. In addition to the bequeathed funds, the Shire will endeavour to allocate \$5,000 per annum, where possible, for the future upkeep and development of the Centre.

A donations box will be provided in the Centre and visitors will be encouraged to contribute to the donations box to assist with the Centre upkeep. Money from the donations box will be managed by the Shire.

Collections Policy

The key theme for the Centre is to communicate the “Changing Role of Women in Agricultural Communities” with specific reference to the Shire of West Arthur. Subthemes of “Providing, Working,

and Belonging” have been identified to assist with collection of items.

4. Method of Acquisition

The Centre will acquire objects for the permanent collection by donation, bequest, purchase or transfer. The Centre will consider conditional donations on a case-by-case basis. Loans will also be considered on a case-by-case basis. Decisions on items to acquire or loan will be made by the MRG.

5. Acquisition Criteria

The MRG will consider the following criteria before approving acquisition of an object:

- Relevance – The Centre only collects objects that relate to the Centre’s purpose and key collecting areas and will not indiscriminately acquire objects that are not related to the themes described herein.
- Significance – Priority is given to objects which are significant for their historic, aesthetic, scientific/research, or social/spiritual value.
- Provenance and Documentation – Priority will be given to objects from the Shire of West Arthur and surrounding areas where the history of the object is known, and associated documentation and support material can be provided. However, material may be obtained from other areas for comparative purposes where this enhances understanding of the key themes within the collections.
- Condition, Intactness and Integrity – the condition of the object must be taken into consideration when acquiring material. Badly damaged material will not normally be accepted into the collection.
- Interpretive Potential – Objects that tell a story that adds to the interpretation of Centre themes will be prioritised.
- Rarity - Objects may be prioritised if they are rare examples of a particular kind of object.
- Representativeness - Objects may be prioritised if they are an excellent representative example of a particular kind of object.
- Duplications - Objects that duplicate items already in the collection will not be accepted unless they are of superior condition and/or historic value. In such a case, the duplicate may be considered for deaccessioning.
- Legal Requirements – the Centre only accepts objects where the donor/vendor has legal title to the object.
- Resource Implications – the Centre will consider its responsibilities in relation to items that have highly specialised conservation, storage and display needs and the ability of personnel to care for these items and the financial resources that maybe required to house such items.

Deaccessioning and Disposal

An object can be deaccessioned from the Centre’s collection if:

- It does not comply with the current collection policy of the Centre.
- It is damaged beyond repair.
- The conservation and storage costs for it are beyond the means of the Centre.
- It is a lesser quality duplicate of an object the Centre already owns.
- It lacks any supporting information to enable proper identification or to establish its relevance to the collection; and

- A substantiated request for the return of the object by its original owner/donor is received. This could be the return of sacred material to Indigenous peoples.

Deaccessioning will be undertaken in accordance with Deaccession Procedures outlined in the Collection Procedures Manual.

In the event that the Centre needs to be closed, a resolution of Council will be required.

History	22 June 2023
Delegation	Nil
Relevant Legislation	Nil
Related Documentation	<i>Betty Brown Historical Centre Procedures Manual Rev 2 (draft)</i> <i>Betty Brown Historical Centre Annual Report (draft)</i> <i>Betty Brown Historical Centre Forward Plan (draft)</i>

12.5 PC6 - COMMUNITY ARCHIVES

File Reference:	ADM015
Location:	N/A
Applicant:	N/A
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	15/06/2023
Disclosure of Interest:	Nil
Attachments:	1. PC6 - Community Archives ↓

SUMMARY:

Council is requested to consider adopt PC6 – Community Archives.

BACKGROUND:

This Policy will outline the role of the Shire and the Community in the establishment and management of a Community Archive Collection.

The objective of the Council's Policy are:

1. To provide Council with a formal written record of all policy decisions.
2. To provide the staff with precise guidelines in which to act in accordance with Council's guidelines.
3. To enable the staff to act adequately handle enquiries from electors without undue reference to Council.
4. To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council.
5. To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances.
6. To enable ratepayers to obtain immediate advice on matters of Council Policy.

COMMENT:

This Policy applies to documents, objects or other items that document the cultural heritage of community groups or organisations with this Shire of West Arthur. It does not apply to records required for the daily management of community groups or organisations (such as financial records or documentation relating to incorporation).

What can be included in the Community Archives?

The Community Archives will include historical documents and items from volunteer groups, clubs and organisations within the Shire of West Arthur. These groups may include craft groups, sports clubs, historical groups, church groups or other volunteer organisations.

Items stored in the Community Archives for each group can include (but are not limited to):

- Minute books
- Reports
- Ledgers
- Photographs
- Letters

CONSULTATION:

Projects Officer
Community Development Officer
Chief Executive Officer

STATUTORY ENVIRONMENT:

2.7. Role of council

- (1) The council -
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to -
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

POLICY IMPLICATIONS:

Annual Review of Policy

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management.
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices

- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Significant	Severe
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Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Lack of transparency and accountability in decision making process.
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	All themes
Risk Action Plan (Controls or Treatment Proposed)	Endorse council policy manual and apply policies in making decision in the council.

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-062

Moved: Cr Duncan South
 Seconded: Cr Neil Manuel

That Council adopt Policy PC6 – Community Archives.

CARRIED

Policy Title	PC6 – Community Archives
Policy Type	People and Culture
Responsible Officer	Chief Executive Officer



Purpose

This Policy will outline the role of the Shire and the Community in the establishment and management of a Community Archive Collection.

Scope

This Policy applies to documents, objects or other items that document the cultural heritage of community groups or organisations with this Shire of West Arthur. It does not apply to records required for the daily management of community groups or organisations (such as financial records or documentation relating to incorporation).

Definitions

For the purpose of this policy —

Deaccessioning means the administrative process of removing an item from the collection.

Policy Statement

What can be included in the Community Archives

The Community Archives will include historical documents and items from volunteer groups, clubs and organisations within the Shire of West Arthur. These groups may include craft groups, sports clubs, historical groups, church groups or other volunteer organisations.

Items stored in the Community Archives for each group can include (but are not limited to):

- Minute books
- Reports
- Ledgers
- Photographs
- Letters

Method of Acquisition

Community archives will initially comprise boxes currently stored by the Shire. Once the Archives are established, the Shire will advise other community groups that the option for storing historical items is available and then Community Archives will be acquired by donation from the community groups on an as required basis.

Acquisition may be limited by storage space available. This will need to be determined as Archives are sorted and stored. The method of acquisition will need to be modified once the initial influx of material is catalogued.

Acquisition Criteria

The Shire of West Arthur will consider the following criteria before approving acquisition of an object:

- Relevance – The Centre only collects objects that relate to the Centre’s purpose and key collecting areas and will not indiscriminately acquire objects that are not related to the themes described herein.
- Significance – Priority is given to objects which are significant for their historic, aesthetic, scientific/research, or social/spiritual value.
- Provenance and Documentation – Priority will be given to objects from the Shire of West Arthur and surrounding areas where the history of the object is known, and associated documentation and support material can be provided. However, material may be obtained from other areas for comparative purposes where this enhances understanding of the key themes within the collections.
- Condition, Intactness and Integrity – the condition of the object must be taken into consideration when acquiring material. Badly damaged material will not normally be accepted into the collection.
- Interpretive Potential – Objects that tell a story that adds to the interpretation of Centre themes will be prioritised.
- Rarity - Objects may be prioritised if they are rare examples of a particular kind of object.
- Representativeness - Objects may be prioritised if they are an excellent representative example of a particular kind of object.
- Duplications - Objects that duplicate items already in the collection will not be accepted unless they are of superior condition and/or historic value. In such a case, the duplicate may be considered for deaccessioning.
- Legal Requirements – the Centre only accepts objects where the donor/vendor has legal title to the object.

Documentation and Record Keeping

The Shire shall at all times maintain an effective documentation system in accordance with the Community Archives Collection Procedures Manual, 2020. All documentation including Archive Deposit Forms, Archive Agreement forms, Acquisition register and Database will be kept at the Shire office.

Storage and Conservation

The Community Archives will be stored in the Shire strong room in the Shire office. Additional storage maybe required and this will need to be determined after the initial establishment of the Archives.

Loans

The Shire will consider lending material to the relevant community group if requested by the community group that originally deposited the items in the Community Archives. Decisions relating to the borrowing of material will be made by the Shire representatives and will be undertaken on a case-by-case basis. The Shire will consider the length of time of the loan on a case-by-case basis.

Deaccessioning and Disposal

An object can be deaccessioned from the Community Archives collection if:

- It does not comply with the current collection policy of the Shire.
- It is damaged beyond repair.
- The conservation and storage costs for it are beyond the means of the Shire or the community group to which the object originally belonged.
- It is a lesser quality duplicate of an object the Community Archives already owns.
- It lacks any supporting information to enable proper identification or to establish its relevance

to the collection; and

- A substantiated request for the return of the object by its original owner/donor is received. This could be the return of sacred material to Indigenous peoples.

Prior to an item being deaccessioned from the collection, the item identified for removal from the collection must be discussed with the relevant community group if it is still in operation, or a past member of that group if it is no longer in existence.

The community group’s overseeing committee must discuss the relevance of the object and advise the Shire on the appropriateness of the items inclusion in the Community Archives taking into consideration the criteria stated above before it is disposed of.

Once an item has been deemed no longer suitable for inclusion in the Community Archives it should be returned to the community group if this group still exists, wherever possible. If the community group no longer exists then every effort should be made to contact a past member of the community group to discuss the item. If after a thorough search this is impossible, the following procedures should be followed in the order outlined below:

1. Transferred to another appropriate institution;
2. Sold by public auction, where appropriate;
3. Used as an educative/interpretive tool; or
4. Destroyed or recycled if appropriate.

In the event that the Shire needs to close the Community Archives, a resolution of Council will be required.

History	22 June 2023
Delegation	Nil
Relevant Legislation	<i>Local Government Act 1995 (WA)</i> <i>State Records Act 2000 (WA)</i> <i>Aboriginal Heritage Act 1972.</i> <i>Privacy Act 1988 (Commonwealth)</i> <i>Copyright Act 1968</i> <i>National Standards for Australian Museums and Galleries 1.5</i>
Related Documentation	<i>Community Archives Collection Procedures, 2020</i>

12.6 POLICY AMENDMENT: F2 - CORPORATE TRANSACTION CARDS

File Reference:	ADM015
Location:	N/A
Applicant:	N/A
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	16/06/2023
Disclosure of Interest:	Nil
Attachments:	1. F2 - Corporate Transaction Cards ↓

SUMMARY:

Council is requested to amend NAB Credit Card Facility limit from \$10,000 to \$15,000 in Policy F2 – Corporate Credit Cards as adopted by the ordinary council meeting held on 15 November 2022.

BACKGROUND:

The purpose of the policy:

- To provide a clear framework to enable the use of corporate transaction cards.
- To provide employees issued with a corporate transaction card clear and concise guidelines outlining its use.
- To reduce the risk of fraud and misuse of the corporate transaction card.

The objective of the Council's Policy are:

1. To provide Council with a formal written record of all policy decisions.
2. To provide the staff with precise guidelines in which to act in accordance with Council's guidelines.
3. To enable the staff to act adequately handle enquiries from electors without undue reference to Council.
4. To enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Council.
5. To enable Council to maintain a continual review of Council Policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances.
6. To enable ratepayers to obtain immediate advice on matters of Council Policy.

COMMENT:

The author discovered an error in the NAB Credit Card Facility limit when the relevant policy was presented to the council as part of the new policy manual at the ordinary council meeting on 25 May 2023. The previous limit of \$5,000 for the credit card was adopted by the council in March 2022 and an increased limit of \$15,000 was approved by Council at the ordinary council meeting on 15 November 2022.

CONSULTATION:

Staff
External Consultant

STATUTORY ENVIRONMENT:

2.7. Role of council

(1) The council -

- (a) governs the local government's affairs; and
- (b) is responsible for the performance of the local government's functions.

- (2) Without limiting subsection (1), the council is to -
- (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

POLICY IMPLICATIONS:

Annual Review of Policy

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management.
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Significant	Severe
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Inadequate internal control
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (9)
Principal Risk Theme	Misconduct
Risk Action Plan (Controls or Treatment Proposed)	Comply with the new policy

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-063

Moved: Cr Adam Squires
 Seconded: Cr Graeme Peirce

That Council approve an amendment to Policy F2 – Corporate Credit Cards to increase the NAB Credit Card Facility limit to \$15,000 as adopted at the ordinary council meeting held on 15 November 2022.

CARRIED



Policy Title	F2 - Corporate Transaction Cards
Policy Type	Corporate Services
Responsible Officer	Chief Executive Officer

Purpose

- To provide a clear framework to enable the use of corporate transaction cards.
 - To provide employees issued with a corporate transaction card clear and concise guidelines outlining its use.
 - To reduce the risk of fraud and misuse of the corporate transaction card.
-

Scope

The application of this Policy is to be in conjunction with the Shire of West Arthur's Code of Conduct Policy and any legislative requirements of the *Local Government Act 1995* that may be enforced.

Definitions

Cardholder means an employee who has been authorised by the Chief Executive Officer to incur expenditure by means of a transaction card.

Transaction Card means a card facility (which may include; credit, debit, store, parking, cab-charge and fuel cards) approved for use in lieu of cash transactions, to incur expenditure for goods and services for the purposes of the Shire of West Arthur business activities only in accordance with relevant Shire policies.

Policy Statement

The Shire of West Arthur recognises the value of corporate transaction cards and supports their use, within appropriate controls and limits.

The CEO is authorised to obtain a corporate transaction card/s with a maximum monthly credit limit of \$15,000. This limit can only be adjusted with the express approval of the Council.

The Chief Executive Officer is the primary cardholder for the Shire and may authorise additional cardholders within the Shire's approved total credit limit.

Individual transaction card limits are as approved by Council (in relation to the CEO) or the CEO (in relation to other employees, but within the limits determined by Council).

Determining When Transaction Card Facilities Are Appropriate

Transaction Card facilities may be implemented and maintained where the card facility provides benefit to the Shire of West Arthur operations by ensuring:

- a. Goods and services can be obtained in a timely and efficient manner to meet the business needs of the Shire;
- b. Financial management and accounting standards are met; and
- c. Purchasing and payment functions are secure, efficient and effective.

Transaction card facility providers will only be acceptable where, in the opinion of the Chief Executive

Officer, they:

- a. Provide appropriate and sufficient statement, administration and acquittal controls that enable the Shire to sufficiently administer the facility; and
- b. Provide the Shire with protection and indemnification from fraudulent unauthorised transactions.

Management Oversight

The Chief Executive Officer shall determine and implement systems and procedures that are adequate to ensure:

- a. Assessment and selection of transaction card facilities suitable to the efficient and effective operations of the Shire;
- b. Authorisation and appointment of suitably eligible cardholders;
- c. Cardholder duties and responsibilities are documented; and
- d. Cardholders provided with training; and
- e. Monitoring and auditing of transactional card activities is planned and reported.

Reporting

The Chief Executive Officer will ensure that acquitted transaction statements for each transaction card facility are provided to Council as part of the monthly financial reporting regime.

Misuse, Misconduct and Fraudulent Use

- a. Any alleged misuse of transaction cards will be investigated and may be subject to disciplinary procedures.
- b. Where there is reasonable suspicion of misconduct or fraudulent activity arising from transaction card facilities the matter will be reported to the appropriate regulatory agency, subject to the requirements of the Public Sector Management Act 1994 and the Corruption, Crime and Misconduct Act 2003.

Principles for Usage – Allowable Transactions

Transaction card facilities may only be used where:

- a. The expenditure is directly arising from a Shire operational business activity for which there is an Annual Budget provision;
- b. The expenditure is in accordance with legislation, the Shire Purchasing Policy, Code of Conduct and any conditions or limitations applicable to the individual Cardholder.
- c. The procurement of the required goods or services is impractical or inefficient if undertaken via a purchase order or is not able to be obtained other than by a transaction card;
- d. Supplier surcharges (fees) on transactions are minimised and only allowable where the alternative method of obtaining the supply (i.e. by purchase order) is more onerous, not cost effective or there is no alternative mode of supply.
- e. Hospitality expenditure may only occur when it is undertaken with the express permission of the Chief Executive Officer.
- f. Official travel, accommodation and related expenses may only occur in accordance with Shire policies and procedures;

- g. A sufficient record of each transaction is obtained and retained in the local government record.

Allowable transaction modes include:

- a. In-person and over the counter retail purchases;
- b. Telephone or facsimile purchasing;
- c. Mail order purchasing and subscriptions;
- d. Internet purchasing

Prohibited Transactions

The Shire prohibits the use of transaction card facilities for:

- a. Cash advances;
- b. Incurring expenses which are personal or private (i.e. any expenditure which is not an approved local government activity);
- c. Making deposits onto the card, whether to offset misuse or otherwise;
- d. Incurring capital expenditure;
- e. Incurring expenditure for goods or services which are subject to a current supplier contract;
- f. Incurring expenses which are not in accordance with legislation, the Shire's Purchasing Policy, the Annual Budget and / or the conditions or limitations relevant to the individual cardholder;
- g. Splitting expenditure to avoid compliance with the Purchasing Policy or to negate limits or conditions applicable to the Cardholder; and
- h. Incurring expenses for the primary purpose of obtaining personal advantage through the transaction (i.e. membership or loyalty rewards).

For clarity, council members are prohibited from using Shire transaction cards as the Local Government Act 1995 does not provide authority for a council member to incur liabilities on behalf of the local government. The Act limits local governments to only paying council member allowances and reimbursing council member expenses.

Cardholder Duty of Care and Responsible Use Obligations

A cardholder is required to:

- a. Keep the transaction card and access information in a safe manner; protected from improper use or loss.
- b. Only use the transaction card for allowable purposes and not for prohibited purposes.
- c. Obtain, create and retain local government records that evidence transactions.
- d. Acquit the reconciliation of transaction card usage in the required format and within required timeframes. The onus is on the cardholder to provide enough detail for each transaction to avoid any potential perception that a transaction may be of a personal nature.
- e. Return the transaction card to the Shire before termination of employment, inclusive of reconciliation records.
- f. Reimburse the Shire the full value of any unauthorised, prohibited or insufficiently reconciled expenditure. vii) Comply with all cardholder responsibilities as outlined by the card provider.

Benefits obtained through use of a transaction card (i.e. membership or loyalty rewards) are the property of the Shire and may only be used for Shire business purposes. Such benefits must be relinquished by the cardholder to the Shire. Under no circumstances may such benefits be retained as a personal benefit.

Transaction Evidence

An adequate transaction record must include the following minimum information:

- a. Invoice and / or receipt that includes; the date, company name, address, ABN, amount and any GST amount included;
- b. Where an invoice and / or receipt cannot be obtained, the cardholder must provide a signed statement, detailing the nature of the expense and enough information to satisfy the requirements above.
- c. Approval of the expense above is to be referred to the Chief Executive Officer for a decision.
- d. Where a transaction card is used to incur an expense for hospitality, the transaction record must include for the purposes of Fringe Benefits Tax calculations and probity
- e. The number of persons entertained; ii) the names of any employees in that number; and
- f. The purpose of providing the entertainment or hospitality

Card Reconciliation Procedures

- a. Card statement accounts will be issued to the relevant cardholder who will, within 7 days, acquit the transactions on the account.
- b. Transactions will be supported by a GST invoice stating the type of goods purchased, amount of goods purchased, and the price paid for the goods. The receipt shall meet the requirements of the Goods and Services Tax Act 1999 to enable a GST rebate to be applied.
- c. Transactions shall be accompanied by a job number for costing purposes.
- d. Should approval of expenses be refused by the Chief Executive Officer recovery of the expense shall be met by the cardholder?
- e. The cardholder shall sign and date the card statement with supporting documentation attached stating all expenditure is of a business nature

Disputed Transactions

The Shire is responsible for paying all accounts on the monthly card statement and the bank processes a direct debit from Council's operating bank account for such.

When a Cardholder believes that charges are incorrect, they should first contact the supplier to determine the causes of the discrepancy and if necessary, the Finance Officer will notify the bank in writing.

Any amounts in dispute must be highlighted on the copy of the Cardholders statement and a copy of the written notification to the bank attached.

Cancelled Cards

Cancellation of a Card may be necessary where the:

- a. cardholder changes job function within the local government;
- b. cardholder terminates employment with local government;
- c. the employment of the Cardholder is terminated;
- d. card is no longer required;

- e. cardholder has not adhered to set procedures;
- f. misuse of the Card; or
- g. CEO determines it is appropriate to do so

Review of Card Use

All receipts and documentation will be reviewed and any expenses that do not appear to represent fair and reasonable business expenses shall be referred to the Chief Executive Officer for a decision.

Procedures for Lost, Stolen and Damaged Cards

The cardholder must formally advise the CEO of the loss or theft without delay.

The loss or theft of a transaction card must be reported to the card provider as a matter of priority.

Advice of a damaged card is to be provided to the CEO who will arrange a replacement.

Cardholder Agreement

The Cardholder Agreement is shown at **Attachment 1**.

Failure to comply with any of these requirements could result in the card being withdrawn from the employee. In the event of loss or theft through negligence or failure to comply with the Shire of West Arthur Card Policy any liability arising may be passed on to the cardholder.

Consequences of Non-Compliance

Failure to comply with the Delegations, Policy or Executive Instructions may result in disciplinary action up to and including termination of employment.

History	22/06/2023 25/05/2023
Delegation	Payments from the Municipal or Trust Fund
Relevant Legislation	<i>Local Government (Function and General) Regulations 1996</i>
Related Documentation	Corporate Transaction Card Agreement

ATTACHMENT 1 - Corporate Transaction Cardholder Agreement

I (insert cardholder name) acknowledge and accept the conditions listed below which govern the use of the Shire of West Arthur Corporate Transaction Card:

Conditions of Use

- Ensure the corporate transaction card is maintained in a secure manner and guarded against improper use.
- The corporate transaction card is to be used only for Shire of West Arthur official activities, there is no approval given for any private use whatsoever.
- All documentation regarding a corporate transaction card transaction is to be retained by, or provided to, the cardholder and produced as part of the reconciliation procedure.
- Credit limits may only be exceeded under exceptional circumstances, and with the approval of the Shire President.
- The use of the transaction card shall not be tied to any type of reward system that provides cardholders with any personal benefit or reward.
- Observe all cardholder responsibilities as outlined by the card provider.
- Purchases on the corporate transaction card are to be made in accordance with Shire of West Arthur’s Purchasing and Tender Policy.
- Monthly reconciliation of transaction card purchases is to be completed on the supplied template within seven (7) days of the date of the transaction card statement being issued.
- Transactions will be supported by a GST invoice stating the type of goods purchased, amount of goods purchased and the price paid for the goods. The receipt shall meet the requirements of the Goods and Services Tax Act 1999 to enable a GST rebate to be applied.
- Transactions shall be accompanied by a succinct explanation of why the expense was incurred.
- Transactions shall be accompanied by an authorised purchase order.
- Should approval of expenses be denied by the Shire President, recovery of the expense shall be met by the cardholder.
- The cardholder shall sign and date the corporate transaction card statement with supporting documentation attached stating ‘all expenditure is of a business nature’.
- Lost or stolen cards shall be reported immediately to the card provider and Shire President.
- The corporate transaction card is to be returned to the Shire President on or before the employee’s termination date with a full acquittal of expenses.

Failure to comply with any of these requirements could result in the card being withdrawn from the employee. In the event of loss or theft through negligence or failure to comply with the Shire of West Arthur Corporate Transaction Card Policy any liability arising from the use of the card may be passed to the cardholder.

The use of a Shire of West Arthur Corporate Transaction Card is subject to the provisions of the Code of Conduct of Shire of West Arthur. Serious transgression of the above listed responsibilities or the Code of Conduct may result in an appropriate referral under the Corruption and Crime Commission Act 2003 and/or termination of employment.

Name:

Position:

Signed: _____

Date: _____

12.7 SCHEDULE OF FEES AND CHARGES 2023-2024

File Reference:	ADM130
Location:	N/A
Applicant:	N/A
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	15/06/2023
Disclosure of Interest:	Nil
Attachments:	1. Schedule of Fees and Charges 2023-2024 ↓

SUMMARY:

Council is requested to consider enabling the 2023-2024 Fees and Charges to be applied from 1 July 2023, regardless of the status of the adoption of the 2023-2024 budget, it is proposed that Council adopt the Schedule of Fees and Charges 2023-2024 as attached and give public notice prior to them taking affect from 1 July 2023.

BACKGROUND:

A local government has the power to impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed. Fees and charges are to be imposed when adopting the Annual Budget but may also be imposed during a financial year or amended from time to time during a financial year.

The 2023-2024 budget is scheduled to be adopted at the end of August. Adopting the fees from the 1 July, will result in consistent application of all fees through the whole financial year.

COMMENT:

In determining the proposed fees and charges, consideration was given to what charges may have been had actual inflation increases (based on the March Quarter Consumer Price Index each year) been applied, the current March Quarter Consumer Price Index of 7%, and whether the charges reflect the Shire expenditure associated with this service.

A complete list of fees and charges, including statutory, have been included in the attached Schedule. Statutory fees and charges can be altered at any time by relevant government departments, and if this occurs, the Schedule will be updated accordingly.

It should also be noted that increases to the Shire's community facilities and equipment will not affect community groups as, these are available free of charge.

CONSULTATION:

Member representatives have been consulted and have determined their own fees for the Kids Central and the Gym as these activities are self-funded.

Chief Executive Officer
Manager Works and Services
Manager Financial Reporting

STATUTORY ENVIRONMENT:

In accordance with the Local Government Act 1995 S6.16, a local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide.

The adopted Fees and Charges are to be advertised in accordance with Section 6.19 of the Local Government Act 1995.

Penalty interest on rates has remained at 7%.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The adoption of fees and charges enables Council to charge appropriate fees from 1 July 2023.

Revenue raised from fees and charges set by Council will contribute to its ability to provide services and facilities for the 2023-2024 financial year and into the future.

STRATEGIC IMPLICATIONS:

There is no reference to this report in the Council's Strategic Community Plan.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management.
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Significant	Severe
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Inability to charge fees prior to adoption of the budget if not adopted.
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Consequence	Insignificant (1)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (1)
Principal Risk Theme	Business Disruption
Risk Action Plan (Controls or Treatment Proposed)	Adopt and charge fees in accordance with the fees and charges schedule.

VOTING REQUIREMENTS:

Absolute Majority

RESOLUTION CO-2023-064

Moved: Cr Robyn Lubcke
 Seconded: Cr Neil Manuel

That Council, adopt the Schedule of Fees and Charges 2023-2024 as attached and give local public notice prior to them taking affect from 1 July 2023.

CARRIED BY ABSOLUTE MAJORITY



Schedule of Fees and Charges 2023-2024

COA/T#	ITEM	Statutory Fees	Details	2022/23	2023/24	Incl GST
Statutory fees and charges cannot be modified by Council but may be subject to change						
GENERAL PURPOSE FUNDING						
Rates						
I031714	Administration Fee - Rates Instalments per instalment (Per Notice, Excluding first Notice)	LG Act 1995 S6.45	Per Instalment	5.00	7.00	N
I031732	Rate Enquiry/Order and Requisition Fee Per Request	LG Act 1995 S6.16	Per Request	50.00	65.00	N
I033020	Credit Card Surcharge for Payment of Rates, ESL or Rubbish charge			0.75%	0.75%	Y
	Penalty Interest			7%	7%	N
	Instalment Interest			3%	3%	N
GOVERNANCE						
Photocopying						
I043003	Photocopy (Black and White) A4	LG Act 1995 S6.16	Per Copy	0.50	0.75	Y
	Photocopy (Colour) A4		Per Copy	0.95	1.20	Y
	Photocopy (Black and White) A3		Per Copy	0.95	1.20	Y
	Photocopy (Colour) A3		Per Copy	1.90	2.00	Y
<i>(Copy of Shire documents only. General Photocopying Service Available at CRC)</i>						
	Postage			Actual Cost		
Freedom of Information						
<i>Fees are Prescribed in the Freedom of Information Act Regulations 1993</i>						
	Application Fees Non Personal - Per enquiry		Per Enquiry	30.00	30.00	N
	Application Fees Personal - Per enquiry			no fees	no Fees	
	Charge for Time Dealing with the Application		Per Hour	30.00	30.00	N
	Access Time Supervised by Staff		Per Hour	0.00	30.00	N
	Photocopying Staff Time		Per Hour	0.00	30.00	N
	Per Photocopy - A4		Per Copy	0.20	0.20	N
	Transcribing from Tape, Film or Computer		Per Hour	0.00	30.00	N
	Duplicating a Tape, Film or Computer Information		Actual Cost		At Cost	
	Delivery, Packaging and Postage		Actual Cost		At Cost	
LAW, ORDER AND PUBLIC SAFETY						
I051115	Fire Maps	LG Act 1995 S6.16	Per Map	18.00	25.00	Y
	Dog Registration - Per Dog		1 Nov - 31 Oct			
<i>** Registration fees are prescribed in the Dog Act Regulations 1976</i>						
<i>^^ Registration s a fter 31 May are only 50% of the fees below</i>						
<i>** Concession of 50% available to eligible PENSIONERS</i>						
<i>** Concession of 75% available for WORKING DOGS</i>						
I052120	Sterilised dog for 1 year	Dog Regs 213 R17	Per Dog	20.00	20.00	N
	Sterilised dog for 3 years		Per Dog	42.50	42.50	N
	Sterilised dog for Lifetime		Per Dog	100.00	100.00	N
	Unsterilised dog for 1 year		Per Dog	50.00	50.00	N
	Unsterilised dog for 3 years		Per Dog	120.00	120.00	N
	Unsterilised dog for Lifetime		Per Dog	250.00	250.00	N
	Cat Registration - Per Cat					
<i>**Registration fees are prescribed in the Cat Act Regulations 2012</i>						
<i>^^ Registration s a fter 31 May are only 50% of the fees below</i>						
<i>** Concession of 50% available to eligible PENSIONERS</i>						
I052130	Sterilised cat for 1 year	Cat Regs 2012 Sch 3	Per Cat	20.00	20.00	N
	Sterilised cat for 3 years		Per Cat	42.50	42.50	N
	Sterilised cat for Lifetime		Per Cat	100.00	100.00	N
	Approval to Breed cats - 1 year		Per Breeding		100.00	N
	Fines and Penalties - Per animal					
<i>** Fines are as Prescribed in Dog Act 1976, and Cat Act 2011</i>						
I052110	Seizure and Impounding of a Dog/Cat		Per Animal	55.00	75.00	N
	Daily Sustenance		Per Animal/Per day	25.00	30.00	Y



Schedule of Fees and Charges 2023-2024

COA/T#	ITEM	Statutory Fees	Details	2022/23	2023/24	Incl GST
Statutory fees and charges cannot be modified by Council but may be subject to change						
	Destruction of Dog/Cat		Per Animal		100.00	N
	Miscellaneous					
	Kennel License	Dog Regs 213 R17	Per annum	200.00	200.00	N
	Kennel Inspection Fees		Per annum	100.00	100.00	Y
	Microchipping - Dog/Animal		Per Animal		65.00	Y
	Microchipping - Cat/Animal		Per Animal		65.00	Y
	Bond - Animal Trap				65.00	N
	Trap Hire Fee		First 7 days free then daily rate apply		1.35	Y
	Replacement Tags				5.00	Y
Fines Enforcement (Applicable to all infringement) - Fines, Penalties and Infringement Notices Enforcement Regulations 1994						
I051125	Issuing Final Demand	Fine Regs Schd 2			25.30	N
	Preparing Enforcement Certificate				21.50	N
	Registration of Infringement Notice				81.00	N
	Fire Control					
I051125	Firebreaks - Cost Recovery	BFA 1954 s33(5)			at cost	N
	Infringements				at cost	N
	Impounding Vehicles					
I051125	Impound Fees				135.00	N
	Impound Fee Per Day				20.00	N
	Towing Expense as Per Service				at cost	N
EDUCATION AND WELFARE						
	Kids Central Membership					
I064010	Kids Central Yearly Family Membership (Pro-rata below 6 months)	LG ACT 1995 S6.16	Per Membership	50.00	40.00	Y
	Electric Swipe Key (Authorised for Kids Central)		Per Key	20.00	22.00	Y
	Meal Services					
I061011	Main Meal	LG ACT 1995 S6.16	Per Meal	7.00	8.00	N
	Dessert		Per Dessert	3.00	3.50	N
HEALTH						
	Wastewater Treatment System					
I071115	Apparatus for the Treatment of Sewage (e.g. septic tank) Application			118.00	118.00	N
	Permit to use Apparatus for the Treatment of Sewage (e.g. septic tank)			118.00	118.00	N
	Offensive Trade Licences	<i>Refer to Health Department Scale of Fees</i>				
	Food Business					
	New Food Business Notification - Charitable				Nil	N
	New Food Business Notification/Registration Form				110.00	N
	Food Business Surveillance/Inspection Fee					
	Very Low risk or Charitable				Nil	
	Low risk - At least 1 Inspection Annually			60.00	110.00	N
	Medium risk - At least 2 Inspection Annually			195.00	195.00	N
	High risk - At least 3 Inspection Annually				295.00	N
	Temporary Food Stall/Vendor Permits					
	Annual Temporary Food Vendor/Stallholder				Nil	N
	Temporary Food Vendor/Stallholder per day				Nil	N
	Temporary Food Vendor/Stallholder Charitable				Nil	N
	Public Building					
	Public Building (License Permisses) Annual fee				Nil	N



Schedule of Fees and Charges 2023-2024

COA/T#	ITEM	Statutory Fees	Details	2022/23	2023/24	Incl GST
Statutory fees and charges cannot be modified by Council but may be subject to change						
HOUSING						
	Community Housing	LG Act 1995 S6.16				
I091110	Unit 1/10 Hillman Street		Per Week	130.00	130.00	N
	Unit 3/12 Hillman Street		Per Week	145.00	145.00	N
	Unit 4/12 Hillman Street		Per Week	130.00	130.00	N
	25 Nangip Crescent		Per Week	150.00	150.00	N
	18 Gibbs Street		Per Week	150.00	150.00	N
	Shire Houses by Non-Staff	LG Act 1995 S6.16				
I091111	52 Hillman Street		Per Week	187.00	200.00	N
	10 Gibbs Street		Per Week	187.00	200.00	N
	31 Arthur Street		Per Week	153.00	163.00	N
	7 Hillman Street		Per Week	128.00	137.00	N
	8 Hillman Street		Per Week	163.00	175.00	N
	GROH Housing	LG Act 1995 S6.16				
	11 King Street	Lease	Per Week	560.00	590.00	N
	Unit 2/10 Hillman Street	Lease	Per Week	145.00	320.00	N
COMMUNITY AMENITIES						
I102160	Asbestos Disposal - (Include Cost of Staff Time and Equipment One Hour)	LG Act 1995 S6.16	Per Cubic Meter	55.00	100.00	Y
	Rubbish Bins	LG Act 1995 S6.16				
I101110	Rubbish Collection	Per Service - refuse and Recycle		205.00	255.00	N
	NEW Replacement Bins - Recycle		240L		120.00	Y
	NEW Replacement Bins - Waste		240L		120.00	Y
	Bins Parts - New Wheels		Each		50.00	Y
	Bins Parts - New Lid		Each		50.00	Y
	Cemetery Fees	LG Act 1995 S6.16				
I107140	Digging of Grave - Weekdays			570.00	610.00	Y
	Digging of Grave - Weekends				765.00	Y
	Re-opening of Grave Exhumation (Contractors used at Cost)			570.00	610.00	Y
	Permission to Erect a Headstone - Monument or Name Plate			30.00	35.00	N
	Removal and Replacement of Headstones, Kerbing or Monuments				at cost	Y
	Grave Reservation Fees			50.00	55.00	N
	Internment of Ashes in Niche Wall - Single			30.00	40.00	Y
	Internment of Ashes in Niche Wall - Double			60.00	80.00	Y
	Niche Wall Plaque - At Cost from Supplier			at cost	at cost	Y
	Town Planning					
	<i>** Fees are Prescribed in the Planning and Development Act Regulations 2009</i>					
I106390	Town Planning Scheme					
	Application for Town Planning Scheme Amendments				at cost	N
	Development Applications					
	a) No more than \$50,000			147.00	147.00	N
	b) More than \$50,000 but no more than \$500,000		0.32% of estimated development cost	as per schedule	as per schedule	N
	c) More than \$500,000 but no more than \$2.5m		\$1,700 PLUS 0.257% for every \$1 in excess of \$500,000	as per schedule	as per schedule	N
	d) More than \$2.5m but no more than \$5.0m		\$7,161 PLUS 0.206 % for every \$1 in excess of \$2.5m	as per schedule	as per schedule	N
	e) More than \$5.0m but no more than \$21.5m		\$12,633 PLUS 0.123 % for every \$1 in excess of \$5.0m	as per schedule	as per schedule	N
	f) More than \$21.5m			34,196.00	34,196.00	N



Schedule of Fees and Charges 2023-2024

COA/T#	ITEM	Statutory Fees	Details	2022/23	2023/24	Incl GST
Statutory fees and charges cannot be modified by Council but may be subject to change						
	** If the development has commenced or been carried out, an addition <i>al</i> amount, by way of penalty, that is twice the amount of the maximum fee payable for determination of the application under items (a) (b) (c) (d) (e) or (f) above is payable. **					
	Extractive Industry - Development Applications					
	# Not Commenced - Determining a development application fro an extractive industry where the development has Not Commenced or been carried out.		as per regs	739.00	739.00	N
	# Commenced - Determining a development application fro an extractive industry where the development has not commenced or been carried out.		as per regs		2217.00	N
	Extractive Industry License					
	Intial Application		per year		550.00	N
	Renewal Application - less than 5 Hectare		per year		350.00	N
	Renewal Application - More than 5 Hectare		per year		750.00	N
	**This refers to the area under the extractive industry licence and not the planning consent which may cover a greater area. **					
	Bond (Sand)		Per hectare	TBA	TBA	N
	Bond (Stone or Garvel)		Per hectare	TBA	TBA	N
	Road Contribution			TBA	TBA	N
	Transfer of license fee/per application				300.00	N
	Application for Home Occupation					
	Home Occupation License - Initial Applications			222.00	222.00	N
	** If home occupation has commenced an additional amount of twice the fee by way of penalty is payable. **					
	Home Occupation License - Renewal Fee				73.00	N
	** If application for renewal of home occupation license is made after the approval has expired, an additional amount of twice the renewal fee by way of penalty is payable. **					
	Application for change of use or for an alteration or extension or change of a non-conforming use to which a development application does not apply:-					
	Application Fee			295.00	295.00	N
	** If alteration, extension or change has commenced an additional amount of twice the fee by way of penalty is payable. **					
	Issue of Zoning Certificate				73.00	N
	Reply to a Property Settlement questionnaire				73.00	N
	Issue of Written Planning Advice				73.00	N
	** Development Application Fees do not Apply for Not for Profit Community Groups. **					
	** All other Planning Fees - Maximum fees allowed by Department of Planning. **					
RECREATION AND CULTURE						
I111110	Darkan Town Hall	LG Act 1995 S6.16				
	Hire of Main Hall and Kitchen		Full Day Hire	110.00	121.00	Y
	Hire of Main Hall and Kitchen		Half Day Hire		77.00	Y
	Hire of Kitchen Only		Full Day Hire	77.00	88.00	Y
	Hire of Kitchen Only		Half Day Hire	44.00	55.00	Y
	Hire of Main Hall Only		Full Day Hire		55.00	Y
	Hire of Main Hall Only		Half Day Hire		27.50	Y
	Community Activities		Per Hire	22.00	27.50	Y
	Bond for Main Hall and Kitchen		Per Hire	200.00	200.00	N
	Bond for Main Hall ONLY		Per Hire		100.00	N
	Bond for Kitchen ONLY		Per Hire		100.00	N
	** Local Community Groups and Not for Profit Groups have free use of Darkan Town Hall, b ut pay a bond of \$100.00.					
	** Hire of Chairs (only the old orange style hall chairs).**		Per Item	0.33	0.45	Y
	Hire of Tables - Darkan Town Hall		Per Item	10.00	10.00	Y
	Hire of Chairs - Darkan Town Hall		Per Item	2.00	2.00	Y
	Set up fees		Per Hour		55.00	Y
	Cleaning Fees (Failure to Clean and Tidy Venue and Equipment)		Per Hour		55.00	Y
I111110	Arthur River Hall	LG Act 1995 S6.16				
	Hire of Hall		Per Hire	110.00	121.00	Y
	** Local Community Groups and Not for Profit Groups have free use of D ar kan Town Hall, b ut pay a bond of \$100.00.					
I112110	Darkan Swimming Pool					
	Single Membership		Per Season	80.00	85.00	Y
	Family Membership (2 Adults plus 2 Children)		Per Season	120.00	130.00	Y
	Student Membership (Between the Age of 18 and 23)		Per Season	20.00	25.00	Y
	Visitor - Adult		Per Visit	3.00	4.00	Y
	Visitors - Children		Per Visit	2.00	3.00	Y



Schedule of Fees and Charges 2023-2024

COA/T#	ITEM	Statutory Fees	Details	2022/23	2023/24	Incl GST
Statutory fees and charges cannot be modified by Council but may be subject to change						
	Group Course fees		Per Person	15.00	18.00	N
	Individual Course fees		Per Person	45.00	50.00	N
	Baby Swim Classes - Pool Member		Per Lesson	7.00	8.00	N
	Baby Swim Classes - Non-Pool Member		per Lesson	10.00	11.00	N
	Swipe Key (Authorised for Darkan Swimming Pool)		Per Key	20.00	22.00	Y
	Swim Coaching		Per Lesson	at cost	at cost	N
	Swim Club - Pool Member		Per Lesson	5.00	6.00	Y
	Swim Club - Non-Pool Member		Per Lesson	7.00	8.00	Y
I113140	Community Gym Membership					
	Gym Fees - 12 Months Adult		Per Person		90.00	Y
	Gym Fees - 6 Months Adult		Per Person		50.00	Y
	Gym Fees - 12 Months Student/Concession		Per Person		45.00	Y
	Gym Fees - 6 Months Student/Concession		Per Person		25.00	Y
	Family - (1 Adult plus 1 kid over 18 years OR 2 Adults) 12 Months		2 Persons		150.00	Y
	Family - (1 Adult plus 1 kid over 18 years OR 2 Adults) 6 Months		2 Persons		80.00	Y
	** No children under the age of 18 years are permitted to use Gym Equipment.**					
	All NEW gym members are required to undertake a gym induction prior to first use of Gym.					
I116110	History Books					
	Hard Cover			27.50	30.00	Y
	Paper Back			19.00	22.00	Y
	Postage			at cost	at cost	
I147120	The Shed					
	Membership - Yearly (Pro-rata below 6 months)		Per Person	60.00	60.00	Y
	Membership - Pensioner/Seniors Concession		Per Person	40.00	40.00	Y
	Locker Hire			10.00	10.00	Y
	Hourly Rate		Per Hour	30.00	30.00	Y
	Social Membership		Per Person	5.00	5.00	Y
ECONOMIC SERVICES						
	Scheme Standpipe Water					
I134130	Community Standpipe Water	LG Act S6.16	Per Kilolitre	2.50	2.50	N
	Commercial Standpipe Water	LG Act S6.16	Per Kilolitre	10.00	10.00	N
	Deposit Growden Place Standpipe Key (Held in Shire Account)			25.00	25.00	N
	Duranillin Water Supply					
I136110	Annual Service Charge		Per Annum	120.00	120.00	N
	Water Usage (First 100kl)		Per Kilolitre	3.50	3.50	N
	Water Usage (Next 300kl)		Per Kilolitre	5.00	5.00	N
	Water Usage (Above 400kl)		Per Kilolitre	8.00	8.00	N
	Building Control					
	** Fees are prescribed in the Building Act regulations 2012 - Schedule 2. **					
I133110	Application for Building Permits and Demolition Permits					
	** Certified Application for a building permit (Section 16(1)) - **					
	a) For Building work for a Class 1 or Class 10 Building or Incidental structure		0.19% of the estimated value of the building work but less than \$110.00	as per schedule	as per schedule	N
	b) For Building work for a Class 2 or Class 9 Building or Incidental structure		0.09% of the estimated value of the building work but less than \$110.00	as per schedule	as per schedule	N
	Uncertified Application for a Building Permit for a Class 1 or Class 10 Building or Incidental structure		0.32% of the estimated value of the building work but less than \$110.00	as per schedule	as per schedule	
	Application for a Demolition Permit					
	a) For Building work for a Class 1 or Class 10 Building or Incidental structure				110.00	N
	b) For Building work for a Class 2 or Class 9 Building or Incidental structure		Each Story of the Building		110.00	N
	Application to extend the time during which a Building or Demolition Permit has effect (section 32 (3) (f))					
	Application for an Occupancy Permit for a Completed Building (section 46)					
	Application for a Temporary Occupancy Permit for an Incompleted Building (section 47)					



Schedule of Fees and Charges 2023-2024

COA/T#	ITEM	Statutory Fees	Details	2022/23	2023/24	Incl GST
Statutory fees and charges cannot be modified by Council but may be subject to change						
	Application for Modification of an Occupancy Permit for additional use of a Building on a Temporary basis (section 48)				110.00	N
	Application for Replacement Occupancy Permit for Permanent change of the Building use Classification (section 49)				110.00	N
	Application for an Occupancy Permit for a Building in respect of which Unauthorised work has been done (section 51 (2))		0.18% of the estimated value of the building work, but not less than \$110.00	as per schedule	as per schedule	
	Application for a Building Approval Certificate for a Building in respect of which Unauthorised work has been done (section 51 (3))		0.38% of the estimated value of the building work, but not less than \$110.00	as per schedule	as per schedule	
	Application to Replace Occupancy Permit for existing Building (section 52 (1))				110.00	N
	Application for a Building Approval Certificate for an existing Building where Unauthorised work has not been done (section 52 (2))				110.00	N
	Application to Extend the time during which an Occupancy Permit or Building Approval Certificate has effect (section 65 (3) (a))				110.00	N
	Application as Defined in Regulation 31 (For each building standard in respect of which a declaration is sought)				2123.00	N
	Application as Defined in Regulation 61 (Battery powered smoke alarm)				176.30	N
Construction Training Fund Levy						
L01262	BCITF Levy		0.2% of the estimated value of construction over \$20,000	as per schedule	as per schedule	N
I133130	BCITF Commission				8.25	Y
Building Service Levy						
L01265	BSL - Levy on Building or Demolition Permit		0.137% of the value of the with minimum fee of \$61.65	as per schedule	as per schedule	N
I133120	BSL - Commission				5.00	N
L01265	Occupancy Permit or Building Approval Certificate for Approved Building work under sections 47, 49, 50 or 52 of the Building Act				61.65	N
L01265	Occupancy Permit or Building Approval Certificate for Unauthorised Building work under section 51 of the Building Act		0.274% of the value of the with minimum fee of \$123.00	as per schedule	as per schedule	N
Darkan Caravan Park						
I132040	Powered Site (2 persons)		Per Night	20.00	25.00	Y
	Powered Site Extra Person		Per Night	5.00	7.00	Y
	Casual Shower - Daily per person		Per Day	5.00	7.00	Y
	Power Site (2 persons) - Weekly		Per Week	120.00	150.00	Y
	Power Site Extra Person - Weekly		Per Week	30.00	42.00	Y
	Chalet (2 Persons) Staying one Night Only		Per Night	160.00	170.00	Y
	Chalet (2 Persons) two or more nights		Per Night	130.00	140.00	Y
	Chalet (2 Persons) - Weekly		Per Week		840.00	Y
	Chalet Extra person per night		Per Night	15.00	20.00	Y
	Chalet Extra person - Weekly		Per Week		120.00	Y
	Washing Machine		Per Cycle	3.00	4.00	Y
	Dryer		Per Cycle	1.00	2.00	Y
	Nissen Hut		Per Night	60.00	70.00	Y
OTHER PROPERTY AND SERVICES						
Private Works						
** Deposit of 50% to be paid prior to commencement of works. Hire time commence from mobilisation of plant item. Penalties rates will apply for Weekends and Public Holidays. **						
I141110	Graders		Per Hour	217.00	250.00	Y
	Prime Mover only or Six Wheeler		Per Hour	155.00	185.00	Y
	Prime Mover with One Trailer		Per Hour	207.00	250.00	Y
	Truck - 5 Tonne		Per Hour	130.00	165.00	Y
	Truck - 10 Tonne		Per Hour	155.00	185.00	Y
	JCB Backhoe		Per Hour	161.00	190.00	Y
	Dozer		Per Hour	238.00	275.00	Y
	Loader		Per Hour	217.00	250.00	Y
	Rollers		Per Hour	166.00	190.00	Y
	Tractor		Per Hour	89.00	109.00	Y



Schedule of Fees and Charges 2023-2024

COA/T#	ITEM	Statutory Fees	Details	2022/23	2023/24	Incl GST
Statutory fees and charges cannot be modified by Council but may be subject to change						
	Tractor with Implement		Per Hour	119.00	140.00	Y
	Bobcat		Per Hour	119.00	140.00	Y
	Squirrel (One operator included)		Per Hour	89.00	109.00	Y
	Road Broom (Ute and one operator included)		Per Hour	114.00	145.00	Y
	Tree Saw (Includes loader and one operator)		Per Hour	259.00	290.00	Y
	** All plant items above include operator. **					
	Labour (Labourer/operator)		Per Hour	60.00	75.00	Y
	Works Manager		Per Hour	112.00	135.00	Y
	Labour (time & 1/2)		Per Hour	78.00	112.50	Y
	Labour (Double time)		Per Hour	95.00	150.00	Y
	Ute		Per km	0.93	1.25	Y
	Compactor		Per Day	64.00	75.00	Y
	** Gravel or sand supplied to ratepayers will be at cost plus plant and labour Cartage to be charged at private works cost. **			at cost Plus	at cost plus	
	Second Hand Grader Blades (or sold with scrap metal)			5.50	5.50	Y
	Staff Housing	<i>(Rental by Non Shire staff will be 200% of the applicable charge)</i>				
	15 Nangip Crescent		Per Week	as per Contract	as per Contract	N
	52 Hillman Street		Per Week	93.50	93.50	N
	10 Gibbs Street		Per Week	93.50	93.50	N
	22 Hillman Street		Per Week	as per Contract	as per Contract	N
	31 Arthur Street		Per Week	76.50	76.50	N
	6 Hillman Street		Per Week	as per Contract	as per Contract	N
	7 Hillman Street		Per Week	64.00	64.00	N
	8 Hillman Street		Per Week	81.50	81.50	N
I141035	Special Series - AW Number Plates					
	DPI Fee			at cost	at cost	N
	Shire additional fee			50.00	50.00	Y

12.8 ADOPTION OF REPORTABLE MATERIAL VARIANCE

File Reference:	ADM339
Location:	N/A
Applicant:	N/A
Author:	Melinda King, Manager Financial Reporting
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/06/2023
Disclosure of Interest:	Nil
Attachments:	Nil

SUMMARY:

Council is requested to review its reportable variance figure and percentage for the 2023/2024 financial year.

BACKGROUND:

Each financial year Council is required to adopt a percentage and/or value in accordance with AAS 5, to be used in the Statement of Financial Activity for reporting variances.

COMMENT:

The review of the reportable material variance is to be conducted on an annual basis. Currently the variance reported in monthly statements is +/- 10% and +/- \$10,000.

CONSULTATION:

There have not been any changes recommended through any financial management reporting workshops.

STATUTORY ENVIRONMENT:

Australian Accounting Standards
Financial Management Regulations 1996

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

There are no financial implications associated with adopting the variance percentage and value.

STRATEGIC IMPLICATIONS:

Nil

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans

to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management.
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Significant	Severe
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Not preparing monthly financial statement which affects Council's ability to oversee the Shire's financial management.
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (2)
Principal Risk Theme	Compliance requirement
Risk Action Plan (Controls or Treatment Proposed)	Adopt reportable material variance and report by way of note to monthly statements.

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-065

Moved: Cr Robyn Lubcke

Seconded: Cr Karen Harrington

That Council direct Officers to report material variances of +/- 10% and +/- \$10,000 from the budget figure and report these variances by way of supporting note to the 'Monthly Statement of Financial Activity'.

CARRIED

12.9 FINANCIAL REPORTS - MAY 2023

File Reference:	ADM339
Location:	N/A
Applicant:	N/A
Author:	Melinda King, Manager Financial Reporting
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/06/2023
Disclosure of Interest:	Nil
Attachments:	1. Monthly financial report - May 23 ↓

SUMMARY:

Council is requested to consider the financial reports for the periods ending 31 May 2023.

BACKGROUND:

The financial reports for the period ending 31 May 2023 are included as attachments.

COMMENT:

If you have any questions regarding details in the financial reports, please contact the office prior to Council meeting so that sufficient time is given to research the request. This will enable the information to be provided at the Council meeting.

CONSULTATION:

Not required.

STATUTORY ENVIRONMENT:

Section 34 (1) (a) of the Local Government (Financial Management) Regulations 1996 states that a Local Government is to prepare a monthly statement of financial activity including annual budget estimates, monthly budget estimates, actual monthly expenditure, revenue and income, material variances between monthly budget and actual figures and net current assets.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

There are no financial implications. Reported income and expenditure is assessed by management as being consistent with the 2022/23 Annual Budget.

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Ensure that the local community is provided with value for money through the prudent expenditure of rates

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or

consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. **Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management.
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence		Insignificant	Minor	Moderate	Significant	Severe
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Not preparing monthly financial statement which affects Council’s ability to oversee the Shire’s financial management.
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (2)
Principal Risk Theme	Compliance failure
Risk Action Plan (Controls or Treatment Proposed)	Prepare monthly financial statement for Council

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-066

Moved: Cr Graeme Peirce

Seconded: Cr Robyn Lubcke

That Council accepts the Financial Reports for the period ending 31 May 2023 as presented.

CARRIED

**SHIRE OF WEST ARTHUR
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 31 May 2023**

	Note	Annual Budget 2022/2023	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening Funding Surplus (Deficit)	2	1,481,341	1,481,341	1,481,231	(110)	(0%)	
Revenue from operating activities							
Rates		1,885,423	1,885,423	1,887,362	1,939	0%	
Operating Grants, Subsidies and Contributions	6	550,100	356,919	497,550	140,631	39%	▲
Fees and Charges		295,450	283,066	292,739	9,673	3%	
Interest Earnings		118,897	80,127	109,605	29,478	37%	▲
Other Revenue		68,353	17,211	44,302	27,091	157%	▲
Profit on Disposal of Assets		20,676	14,596	8,308	(6,288)		
		2,938,899	2,637,342	2,839,866	202,524		
Expenditure from operating activities							
Employee Costs		(1,996,848)	(2,215,395)	(2,169,400)	45,995	2%	
Less overhead and wage allocations			440,519	495,702	55,183		
Materials and Contracts		(1,131,500)	(1,187,878)	(1,223,956)	(36,078)	(3%)	
less Pdepn and POC allocations			304,012	219,631	(84,381)		
Utility Charges		(90,405)	(82,871)	(88,963)	(6,092)	(7%)	
Depreciation on Non-Current Assets		(2,217,441)	(559,488)	(575,872)	(16,384)	(3%)	
Interest Expenses		(25,062)	(18,083)	(19,246)	(1,163)	(6%)	
Insurance Expenses		(117,423)	(117,423)	(116,509)	914	1%	
Other Expenditure		(48,000)	(25,500)	(20,768)	4,732	19%	
Loss on Disposal of Assets		(17,355)	0	0	0		
		(5,644,034)	(3,462,108)	(3,499,381)	(37,273)		
Operating activities excluded from budget							
Add back Depreciation		2,217,441	559,488	575,872	16,384	3%	
Adjust (Profit)/Loss on Asset Disposal		(3,321)	(14,596)	(8,308)	6,288	(43%)	
Adjust Provisions and Accruals		0	(38,807)	(38,807)	0	0%	
Amount attributable to operating activities		(491,015)	(318,681)	(130,758)	187,923		
Investing activities							
Grants, Subsidies and Contributions	6	1,200,962	1,169,066	1,176,900	7,834	1%	
Proceeds from Disposal of Assets		144,050	84,050	80,000	(4,050)	(5%)	
Land and Buildings	7	(734,749)	(139,599)	(139,609)	(10)	(0%)	
Infrastructure Assets - Roads	7	(1,083,221)	(994,727)	(941,900)	52,827	5%	
Infrastructure Assets - Other	7	(627,656)	(509,156)	(760,733)	(251,577)	(49%)	▼
Plant and Equipment	7	(635,696)	(315,696)	(338,574)	(22,878)	(7%)	
Furniture and Equipment	7	0	0	0	0		
Amount attributable to investing activities		(1,736,310)	(706,062)	(923,916)	(217,853)		
Financing Activities							
Proceeds from Self Supporting Loan - repayments		29,031	21,683	21,683	0	0%	
Transfer from Reserves	5	993,650	0	180,028	180,028		▲
Repayment of Debentures		(101,198)	(72,598)	(78,376)	(5,778)	(8%)	
Proceeds from new borrowings		270,000	270,000	270,000	0		
Transfer to Reserves	5	(445,499)	(65,596)	(62,723)	2,873	4%	
Amount attributable to financing activities		745,984	153,489	330,612	177,123		
					0		
Closing Funding Surplus (Deficit)	2	0	610,087	757,169	147,082	24%	▲

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold. Refer to Note 1 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

**SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2023**

Note 1: Explanation of Material Variances

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially.
The material variance adopted by Council for the 2022/23 year is \$10,000 or 10% whichever is the greater.

Operating Grants, Subsidies and Contributions

93,083	WALGGC - General Purpose Grant additional received	Permanent variance
44,251	WALGGC - Local Roads Grant additional received	Permanent variance

Interest Earnings

29,706 Municipal interest above budget. Permanent variance

Other Revenue

22,119 Recovery of legal costs - added to rate debtors

Employee Costs

45,995 Employee costs are below budget. Timing variance

Less overhead and wage allocations

55,183 Allocations to capital projects above budget.

Materials and Contracts

78,079 There are several non reportable timing variances.
Admin overheads are greater than budget. This includes additional laptop (\$2,500) and Council Chambers IT equipment
(34,950) (\$15,000) approved by Council in March 23 meeting.
(79,207) Plant operation costs are above budget ytd. \$52,805 loader repair to be funded from the plant reserve.

less Pdepn and POC allocations

(84,381) Allocations to capital projects below budget.

Depreciation on Non-Current Assets

(16,384) Depreciation is greater than budget ytd.

Land and Buildings

(10) See capital report

Infrastructure Assets - Roads

See capital expenditure report. Variance in timing of program allocations year to date. Plant costs allocated are lower than
52,827 budget year to date. Timing variance

Infrastructure Assets - Other

(11,545) Darkan Railway Reserve above budget. Additional funding to be allocated to project.
(180,028) Darkan Sports Complex bowling green. Approved by Council April 23. Funded by reserve.
(50,488) Additional expenditure on Lake Towerrinning Access project. Primarily wage allocations. see capital report.

Plant and Equipment

15,770	Mower purchased was below budget	Permanent variance
(30,450)	Water tanker greater than budget - Approved by Council. see capital report	Permanent variance

Transfer from Reserves

180,028 Transfer from Reserve to fund Bowling Green resurfacing - Council approved.

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2023

Note 2: Net Current Funding Position

Positive=Surplus (Negative=Deficit)

		Last Years Closing	Current
	Note	30 June 2022	31 May 2023
		\$	\$
Current Assets			
Cash Unrestricted	3	1,331,333	448,035
Cash Restricted - reserves	5	2,834,020	2,716,714
Cash Restricted - unspent grants		512,197	38,075
Receivables - Rates	4	131,031	173,967
Receivables - Other	4	174,351	166,608
Inventories		17,256	17,256
		5,000,188	3,560,655
Less: Current Liabilities			
Payables		(172,740)	(48,697)
Unspent grants, contributions and reimbursements 21/22		(512,197)	0
Unspent grants, contributions and reimbursements current 22/23		0	(38,075)
		(684,937)	(86,772)
Less: Cash Reserves	5	(2,834,020)	(2,716,714)
Net Current Funding Position		1,481,231	757,169

**SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2023**

Note 3: Cash and Investments

	Unrestricted	Restricted	Trust	Total Amount	Institution	Interest Rate	Maturity Date
	\$	\$	\$	\$			
(a) Cash Deposits							
Municipal Bank Account	386,010			386,010	NAB	0.01%	At Call
Municipal Cash Maximiser	100,000			100,000	NAB	0.95%	At Call
Trust Bank Account			2,644	2,644	NAB	0.01%	At Call
Trust Cash Maximiser			5,269	5,269	NAB	0.95%	At Call
Reserve Cash Maximiser		718		718	NAB	0.95%	At Call
(b) Term Deposits							
Trust term deposit			65,000	65,000	NAB	4.24%	28/06/2023
Reserve term deposit		1,235,256		1,235,256	BOQ	4.30%	30/06/2023
Reserve term deposit		1,480,740		1,480,740	Bendigo	4.10%	28/06/2023
Total	486,010	2,716,714	72,913	3,275,637			

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2023

Note 4: Receivables

Receivables - Rates Receivable	31 May 2023	30 June 2022	Receivables - General	Current	30 Days	60 Days	90+ Days	Total
	\$	\$		\$	\$	\$	\$	\$
Opening Arrears Previous Years	200,216	237,534	Receivables - General	156,706	3,946	125	5,831	166,608
Levied this year (incl rubbish & ESL)	1,989,821	1,876,228						
<u>Less</u> Collections to date	(1,957,219)	(1,919,009)	Balance per Trial Balance					
Equals Current Outstanding	232,818	194,753	Sundry Debtors					0
Add paid in advance	10,334	5,463	Receivables - Other					0
Net Rates Collectable	243,152	200,216	Total Receivables General Outstanding					166,608
% Collected	89.37%	90.79%						
Less Recognised as doubtful	(69,185)	(69,185)	Amounts shown above include GST (where applicable)					

**SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2023**

Note 5: Cash Backed Reserve

Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Leave Reserve	121,149	3,634	2,681	0	0	0	0	124,783	123,830
Plant Reserve	454,017	13,620	10,048	290,178	0	(194,650)	0	563,165	464,065
Building Reserve	734,309	22,029	16,252	0	0	(565,000)	0	191,338	750,561
Town Development Reserve	1,528	46	34	0	0	0	0	1,574	1,562
Recreation Reserve	163,284	4,900	3,614	0	0	0	0	168,184	166,898
Heritage Reserve	6,091	183	135	300	0	0	0	6,574	6,226
Community Housing Reserve	169,135	5,074	3,743	20,000	0	(50,000)	0	144,209	172,878
Waste Management Reserve	122,753	3,683	2,717	0	0	(100,000)	0	26,436	125,470
Darkan Swimming Pool Reserve	49,219	1,477	1,089	5,000	0	0	0	55,696	50,308
Information Technology Reserve	66,549	1,996	1,473	3,000	0	(14,000)	0	57,545	68,022
Darkan Sport and Community Centre Reserve	325,422	9,763	7,202	30,000	0	0	(180,028)	365,185	152,596
Arthur River Country Club Renewal Reserve	40,150	1,205	889	6,000	0	0	0	47,355	41,038
Museum Reserve	128,701	3,861	2,848	0	0	(5,000)	0	127,562	131,549
Moodiarrup Sports Club Reserve	17,581	527	389	5,000	0	0	0	23,108	17,970
Landcare Reserve	32,989	990	730	0	0	(5,000)	0	28,979	33,720
Corporate Planning and Valuation Reserve	19,945	598	441	0	0	(16,000)	0	4,543	20,386
Kids Central Members Reserve	7,156	215	158	0	0	0	0	7,371	7,314
The Shed Reserve	12,824	385	284	0	0	0	0	13,209	13,108
Recreation Trails Reserve	1,218	36	27	0	0	0	0	1,254	1,245
Community Gym Reserve	12,003	360	266	1,000	0	(9,000)	0	4,363	12,269
Economic Development Reserve	113,847	3,415	2,520	0	0	(35,000)	0	82,262	116,367
Road Reserve	234,148	7,024	5,181	0	0	0	0	241,172	239,330
	2,834,020	85,021	62,722	360,478	0	(993,650)	(180,028)	2,285,869	2,716,714

Note: Reserve transfers are generally completed at year end unless funds are required sooner.

**SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2023**

Note 6: Grants and Contributions	Grant Provider	Type	Opening Balance	Budget Operating	Capital	Revenue Current year (f)	YTD Actual Revenue Carried Forward	(Expended) (g)	Unspent Grant (a)+(f)+(g)	Comment
			(a)	(b)	(c)	(f)		(g)		
General Purpose Funding										
	WALGGC - General Purpose Grant	Operating	0	55,000	0	148,083	0	0	0	
	WALGGC - Local Roads Grant	Operating	0	80,000	0	124,251	0	0	0	
Law, Order and Public Safety										
	FESA Grant - Operating Bush Fire Brigade	Operating - Tied	0	49,844	0	49,844	0	(48,613)	1,231	
	FESA Grant - Arthur River Fire Shed	Non-operating	0	0	3,649	3,649	0	(3,649)	0	
	Purchase of generators	Non-operating	0	0	13,498	0	0	0	0	
Education and Welfare										
	Covid-19 Youth Recovery Grants Program	Operating - Tied	0	5,000	0	0	5,000	(5,000)	0	Youth grant carried forward to 22/23
Recreation and Culture										
	Federal Road & Community Infrastructure - Phase 3	Non-operating	0	0	476,544	0	484,378	(484,378)	0	Received prior year recognised as a liability until spent.
	Operating grant	Operating - Tied	0	214,000	0	0	22,819	(22,819)	0	
	Other small grants - events	Operating - Tied	0	1,000	0	4,074	0	(944)	3,130	
Transport										
	Roads To Recovery Grant - Cap	Non-operating	0	0	329,877	329,877	0	(296,163)	33,714	
	RRG Grants - Capital Projects	Non-operating	0	0	377,394	392,710	0	(392,710)	0	
	Direct Grant	Operating	0	144,256	0	147,359	0	0	0	
TOTALS			0	549,100	1,200,962	1,199,847	512,197	(1,254,276)	38,075	
SUMMARY										
	Operating Grants, Subsidies and Contributions		0	279,256	0	419,693	0	0	0	
	Operating - Tied		0	269,844	0	53,918	27,819	(77,376)	4,361	
	Non-operating		0	0	1,200,962	726,236	484,378	(1,176,900)	33,714	
TOTALS			0	549,100	1,200,962	1,199,847	512,197	(1,254,276)	38,075	

SHIRE OF WEST ARTHUR
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 May 2023

Note 7: Capital Acquisitions

Assets	Account	YTD Actual			Budget			Variance Total YTD to Budget	Comment
		Wages and Plant	Materials and Contractors	Total YTD	Wages and Plant	Materials and Contractors	Total Budget		
		\$	\$	\$	\$	\$	\$		
Land and Buildings									
Law, Order and Public Safety									
Arthur River Fire Shed		0	(3,649)	(3,649)	0	(3,649)	(3,649)	0 Funded by ESL Capital Grant	
Housing									
Renovations to existing joint venture community housing units		0	0	0	(4,640)	(50,000)	(54,640)	54,640	
Recreation And Culture									
Darkan Sports Precinct - Upgrade power		(550)	(69,418)	(69,968)		(90,000)	(90,000)	20,032	
Other Property & Services									
Staff housing improvements/renovations		0	0	0	(3,360)	(25,000)	(28,360)	28,360	
New staff house		(476)	(26,532)	(27,008)	(14,100)	(500,000)	(514,100)	487,092	
Office - Shire Depot		(1,064)	(37,919)	(38,983)	(4,000)	(40,000)	(44,000)	5,017	
Buildings Total		(2,090)	(137,518)	(139,608)	(26,100)	(708,649)	(734,749)	595,141	
Infrastructure									
Community Amenities									
Darkan Refuse Site		(692)	(9,760)	(10,452)	(20,000)	(100,000)	(120,000)	109,548	
Recreation And Culture									
Darkan Railway Reserve - redevelopment of play and youth area		(33,085)	(370,829)	(403,914)	(30,000)	(362,369)	(392,369)	(11,545) Reallocation of additional LRCI funds to this project.	
Lake Towerrinning - Access improvement		(47,955)	(77,533)	(125,488)	(5,000)	(70,000)	(75,000)	(50,488) Wages greater than budget.	
Lake Towerrinning - Shade and landscaping		(5,788)	(14,787)	(20,575)	(8,000)	(12,287)	(20,287)	(288)	
Darkan District Sports Complex - Bowling green		0	(180,028)	(180,028)	0	0	0	(180,028) Decision made by Council April 23 - funded from Reserve	
Economic Development									
Potable water Infrastructure		(475)	(19,802)	(20,277)	0	(20,000)	(20,000)	(277)	
Infrastructure Total		(87,995)	(672,739)	(760,734)	(63,000)	(564,656)	(627,656)	(133,078)	
Plant , Equip. & Vehicles									
Transport									
Loader		0	0	0	0	(320,000)	(320,000)	320,000	
Water tanker		0	(100,450)	(100,450)	0	(70,000)	(70,000)	(30,450) Council decision to fund additional cost Feb 23	
Passenger Vehicles		0	(104,162)	(104,162)	0	(96,300)	(96,300)	(7,862)	
Mower		0	(24,230)	(24,230)	0	(40,000)	(40,000)	15,770 Purchase below budget	
Trailer		0	(82,791)	(82,791)	0	(82,400)	(82,400)	(391)	
Generators		(1,300)	(25,640)	(26,940)	0	(26,996)	(26,996)	56	
Plant, Equip & Vehicles Total		(1,300)	(337,273)	(338,573)	0	(635,696)	(635,696)	297,123	
Roads									
Regional Road Group									
Boyup Brook Arthur Road		(84,610)	(229,555)	(314,165)	(109,492)	(202,100)	(311,592)	(2,573) Wage and plant allocations greater than budget. Additional \$15,316 funding received. Proposed to be funded from unallocated project below. Material	
Darkan Williams Road		(258,192)	(19,379)	(277,571)	(219,068)	(35,431)	(254,499)	(23,072)	
Regional Road Group Total		(342,802)	(248,934)	(591,736)	(328,560)	(237,531)	(566,091)	(25,645)	
Roads to Recovery									
Trigwell Bridge Road		(183,753)	(50,178)	(233,931)	(154,094)	(62,871)	(216,965)	(16,966)	
Howie Road		(43,392)	(18,840)	(62,232)	(102,141)	(18,424)	(120,565)	58,333	
Roads to Recovery Total		(227,145)	(69,018)	(296,163)	(256,235)	(81,295)	(337,530)	41,367	
Shire Funded									
Dust Suppression		0	0	0	(12,600)	(7,000)	(19,600)	19,600	
To be determined		(54,001)	0	(54,001)	(115,000)	(45,000)	(160,000)	105,999 Proposed to use wage and plant allocation portion on RRG project.	
Shire Funded Total		(54,001)	0	(54,001)	(127,600)	(52,000)	(179,600)	125,599	
Roads Total		(623,948)	(317,952)	(941,900)	(712,395)	(370,826)	(1,083,221)	141,321	
Capital Expenditure Total		(715,333)	(1,465,482)	(2,180,815)	(801,495)	(2,279,827)	(3,081,322)	900,507	

12.10 ACCOUNTS FOR PAYMENT LISTING - MAY 2023

File Reference:	ADM338
Location:	N/A
Applicant:	N/A
Author:	Kylie Whitaker, Finance Officer
Authorising Officer:	Rajinder Sunner, Manager Corporate Services
Date:	15/06/2023
Disclosure of Interest:	Nil
Attachments:	1. Accounts for Payment Listing - May 2023 ↓ 2. Corporate Card Summary - 29 March to 28 April 2023 ↓

SUMMARY:

Council is requested to endorse payments of accounts for May 2023 as listed and note the attached credit card transactions.

BACKGROUND:

The schedule of accounts for payment is included as an attachment for Council information.

COMMENT:

If you have any questions regarding payments in the listing please contact the office prior to the Council meeting.

CONSULTATION:

No consultation required.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making
- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
 - (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.
13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
 - (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and

- (iii) sufficient information to identify the transaction;
and
 - (b) the date of the meeting of the council to which the list is to be presented.
 - (3) A list prepared under sub regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

POLICY IMPLICATIONS:

Policy F20 – Purchasing and Tenders Policy
Policy F2 – Corporate Transaction Cards Policy

FINANCIAL IMPLICATIONS:

There are no financial implications. Reported expenditure is assessed by management as being consistent with the 22/23 Annual Budget.

STRATEGIC IMPLICATIONS:

West Arthur Towards 2031

Theme: Leadership and Management

Outcome: Establish and maintain sound business and governance structures

Strategy: Comply with regulations and best practice standards to drive good decision making by Council and Staff

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices

- Ineffective facility or event management
- Inadequate environmental management

Description of Key Risk	Unauthorised (or incorrectly authorised) payments being made
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Consequence	Major (4)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Principal Risk Theme	Misconduct
Risk Action Plan (Controls or Treatment Proposed)	Payments listing provided to Council each month

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-067

Moved: Cr Robyn Lubcke
 Seconded: Cr Duncan South

That Council;

1. in accordance with section 13 of the Financial Management Regulations of the Local Government Act 1995 and in accordance with delegation, note Municipal Fund vouchers 04052023.1-04052023.37, 19052023.1-19052023.45, Licensing, Salaries and Wages, EFT Transfers and Direct Debits totalling \$678,486.37 listed (attached) as approved for payment; and
2. note the attached transaction summary of the Corporate Credit Card facility from 29 March 2023 to 28 April 2023.

CARRIED

**Shire of West Arthur
Cheque Detail
May 2023**

Date	Num	Name	Original Amount
01/05/2023	DIRECTDEBIT	WATER CORPORATION SERVICE AND CHARGE FOR SHIRE PROPERTIES	7,870.71
01/05/2023	DIRECTDEBIT	SYNERGY ELECTRICITY USAGE AND SUPPLY CHARGE FROM 21/3-17/4/23 FOR THE CRC	386.80
04/05/2023	DIRECTDEBIT	SYNERGY ELECTRICITY USAGE AND SUPPLY CHARGE FOR STREETLIGHTS FROM 25/3-24/4 2023	1,544.25
04/05/2023	BPAY	CR ADAM SQUIRES - AUSTRALIANSUPER SITTING FEES AND COMMUNICATION ALLOWANCE THE PERIOD: 3RD QUARTER 22/23	735.00
04/05/2023	04052023.1	ANNA DIXON CONSULTING EDS DEVELOPMENT - DRAFT SUPPLIED (25% TOTAL FEE) PO 1456	7,612.00
04/05/2023	04052023.2	AUSQUIP INDUSTRIES TRAILER - SHIRE TO SUPPLY THE OLD AXLE WITH SADDLES	2,073.50
04/05/2023	04052023.3	BELL, SHARON LEIGH WOOLWORTHS BAG, TEA/COFFEE/MILK, WOOLWORTHS BAG, MEAT FOR SENIORS	120.79
04/05/2023	04052023.4	BUNCE, GEOFF CURTAIN ROD SET 11 KING STREET	55.50
04/05/2023	04052023.5	BURGESS RAWSON PREPARATION FEE LICENCE TO OCCUPY L7348 - DARKAN TO COLLIE RESERVE	550.00
04/05/2023	04052023.6	COLLIE RIVER VALLEY MEDICAL CENTRE 26/4/3 - LEVEL 5 SERVICE MEDICAL APPT GLENN MERRETT	81.60
04/05/2023	04052023.7	DARDANUP BUTCHERING COMPANY SENIOR MEALS MEAT ORDER	181.81
04/05/2023	04052023.8	DARKAN AGRIC SERVICES RAT BAIT, FIXING POUND, FLOURO TUBE, PAINT FOR TIP GATE, CLEANING SUPPLIES, SCREWS, PVC AND POLY FITTINGS.	634.75
04/05/2023	04052023.9	DKM WORKPLACE SOLUTIONS PREPARE AND DELIVER A FRAUD AND CONTROL PLAN.	440.00
04/05/2023	04052023.10	EASIFLEET MANAGEMENT- MOUNTSVILLE PTY LTD SALARY SACRIFICE PAYMENTS BUNCE - MONTH TO 1 MAY 2023	1,318.99
04/05/2023	04052023.11	FL COSTELLO AND CO CARAVAN PARK WASHING MACHINE - ELECTRONIC DROP KIT AND FREIGHT	56.10
04/05/2023	04052023.12	FLEAYS STORE OFFICE TEA/COFFEE/MILK AND SENIORS MEALS	444.60
04/05/2023	04052023.13	FULTON HOGAN ARTHUR RIVER BOYUP BROOK ROAD - RESEAL 35,000 METER SQUARED BOYUP BROOK ARTHUR ROAD - EXTRA RESEAL REQUESTED BY THE WORKS MANAGER DUE TO SAFETY ISSUE. BOYUP BROOK ARTHUR ROAD - ARTHUR RIVER BOYUP BRIDGE ROAD - ADDITIONAL BITUMEN. EXTRA RESEAL REQUIRED	231,764.98
04/05/2023	04052023.14	GALE, ROBERT WILLIAM CARAVAN PARK CANCELLATION BOOKING ID 11756183	40.00
04/05/2023	04052023.15	INFINITUM TECHNOLOGIES PTY LTD COMPUTER MAINTENANCE - LENOVO THINK PAD USB DOCK 2, LOGITECH MK270 KEYBOARD & MOUSE	418.00
04/05/2023	04052023.16	JI & LA RILEY CONNECTION OF ALL WASTE WATER AND WATER SERVICES. TO SUPPLY AND INSTALL ONE SEPTIC TANK ORGANSE AND SECURE TEMPORARY POWER TO THE SITE TO CARRY OUT WORKS. SUPPLY AND INSTALL LIGHTS DKN RAILWAY RES - FAMILY SPACE- DARKAN SHADE SHELTER - SUPPLY AND INSTALL TIMBER CEILING	23,508.65
04/05/2023	04052023.17	LUSH FIRE & PLANNING APRIL 23 PLANNING SERVICES	1,930.50
04/05/2023	04052023.18	NARROGIN FREIGHTLINES SIGMA FREIGHT	226.49
04/05/2023	04052023.19	NARROGIN MITSUBISHI PARTS AND REPAIRS C22	499.36
04/05/2023	04052023.20	OFFICEWORKS OFFICE SUPPLIES	561.22
04/05/2023	04052023.21	PEDERICK ENGINEERING GALV SPRAY CAN	18.95
04/05/2023	04052023.22	PRICE, PATRICIA REIMBURSEMENT OF CARAVAN PARK STAY 14/4-21/4 BOOKING ID 11722793	180.00
04/05/2023	04052023.23	PUTLAND MOTORS PARTS AND REPAIRS C6, C21, T12, C28, C29	3,627.46
04/05/2023	04052023.24	RAREBITS ON BURROWES 1 CATERING FOR APRIL COUNCIL MEETING	240.00
04/05/2023	04052023.25	SAUNDERS, PAUL REIMBURSE URN FOR ARTHUR RIVER HALL	379.00
04/05/2023	04052023.26	SHIRE OF NARROGIN (SUPPLIER) HEALTH SENIOR HEALTH OFFICER - MAR 23	644.80
04/05/2023	04052023.27	SOS OFFICE EQUIPMENT PHOTOCOPIER BILLING APRIL 2023 XEROX APEOSPORT C4570	401.32
04/05/2023	04052023.28	SOUTH, REBECCA SPRAY PAINT AND PADLOCKS FOR GARDENS	36.80
04/05/2023	04052023.29	STEWART & HEATON CLOTHING CP. PTY LTD BUSH BRIGADES - PPE J795 Jacket with WABFB 1x 92	205.34
04/05/2023	04052023.30	TEAM GLOBAL EXPRESS WATER EXAM, STATE LIBRARY, DOMUS NURSERY FREIGHT	155.57
04/05/2023	04052023.31	THINKWATER BUNBURY ROTATOR FEMALE 15 NANGIP, WIRE CONNECTOR AT NEW FAMILY AREA AT PARK	204.57

**Shire of West Arthur
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May 2023**


Date	Num	Name	Original Amount
04/05/2023	04052023.32	TIMBER INSIGHT PTY LTD LEVEL 1 VISUAL ROUTINE INSPECTION FOR 15 BRIDGES	4,860.00
04/05/2023	04052023.33	WA CONTRACT RANGER SERVICES PTY LTD RANGER SERVICES 20/4 AND 28/4/2023	561.00
04/05/2023	04052023.34	WAMERINOCO PTY LTD EMBROIDERY SET UP COSTS AND EMBROIDERY	165.00
04/05/2023	04052023.35	WARRAGULL ATF P & J SOUTH TRUST GRAVEL @ \$2/M3 @ 5000M3	11,000.00
04/05/2023	04052023.36	WEST ARTHUR COMMUNITY RESOURCE CENTRE DONATION TO EVENT FOR WORLD ELDER ABUSE AWARENESS DAY 15TH JUNE 2023	550.00
04/05/2023	04052023.37	WEST COAST COMMERCIAL INDUSTRIES SUPPLY ITEMS ON QUOTATION 2211-201/02	14,294.50
11/05/2023	EFT	SALARIES AND WAGES PAYROLL	67,432.49
11/05/2023	DIRECTDEBIT	ASGARD SUPER FORTNIGHTLY SUPERANNUATION PAYMENT	306.48
11/05/2023	DIRECTDEBIT	AUSTRALIAN ETHICAL SUPER FUND FORTNIGHTLY SUPERANNUATION PAYMENT	108.43
11/05/2023	DIRECTDEBIT	AUSTRALIAN RETIREMENT TRUST FORTNIGHTLY SUPERANNUATION PAYMENT	199.31
11/05/2023	DIRECTDEBIT	AUSTRALIAN SUPER FORTNIGHTLY SUPERANNUATION PAYMENT	2,040.79
11/05/2023	DIRECTDEBIT	AWARE SUPER FORTNIGHTLY SUPERANNUATION PAYMENT	6,937.14
11/05/2023	DIRECTDEBIT	CBUS FORTNIGHTLY SUPERANNUATION PAYMENT	304.49
11/05/2023	DIRECTDEBIT	COLONIAL FIRST STATE FORTNIGHTLY SUPERANNUATION PAYMENT	792.92
11/05/2023	DIRECTDEBIT	D AND K MELBOURNE SUPERANNUATION FUND FORTNIGHTLY SUPERANNUATION PAYMENT	274.92
11/05/2023	DIRECTDEBIT	HESTA SUPER FUND FORTNIGHTLY SUPERANNUATION PAYMENT	285.46
19/05/2023	DIRECTDEBIT	SYNERGY ELECTRICITY USAGE AND SUPPLY CHARGE FOR SHIRE PROPERTIES	5,652.41
19/05/2023	DIRECTDEBIT	TELSTRA USAGE AND SERVICE CHARGES FOR SHIRE SERVICES	2,169.14
19/05/2023	BPAY	NAB CREDIT CARD STOP GO BAT HANDLES OFFICE - SHIRE DEPOT SUBSCRIPTION MONTHLY (5/4/23-04/05/23) UNIFORM CLOTHING ALLOWANCE FUEL & OILS ALTERATIONS TO NEW SUIT (DIFFERENCE ON RECEIPT DUE TO CC SURCHARGE) COMPUTER NETWORK CABLE COMPUTER NETWORK CABLE FUEL & OILS TIP GATE PADLOCK NAILER FRAMER 18V MILWAUKEE	2,075.49
19/05/2023	19052023.1	A C CHAPMAN & SONS SUPPLY OF GRAVEL FOR ROADWORKS - 2535 M2 GRAVEL @ \$2 PER M3	5,577.00
19/05/2023	19052023.2	ALLEN, JULIA DARKAN CARAVAN PARK CANCELLATION 9/6-11/6 BOOKING ID 11802357	40.00
19/05/2023	19052023.3	BELL, SHARON LEIGH MEAT FOR SENIORS MEALS, WOOLWORTHS BAGS AND TISSUES, FRUIT AND VEG FOR SENIORS MEALS	343.84
19/05/2023	19052023.4	BUNCE, GEOFF DEEP BASIN SPINDLE FOR RAILWAY RESERVE TOILETS	25.12
19/05/2023	19052023.5	CASTLEDINE AND CASTLEDINE DESIGNERS SHIRE OF WEST ARTHUR STYLE GUIDE	6,875.00
19/05/2023	19052023.6	CGS TYRES MAJOR TYRE REPAIR - SHOULDER REPAIR 17.5R25	350.00
19/05/2023	19052023.7	CLOUD PAYMENT GROUP DEBT COLLECTION ON A627, A950, A951, A985 AND A986 COURT FILING FEE ON A951	2,546.80
19/05/2023	19052023.8	COALFIELDS WEARPARTS GRADER BLADES FOR G10 & G11	5,964.82
19/05/2023	19052023.9	COLLIE RIVER VALLEY MEDICAL CENTRE LEVEL C APPT 20/2/2023 GLENN MERRETT	149.00
19/05/2023	19052023.10	COUNTRY ROAD CONTRACTING PTY LTD HOWIE ROAD - GRAVEL PUSH UP	9,724.00
19/05/2023	19052023.11	CR (PRES) NEIL MORRELL SITTING FEES, TRAVEL, COMMUNICATION AND PRESIDENT ALLOWANCE FOR THE PERIOD: 3RD QUARTER 22/23	2,187.80
19/05/2023	19052023.12	CR DUNCAN SOUTH SITTING FEES, TRAVEL, COMMUNICATION FOR THE PERIOD: 3RD QUARTER 22/23	509.84
19/05/2023	19052023.13	CR GRAEME PEIRCE - LAKESIDE CAMPING SITTING FEES, TRAVEL, COMMUNICATION FOR THE PERIOD: 3RD QUARTER 22/23	1,029.65
19/05/2023	19052023.14	CR KAREN HARRINGTON SITTING FEES, TRAVEL, COMMUNICATION FOR THE PERIOD: 3RD QUARTER 22/23	954.87

**Shire of West Arthur
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Date	Num	Name	Original Amount
19/05/2023	19052023.15	CR ROBYN LUBCKE	1,204.30
		SITTING FEES, TRAVEL, COMMUNICATION FOR THE PERIOD: 3RD QUARTER 22/23	
19/05/2023	19052023.16	DARKAN AGRI SERVICES	1,294.05
		POWERBOARDS, GAS BOTTLES, PLANTS, KEYS, PAINT BRUSHES, CLEANNG SUPPLIES, PADLOCKS	
		PVC AND POLY FITTINGS, EXHAUST FAN, DOOR STOP, HOOKS, BRASS FITTINGS, CAT FOOD	
19/05/2023	19052023.17	DEPARTMENT OF FIRE AND EMERGENCY SERVICES	5,952.00
		ESL QUARTER4 CONTRIBUTIONS YEAR 2023/2024	
19/05/2023	19052023.18	DKM WORKPLACE SOLUTIONS	445.50
		MONTHLY SUPPORT - JUNE 2023	
19/05/2023	19052023.19	DUFF ELECTRICAL CONTRACTING	3,113.00
		BUILDING MAINT.& OFFICE GARDEN - INSTALL GENERATOR FOR THE SHIRE BUILDING AS PER QUOTE	
19/05/2023	19052023.20	FORDHAM LAMONT, V	85.00
		CEO HOME INTERNET AS PER CONTRACT 15/3-14/4	
19/05/2023	19052023.21	FUEL DISTRIBUTORS OF WA	14,780.93
		DEPOT DIESEL, FUEL FOR VIN'S AND RAJ'S CAR	
19/05/2023	19052023.22	FULTON HOGAN	33,662.20
		TRIGWELL BRIDGE ROAD - 2 COAT SEAL	
19/05/2023	19052023.23	HERSEY'S SAFETY PTY LTD	1,623.60
		GUIDE POSTS, DELINEATORS RED, DELINEATORS WHITE, BOX OF CLOUTS GC2528005 5KG	
19/05/2023	19052023.24	INFINITUM TECHNOLOGIES PTY LTD	4,168.01
		DUO IMPLEMENTATION, MANAGED SERVICE AGREEMENT	
19/05/2023	19052023.25	IRIS CONSULTING	539.00
		RECORDS DISPOSAL WORKSHOP 17 MAY	
19/05/2023	19052023.26	MARRABELLA COTTAGE	250.00
		PPTER MITCHELL LGIS 2 x NIGHT STAY	
19/05/2023	19052023.27	MCLEODS BARRISTERS AND SOLICITORS	479.60
		RATE RECOVERY ADVICE - 17 NANGIP CRESCENT, DARKAN	
19/05/2023	19052023.28	MCLEONNS BUSINESS BASE	828.00
		ORION HALF DOOR STATIONERY CABINET KFSC2HDC, ORION 1800H BOOKCASE KFBC18C	
19/05/2023	19052023.29	MIDALIA STEEL PTY LTD	3,852.48
		COLORBOND GUTTERING LRCI POOL	
19/05/2023	19052023.30	MOTORPASS	180.17
		FUEL FOR AR FIRE TRUCK 1ECE747 19/4/23	
19/05/2023	19052023.31	OFFICEWORKS	1,487.56
		OFFICE SUPPLIES	
19/05/2023	19052023.32	QHSE INTEGRATED SOLUTIONS PTY LTD T/AS SK	218.90
		SKYTRUST TEIR 1 SYSTEM MONTHLY SUBSCRIPTION - MAY	
19/05/2023	19052023.33	RASMUSSEN, GARY.	104.85
		FLEX TAPE FOR T3	
19/05/2023	19052023.34	RESONLINE PTY LTD	220.00
		ROOM MANAGER SERVICES APRIL 2023	
19/05/2023	19052023.35	SHIRE OF COLLIE	1,828.94
		REIMBURSEMENT OF COMMUNITY EMERGENCY SERVICES OFFICER (SALARY, OVERTIME, SUPERANNUATION, MOBILE)	
19/05/2023	19052023.36	SHIRE OF NARROGIN (SUPPLIER)	1,096.20
		HEALTH SENIOR HEALTH OFFICER - JUL 22	
		HEALTH SENIOR HEALTH OFFICER - FEB 23	
		HEALTH SENIOR HEALTH OFFICER - AUG 22	
		HEALTH SENIOR HEALTH OFFICER - APR 23	
19/05/2023	19052023.37	T & V FENCING	5,325.10
		SUPPLY AND INSTALL 5M X 3.5M GALVANISED CHAINMESH TOP RAIL COMPOUND INCLUDING 1M WIDE OPENING GATE.	
19/05/2023	19052023.38	TBTC REGIONAL WA	79.95
		URBAN DIAMOND GLASS S22 PLUS AND URGAN EVERYDAY WALLET S23 PLUS	
19/05/2023	19052023.39	TEAM GLOBAL EXPRESS	51.06
		THINKWATER, SW ISUZU, BUNBURY TRUCKS FREIGHT	
19/05/2023	19052023.40	THINKWATER BUNBURY	248.16
		POLY FITTINGS, SOLENOID AND SPRINKLERS FOR NEW BBQ AREA GARDEN BEDS PER JIM PO 474	
19/05/2023	19052023.41	WA CONTRACT RANGER SERVICES PTY LTD	514.25
		RANGER SERVICES 3 AND 12 MAY 2023	
19/05/2023	19052023.42	WARREN BLACKWOOD WASTE	2,726.58
		DOMESTIC AND COMMERCIAL WASTE APRIL2023 AND RECYCLING	
19/05/2023	19052023.43	WEST ARTHUR COMMUNITY RESOURCE CENTRE	5,615.07
		MEDICAL AND LIBRARY FUNDING FROM 1/4-30/6/23, LAMINATED RTR. PAPERWORK, DOCTOR HOURS 13/4 AND 27/4	
19/05/2023	19052023.44	WHITAKER F & RM	3,300.00
		GRAVEL - 1500M3 @ \$2/M3	
19/05/2023	19052023.45	ZONE 50 ENGINEERING SURVEYS PTY LTD	2,756.60
		CARPARK DESIGN - SURVEY MANAGER CARPARK 3D DESIGN	
25/05/2023	EFT	SALARIES AND WAGES	63,466.17
		PAYROLL	
25/05/2023	DIRECTDEBIT	ASGARD SUPER	277.55
		FORTNIGHTLY SUPERANNUATION PAYMENT	
25/05/2023	DIRECTDEBIT	AUSTRALIAN ETHICAL SUPER FUND	106.30
		FORTNIGHTLY SUPERANNUATION PAYMENT	
25/05/2023	DIRECTDEBIT	AUSTRALIAN RETIREMENT TRUST	199.31
		FORTNIGHTLY SUPERANNUATION PAYMENT	
25/05/2023	DIRECTDEBIT	AUSTRALIAN SUPER	1,818.36
		FORTNIGHTLY SUPERANNUATION PAYMENT	

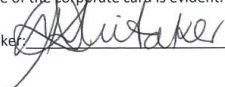
**Shire of West Arthur
Cheque Detail
May 2023**

Date	Num	Name	Original Amount
25/05/2023	DIRECTDEBIT	AWARE SUPER	7,403.57
		FORTNIGHTLY SUPERANNUATION PAYMENT	
25/05/2023	DIRECTDEBIT	CBUS	274.92
		FORTNIGHTLY SUPERANNUATION PAYMENT	
25/05/2023	DIRECTDEBIT	COLONIAL FIRST STATE	792.92
		FORTNIGHTLY SUPERANNUATION PAYMENT	
25/05/2023	DIRECTDEBIT	D AND K MELBOURNE SUPERANNUATION FUND	274.92
		FORTNIGHTLY SUPERANNUATION PAYMENT	
25/05/2023	DIRECTDEBIT	HESTA SUPER FUND	279.08
		FORTNIGHTLY SUPERANNUATION PAYMENT	
25/05/2023	BPAY	ATO	32,732.00
		ATO MARCH 23 BAS	
25/05/2023	BPAY	ATO	17,019.00
		ATO APRIL 23 BAS	
31/05/2023	DIRECTDEBIT	RENTFIND TECHNOLOGIES PTY LTD	22.00
		RENTFIND INSPECTOR SUBSCRIPTION MAY 2023	
31/05/2023	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	10.00
		FEE ACCOUNT 086724 508314406 FEES	
31/05/2023	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	43.60
		FEE ACCOUNT 086724 508314385 FEES	
31/05/2023	DIRECTDEBIT	NATIONAL AUSTRALIA BANK	104.74
		MERCHANT FEE 009185958	
		VOUCHERS	AMOUNT
MUNICIPAL FUND			
		04052023.1-04052023.37	310043.15
		19052023.1-19052023.45	134308.8
		EFT/DEBIT/BPAY	93042.01
		SALARIES & WAGES	130898.66
		LICENSING MAY 2023 TRANSFERS	10193.75
		TOTAL	678486.37

 SHIRE OF WEST ARTHUR NAB BUSINESS VISA CARD PAYMENTS OF ACCOUNTS BY NAB VISA CARD FOR THE STATEMENT PERIOD: 29 March 2023-28 April 2023				
DATE	PAYEE	DESCRIPTION	SOWA EXPENSE CODE	AMOUNT
1. CARD NUMBER 4336-XXXX-XXXX-9660				
04-Apr-23	MJ Bale	Suit	E143050	OTHER PROPERTY & SERVICES.:Works Overheads:Uniform/Clothing Allowance
				\$373.50
11-Apr-23	BP Express	Fuel	E144015	OTHER PROPERTY & SERVICES.:Plant Cost Overheads:Fuel & Oils
				\$86.74
11-Apr-23	HUY Nguyen and Jessica	Alterations to new suit	E143050	OTHER PROPERTY & SERVICES.:Works Overheads:Uniform/Clothing Allowance
				\$112.31
CARD 1 PAYMENTS				\$572.55
2. CARD NUMBER 4336-XXXX-XXXX-8951				
03-Apr-23	Jaycar	Computer network cable	E142020	OTHER PROPERTY & SERVICES.:Administration Overheads:Computer Maintenance
				\$25.95
03-Apr-23	Jaycar	Computer network cable	E142020	OTHER PROPERTY & SERVICES.:Administration Overheads:Computer Maintenance
				\$313.79
04-Apr-23	Vibe Ascot	Fuel	E144015	OTHER PROPERTY & SERVICES.:Plant Cost Overheads:Fuel & Oils
				\$88.80
14-Apr-23	Starlink Australia	Depot portable internet	E142020	OTHER PROPERTY & SERVICES.:Administration Overheads:Computer Maintenance
				\$139.00
CARD 2 PAYMENTS				\$567.54
3. CARD NUMBER XXXX-XXXX-XXXX-1064				
31-Mar-23	Henderson Hardware	Tip gate padlock	E101030	COMMUNITY AMENITIES.:General Refuse:Refuse Site Mtce
				\$41.40
03-Apr-23	Total Tools	Nailer Framer 18v Milwaukee	E144001	OTHER PROPERTY & SERVICES.:Plant Cost Overheads:Expendable Tools
				\$712.00
17-Apr-23	Bunnings	Stop Go Bat Handles	E144002	OTHER PROPERTY & SERVICES.:Plant Cost Overheads:Workshop Consumables
				\$182.00
CARD 3 PAYMENTS				\$935.40
TOTAL NAB VISA CARD PAYMENTS 4336-XXXX-XXXX-7507				\$2,075.49
Date Due for Payment				23-May-23

I, Kylie Whitaker, Finance Officer have reviewed the NAB visa card payments and confirm that from the descriptions on the documentation provided that:

1. all transactions are expenses incurred by the Shire of West Arthur;
2. all purchases have been made in accordance with the Shire of West Arthur policies and procedures;
3. all purchases are in accordance with the Local Government Act 1995 and associated regulations;
4. no misuse of the corporate card is evident.

Kylie Whitaker:  DATE: 18, 05 2023

12.11 HOUSING JOINT VENTURE AGREEMENT - 25 NANGIP CRESCENT & 18 GIBBS STREET, DARKAN

File Reference:	ADM323
Location:	N/A
Applicant:	N/A
Author:	Rajinder Sunner, Manager Corporate Services
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	15/06/2023
Disclosure of Interest:	N/A
Attachments:	1. Housing Joint Venture Agreement 11 December 1998 ↓ 2. Email from Joshua Koutsoukos 17 May 2023 ↓ 3. Meeting Minutes 17 May 2023 ↓

SUMMARY:

Council is requested to consider option e under clause 7.1 of the agreement - Department of Communities to purchase the Organisation's equitable interest in the joint venture Property at its current Market Value, thereby transferring proprietorship of the land to Department of Communities.

BACKGROUND:

Shire of West Arthur signed a joint venture agreement with The State Housing Commission (Homes west) on 11 December 1998. There were two dwellings built under this agreement, 25 Nangip Crescent (3 Bedrooms) and 18 Gibbs Street (3 Bedrooms). These two units were built for a Specific Target Group as Low income social housing.

Shire of West Arthur owns 20% and Department of Communities) owns 80% of the properties.

The current joint venture agreement is expiring on 11 December 2023.

COMMENT:

The joint venture agreement expiring on 11th December 2023 will need to be reviewed and a decision made regarding its potential extension. The following options under Clause 7.1 of the Agreement are available:

- a) to enter into a new joint venture agreement between the parties on new terms and conditions with the view to continuing the Project.
- b) to extend the term of the existing Agreement for a further period as agreed between the Parties.
- c) to assign or transfer the organisation's interest in the joint venture property to another organisation or party which agrees to be bound by all the terms and conditions of this agreement or is willing to negotiate a new joint venture agreement with Department of Communities.
- d) the Organisation to buy out Department of Communities' equitable interest in the joint venture at its current Market Value.
- e) Department of Communities to purchase the Organisation's equitable interest in the joint venture Property at its current Market Value, thereby transferring proprietorship of the land to Department of Communities.
- f) to sell the joint venture Property at its current Market Value and divide the proceeds of the sale between the Parties based on each party's percentage equitable Interest in the joint venture as identified in Item 3 of the schedule.

The current condition of both properties are requiring significant repair and maintenance to bring the properties for future use. Both properties was built about 25 years ago. We estimate that the Shire will need to spend approximately over \$100,000. Both units are built on half on clay and half on solid surface. Both properties will require on going remedial work to maintain an acceptable standard of the units. The licensed builder had assessed both properties in April 2023 and recommended to the Shire to sell both units or be prepared to spend money on regular basis to maintain safe living conditions.

CONSULTATION:

Chief Executive Officer
Manager Works and Services
Helen Taylor (HT) – Department of Communities (DOC)
Joshua Koutsoukos (JK) – Department of Communities (DOC)
Alana Lundstrom (AL) – Department of Communities (DOC)
Rajinder Sunner (RS) – Shire of West Arthur (Shire)
Ashleigh Telfer (AT) – Shire of West Arthur (Shire)
Cassandra Squires (CS) – Shire of West Arthur (Shire)

STATUTORY ENVIRONMENT:

2.7. Role of council

- (1) The council -
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to -
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

There may be a financial impact on the shire once the joint venture is settled. We are unable to ascertain the exact amount of settlement.

STRATEGIC IMPLICATIONS:

Nil

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption

- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management.
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (25)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Shortage of available accommodation for community.
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Medium (6)
Principal Risk Theme	Inadequate asset management
Risk Action Plan (Controls or Treatment Proposed)	Provide new homes

VOTING REQUIREMENTS:

Absolute Majority

RESOLUTION CO-2023-068

Moved: Cr Robyn Lubcke
 Seconded: Cr Adam Squires

That Council select option e under clause 7.1 of the agreement - Department of Communities to purchase the Shire's equitable interest in the joint venture Property at its current Market Value, thereby transferring proprietorship of the land to Department of Communities.

CARRIED BY ABSOLUTE MAJORITY

Handwritten note:
Nan & P Coes
Dec 20 23

HOUSING JOINT VENTURE AGREEMENT

Dated *11th December, 1998*

The State Housing Commission

("Homeswest")

and

Shire of West Arthur

("the Organisation")

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THIS JOINT VENTURE AGREEMENT dated *11th December 1998*

BETWEEN THE STATE HOUSING COMMISSION, a body corporate constituted under the Housing Act 1980, of 99 Plain Street, East Perth in the State of Western Australia ("**Homeswest**")

AND SHIRE OF WEST ARTHUR of Burrowes Street, Darkan in the said State of Western Australia ("**the Organisation**")

RECITALS

- A. The Organisation is the registered proprietor of the Land.
- B. Homeswest is empowered pursuant to the Act to provide residential rental accommodation for Eligible Persons.
- C. The Parties have agreed to form the Joint Venture to carry out the Project on the terms and conditions contained in this Agreement.

IT IS AGREED

1. INTERPRETATION

1.1 In this Agreement:

"Act " means the Housing Act 1980.

"Agreement" means this agreement including the schedules as amended from time to time.

"Common Areas " means any areas on the land that are not designated for exclusive use by a specific tenant, including parking areas, common lighting, common garden areas and communal laundry facilities.

"Construction Cost" means the cost of construction or modification or renovation of the Units as set out in Item 2 of the Schedule.

"Eligible Persons " means persons who meet the prevailing Homeswest eligibility criteria for public rental housing.

"Financial or Administrative Mismanagement" means gross financial or administrative mismanagement by the Organisation of the Organisation's obligations under this Agreement as reasonably determined by Homeswest.

"Financial Year" means any period of 12 months ending on 30 June during the Term.

WA STAMP DUTY PAID SECTION 112V	
90.3 4194 D	Date of Instrument 11.12.98
\$ Nil Gross Condn	\$ Nil Chattels
Signature <i>[Signature]</i>	\$ EXEMPT Duty 5219

"**Force Majeure**" means an act of God, strike, lockout, insurrection, civil commotion, lightning, fire, storm, flood, earthquake, inclement weather, explosion, breakage or accident to machinery or lines of pipe, governmental restraint, embargoes, inability to obtain or delay in obtaining equipment or transport, governmental approvals, permits, licences or allocations and other cause, whether of the kind enumerated in this definition or otherwise, which is not reasonably within the control of a Party.

"**Guidelines**" means the guidelines issued by Homeswest in respect of the Joint Venture Housing Program, including all amendments and additions thereto from time to time, annexed to this Agreement and marked 'A'.

"**Joint Venture**" means the joint venture between the parties established pursuant to this Agreement, to carry out the Project.

"**Joint Venture Property**" means the Land, the Units and any other buildings on the Land.

"**Land**" means that portion only of the land described in Item 1 of the Schedule (together with all buildings and fixtures thereon) that is delineated on the Site Plan which forms Annexure D to this Agreement.

"**Land Costs**" means the Land Value plus any costs incurred to prepare the Land for construction or modification of the Units, including but not limited to land clearance, demolition of any existing buildings on the Land, land fill and compacting costs, surveying and lot amalgamation or sub-division costs, land servicing costs and the cost of Engineer's Certificates. These costs are listed in Item 2 of the Schedule.

"**Land Value**" means the value of the Land as provided by a Valuer and agreed between the Parties before construction or purchase begins under the Project.

"**Market Rent**" is the median rent charged by the private sector in a particular area which takes into account type of dwelling, property age, number of bedrooms and amenity level. As a guide Homeswest produces tables of market rent levels which are regularly updated.

"**Parties**" means the parties who are for the time being parties subject to this Agreement and "**Party**" shall have a corresponding meaning.

"**Project**" means the project to provide residential rental accommodation for Eligible Persons to be managed and maintained by the Organisation.

"**Service Fees**" are fees for additional tenancy management services which are made available by the Organisation to tenants on a user pay basis. Examples include laundry, linen change, meals and house cleaning services, or furniture or TV/video hire, where these services are contracted or provided directly by the Organisation. These fees must be optional and not included as part of the rent. The level of the fee should not exceed the cost of providing the service.

"**Target Group**" means any specific categories of Eligible Persons that the Units are to be let to by the Organisation, as identified in Item 1 of the Schedule to this Agreement.

"**Tenancy Agreement**" means any agreement, express or implied, between the Organisation as landlord and a person or persons which grants that person or persons a right to occupy any Unit, or part thereof, whether exclusively or otherwise, for the purpose of residence.

"**Tenant(s)**" means a person or persons who occupy the Units under a Tenancy Agreement, who must be Eligible Persons when they are first allocated a Unit.

"**Term**" means the term of this Agreement being 25 years commencing on the Commencement Date.

"**Total Project Cost**" means the sum of the Land Costs and the Construction Costs, and is listed in Item 2 of the Schedule.

"**Units**" means the buildings which are to be purchased, constructed or modified on the Land pursuant to this Agreement to provide residential rental accommodation.

"**Valuer**" means a person who:

- (a) is licensed under the Land Valuers Licensing Act 1978;
- (b) is a full member of not less than 5 years standing of the Australian Institute of Valuers and Land Economists Inc; and
- (c) has been actively engaged in Western Australia for not less than 5 years in undertaking land valuations.

1.2 Interpretation

In this Agreement headings are for convenience only and do not affect interpretation, and unless the context indicates a contrary intention:

- a) a reference to any Party includes that Party's executors, administrators, successors, substitutes and assigns, including any person taking by way of novation;
- b) a reference to this Agreement or to any other deed, agreement or document includes, respectively, this Agreement or that other deed, agreement or document as amended, novated, supplemented, varied or replaced from time to time;
- c) references to currency are references to Australian currency ;
- d) reference to any legislation or to any section or provision thereof includes any statutory modification or re-enactment or any statutory provision substituted for it, and ordinances, by-laws, regulations, and other statutory instruments issued thereunder;

- e) where the day on which or by which any act, matter or thing is to be done under this Agreement is not a business day, that act, matter or thing will be done on the immediately following business day.

2. JOINT VENTURE

- 2.1 The parties hereby associate themselves in a Joint Venture for the purposes of the Project.
- 2.2 The Joint Venture shall commence on the Commencement Date and shall continue for the Term unless extended pursuant to clause 7.1 (b) of this Agreement where it shall then continue for the extended term.
- 2.3 Each party covenants and agrees with the other Party to be just and faithful in all its activities and dealings with the other Party and otherwise perform its obligations implied as well as expressed under the terms of this Agreement.
- 2.4 Nothing in this Agreement shall be construed so as to make a Party a partner, agent or representative of the other Party or to create any partnership, association or agency for any purpose.
- 2.5 The rights and obligations of the Parties shall be neither joint nor joint and several.
- 2.6 This Agreement shall be interpreted, applied and will take effect as a contract made in Western Australia and is governed and shall be performed according to the laws of Western Australia.
- 2.7 The Parties shall at all times observe, conform and comply with the provisions of all applicable laws, legislation, rules, regulations and by-laws of the Commonwealth of Australia, the State of Western Australia and any local authority, including where applicable, but not limited to, the Equal Opportunity Act 1984, the Housing Act 1980, the Housing Agreement (Commonwealth and State) Act 1990, the Residential Tenancies Act 1987, the Retirement Villages Act 1992 and the provisions of the Code of Practice for Retirement Villages as administered by the Ministry of Fair Trading.
- 2.8 Subject to its provisions, this Agreement will be binding upon and inure to the benefit of the Parties and their respective successors and permitted assigns who become Parties under the terms of this Agreement.
- 2.9 The Organisation declares that in entering into this Agreement it has not relied on any promise, representation, undertaking or warranty given by or on behalf of Homeswest.
- 2.10 Homeswest's participation in the Project shall be recognised in all advertising, promotional and publicity materials, and upon any signage on the Units and the Land.

3. DESCRIPTION OF THE PROJECT

- 3.1 The Project is for the **construction** of 2 units on the Land, as detailed in the Schedules, to be maintained and managed by the Organisation.

4. DESIGN, CONSTRUCTION, MODIFICATIONS OR PURCHASE

- 4.1 Homeswest shall undertake the construction and/ or modification on the Land of the Units as detailed in the Schedules and as described on the plans and drawings to be approved by the Parties.
- 4.2 Pursuant to Clause 4.1, where architectural services are required then Homeswest shall consult with the Organisation about the development of a Design Brief for the project. Once the Parties agree to the content of the Design Brief :-
- a) Homeswest, at it's expense, shall tender, appoint and supervise an architect who shall prepare the plans and specifications for the Project and prepare the building contract documentation ; **OR**
 - b) the Organisation, at it's own expense, shall tender, appoint and supervise an architect, subject to approval on fee price from Homeswest. This architect shall prepare the plans and specifications for the Project and prepare the building contract documentation.
- 4.3 Prior to Homeswest calling tenders and commencing construction or modification of the Units the Organisation shall, at its own expense (unless otherwise agreed by Homeswest):-
- a) ensure that the Land is appropriately zoned for the Project, and
 - b) cause the Land to be properly cleared, prepared and adequately serviced for the Project (the satisfaction of which requirements shall be confirmed in writing by an Engineer's Certificate) in accordance with the requirements described in Annexure B.
- 4.4 Homeswest shall, at its own expense, obtain such approvals, consents, permits and licences (other than rezoning) as are required by law for the construction or modification of the Units, together with such renewals and extensions as are necessary from time to time.
- 4.5 Where Homeswest agrees that the Organisation may, at it's expense, act as the project manager for the construction or modification of the Units, then the Organisation shall be responsible for obtaining such approvals, permits and licenses as are required by law for the construction or modification of the Units, together with such renewals and extensions as are necessary from time to time, and Clause 4.4 shall not apply. The Organisation also agrees to abide by Homeswest's standard terms and conditions for construction contracts.

- 4.6 Where the project includes the purchase of existing Units Homeswest's policies and procedures on purchasing of properties shall apply.
- 4.7 Pursuant to Clause 4.6 either the purchase price OR the valuation of the purchased Units as provided by a Valuer, **whichever is the lesser sum**, shall be deemed to be the Land Value and shall be included as part of the Land Costs in Item 2 of the Schedule. In the event of a disagreement over the valuation the process for determining a valuation described in Clause 7.4 shall apply.

5. FINANCING & PROJECT EQUITIES

- 5.1 Homeswest shall contribute the sum specified in Item 2b) of the Schedule to the Total Project Cost which sum is apportioned between the Land Costs and the Construction Cost so specified in Item 2b) of the Schedule and represents the percentage of the Total Project Cost specified in Item 3b) of the Schedule.
- 5.2 The Organisation shall contribute the sum specified in Item 2a) of the Schedule to the Total Project Cost which sum is apportioned between the Land Costs and the Construction Cost so specified in Item 2a) of the Schedule and represents the percentage of the Total Project Cost specified in Item 3a) of the Schedule.
- 5.3 Any additional costs beyond those specified in Clauses 5.1 to 5.2 shall be negotiated between the parties.
- 5.4 The percentage equitable Interests of the Parties in the Joint Venture shall be those stated in Items 3a) and 3b) of the Schedule.
- 5.5 In the event of any improvements or additions to the Joint Venture Property subsequently agreed to by the Parties Item 2a) or 2b) of the Schedule shall be amended according to which Party meets these costs, and the respective equitable Interests of the Parties stated in Item 3 of the Schedule shall be amended.
- 5.6 Homeswest shall be entitled to lodge an absolute caveat at the Office of Titles against the Certificate of Title to the Land in order to protect the rights and interests of Homeswest under this Agreement and to protect its equitable Interest in the Joint Venture.

6. TRANSFER, ASSIGNMENT OR SALE OF INTERESTS

- 6.1 The Organisation shall not assign, sell, transfer, lease, let, mortgage, charge, unencumber or otherwise surrender or dispose of its estate or Interest in the Land, any other Joint Venture Property or this Agreement (other than the letting of Units to Eligible Tenants) during the term **EXCEPT** to Homeswest or another association or body approved by Homeswest which is assessed as eligible under the Guidelines to participate in the Project, unless otherwise approved in writing by Homeswest.

- 6.2 The Organisation shall not mortgage, charge, encumber or create any security over its estate or interest in the Land or any other Joint Venture Property without the prior written consent of Homeswest, which consent shall not be unreasonably withheld where the other party or parties to the proposed mortgage, charge, encumbrance or security enter into a Deed of Covenant with Homeswest whereby that party or those parties agree not to exercise any power of sale over the Land or any other Joint Venture Property under the proposed mortgage, charge, encumbrance or security without the prior written consent of Homeswest.

7. EXPIRATION OF THE TERM

- 7.1 At least six months before the expiration of the Term, but not earlier than 18 months before the expiration of the Term, the Parties shall agree to one of the following courses of action:

- a) to enter into a new joint venture agreement between the Parties on new terms and conditions with a view to continuing the Project;
- b) to extend the Term of the existing Agreement for a further period as agreed between the Parties;
- c) to assign or transfer the Organisation's Interest in the Joint Venture Property to another organisation or party which agrees to be bound by all the terms and conditions of this agreement for a new term or is willing to negotiate a new Joint Venture agreement with Homeswest ;
- d) the Organisation to buy out Homeswest's equitable Interest in the Joint Venture at its Current Market Value;
- e) Homeswest to purchase the Organisation's equitable Interests in the Joint Venture Property at its Current Market Value, and thereby transfer proprietorship of the Land to Homeswest ;
- f) to sell the Joint Venture Property at it's Current Market Value and divide the proceeds of the sale between the Parties based on each Party's percentage equitable Interest in the Joint Venture as identified in Item 3 of the Schedule.

- 7.2 In the event that the Parties agree to renew or extend the Agreement pursuant to clauses 7.1a) & 7.1b), or agree to transfer the Organisation's Interest pursuant to clause 7.1c), then the equitable Interests in the Joint Venture of each Party shall be revalued at their Current Market Values in accordance with the formula stated in Annexure C of this Agreement. The revised project equities shall be entered into Item 5 of the Schedule.

- 7.3 In the event that the Parties agree to pursue the options identified in Clauses 7.1d), 7.1e) or 7.1f), then the percentage equitable Interests in the Joint Venture of each of the Parties shall be as stated in Item 3 of the Schedule.
- 7.4 The Current Market Value of the Land and the other Joint Venture Property shall be determined by a Valuer approved by Homeswest. In the event of a disagreement between the Parties about the valuation, the Current Market Value of the Land and the other Joint Venture Property shall be determined by taking the average of 2 valuations thereof by 2 Valuers, one nominated by Homeswest and the other nominated by the Organisation, and this determination shall be final and binding upon the Parties.

8. RENTAL INCOME, SERVICE FEES AND OPERATIONAL SURPLUSES

- 8.1 The Organisation shall be responsible for collecting in a timely manner all rents and other fees or expenses and collect any outstanding rental arrears or debts from Tenants or former Tenants.
- 8.2 All Rent shall be the property of and be retained by the Organisation, subject to Clause 8.7 and 8.8.
- 8.3 The amount of rent charged by the Organisation shall be set at but not exceed 25% of the tenants weekly income (excluding all available subsidies) OR market rent, whichever is the lesser of these amounts. In addition, the Organisation is able to charge a sum equivalent to the tenants weekly entitlement for Commonwealth Rent Assistance.
- 8.4 The rental income may be used by the Organisation to meet the expenses incurred in the operation, management and maintenance of the Units, including provision for long term maintenance (see Clause 10.4).
- 8.5 Pursuant to Clause 8.3 the Organisation shall undertake periodic rent reviews to ensure that appropriate rent levels are being maintained.
- 8.6 The Organisation shall be entitled to charge additional service fees to Tenants. The amount and purpose of the service fees shall be subject to prior written approval of Homeswest and should not exceed the cost to the Organisation of the provision of these additional services. Any increase in service fee charges shall be subject to prior written approval of Homeswest. All service fee revenues and costs must be identified in the annual Financial Statements of the Organisation.
- 8.7 Any surplus income accumulated by the Organisation from the management and operation of the Units may be used, subject to the approval of Homeswest, as cash contributions towards further low income rental housing projects, improvements or upgrades to existing Joint Venture Units or other purposes agreed in writing by Homeswest.

- 8.8 Where no agreed purpose can be found for the use of surplus income as referred to in Clause 8.7 or the Guidelines, then such surplus is to be divided proportionately between Homeswest and the Organisation based on each Parties percentage equitable Interest in the Joint Venture as identified in Item 3 of the Schedule.

9. TENANCY MANAGEMENT

- 9.1 The Organisation shall maintain a Wait List of Eligible Persons who are seeking rental accommodation and shall let the Units to persons who are part of the Target Groups and who are also Eligible Persons, subject to Clause 9.6. Upon allocation of a Unit to an Eligible Person the Organisation shall forward to Homeswest the name and date of birth of the new tenant so that it can remove the person from Homeswest's Wait Lists.
- 9.2 Homeswest's written approval is required for any proposed changes to the Organisation's Target Groups at any time during the Term.
- 9.3 Where the Target Groups include people with special needs who require essential support services in order to sustain their tenancy, it is the responsibility of the Organisation to ensure that appropriate support services are available.
- 9.4 The Organisation shall provide Tenants with a Tenancy Agreement that complies with the minimum requirements set out in the Residential Tenancies Act. The Term of any Tenancy Agreement may not extend beyond the Term of this Agreement.
- 9.5 The Organisation shall establish a Tenant Allocations Panel in order to select the initial tenants for the Units and to fill vacancies as they arise. Homeswest Regional Managers shall have the right to have one representative on the Tenant Allocations Panel. Homeswest may refer Eligible Persons to the Organisation to be placed on the Wait List of the Organisation.
- 9.6 Once an Eligible Person has been allocated a Unit, the Organisation will guarantee that person security of tenure (subject to the tenant's continued compliance with their Tenancy Agreement) even if their circumstances change such that they would no longer be deemed to be part of the Target Group or if they would no longer meet Homeswest's eligibility criteria for public rental housing.
- 9.7 The Organisation shall ensure at all times that the Units are kept tenanted and occupied to the fullest extent possible by Eligible Persons.
- 9.8 The Organisation shall establish a procedure whereby Tenants' grievances in respect of any matter arising out of their tenancy in the Units can be heard and arbitrated, other than any provisions available to tenants under the Residential Tenancies Act. Written details of this grievances procedure must be provided to all Tenants.

- 9.9 The Organisation shall take all reasonable steps to ensure that Tenants and any other persons that come into the Units or onto the Land with the Organisation's or a Tenant's consent do not interfere with the reasonable peace, comfort or privacy of other Tenants or surrounding neighbours.

10. ASSET MANAGEMENT

- 10.1 The Organisation shall be responsible for all repairs and maintenance necessary to ensure that the Units are maintained in a good state of repair and condition, and that the Units comply with any health, safety or building regulations or by-laws, or any other applicable statutory regulations or by-laws, except where such repairs are assessed by the Builder's Registration Board to be the responsibility of the contracted builder.
- 10.2 The Organisation shall be responsible for the repair or replacement of all essential fixtures and fittings to the Units and the maintenance of fences and gates on the Land.
- 10.3 The Organisation shall ensure that the Units are kept free from pests and vermin (including rats, mice, cockroaches, white ants, termites and Singapore ants) and that termite inspections are carried out at least once every year by a registered pest control agency.
- 10.4 The Organisation shall ensure that an amount per unit per year, to be agreed between the parties, is set aside from the annual rental income for the long term maintenance needs of the Joint Venture Property. This amount shall be identified in the Schedule and shall reviewed every 5 years by Homeswest and the Organisation, or sooner if requested by either Party.
- 10.5 The Organisation shall ensure that the gardens, landscaping and the grounds of the Units and any common areas are maintained to a good standard and are kept neat and tidy.
- 10.6 Any upgrading of the Units and all other improvements on the Land are the responsibility of the Organisation.
- 10.7 Throughout the Term of this Agreement the Organisation as Manager of the Joint Venture Property shall ensure that adequate workers' compensation and common law liability insurance is effected by all contractors engaged on any work in relation to the Joint Venture Property and that such insurance includes a waiver of subrogation against the Parties.
- 10.8 The Organisation shall undertake a minimum of one comprehensive inspection per year of each Unit and shall fill out a Property Condition Report (PCR) upon the occasion of each inspection.
- 10.9 The Organisation shall ensure that the Units are brought up to a good lettable standard when a Tenant vacates and that an inspection and PCR is undertaken at that time. The Organisation shall ensure that the new incoming Tenant is provided with a copy of the PCR.

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- 10.10 The Organisation is responsible for all rates, taxes, charges and other expenses levied or incurred in respect of the Land and the Joint Venture Property.

11. INSURANCE AND INDEMNITIES

- 11.1 The Organisation must effect and maintain, with insurance companies approved by Homeswest, the following insurance coverage :-

- a) Building insurance with respect to the Units and all other improvements on the Land, to their full insurable value, against loss or damage by fire, storm, tempest, earthquake and any other applicable risk as Homeswest may reasonably require.
- b) Public liability insurance with respect to the Units, all other improvements on the Land and the Land, in an amount not less than \$10,000,000 in respect of any one claim or any other reasonable amount as required by Homeswest from time to time. The Interests of Homeswest in the Joint Venture must be noted in such insurance policy.
- c) Employers indemnity insurance (including workers compensation insurance) in respect of all employees of the Organisation employed in any capacity in relation to the Joint Venture.

- 11.2 The Organisation shall provide a copy to Homeswest of all policies of insurance pursuant to clause 11.1, and shall also provide to Homeswest on an annual basis or at any other time requested by Homeswest copies of current renewal certificates of such insurance policies.

- 11.3 The Organisation shall not do or permit to be done any act, matter or thing upon the Land or the Units, or bring or keep anything on the Land or in the Units, where any policy of insurance taken out with respect to the Land or the Units may be rendered void or voidable.

- 11.4 If the Organisation does or permits to be done any act, matter or thing which has the effect of voiding any policy of insurance taken out by the Organisation or by Homeswest then (in addition to all other rights of Homeswest) the Organisation shall be responsible for and shall pay and discharge on demand any damage or loss which Homeswest may suffer or incur as a result of the Organisation's act or omission.

- 11.5 If Homeswest does or permits to be done any act, matter or thing which has the effect of voiding any policy of insurance taken out by the Organisation or by Homeswest then (in addition to all other rights of the Organisation) Homeswest shall be responsible for and shall pay and discharge on demand any damage or loss which the Organisation may suffer or incur as a result of Homeswest's act or omission.

- 11.6 The Organisation shall indemnify and keep indemnified Homeswest against all actions, claims, judgments, damages, costs, charges, expenses and losses of any nature which Homeswest may suffer or incur in connection with loss of life, injury to any person or damage to any property arising out of the use of the Joint Venture Property or any part of the Joint Venture Property pursuant to the terms of this Agreement or occasioned either wholly or in part by any act or omission on the part of the Organisation or its tenants, employees, servants, agents, contractors or lawful visitors, except to the extent caused or contributed to by an act or omission by Homeswest or its employees, servants, agents, contractors or lawful visitors.

12. REPORTING AND ACCOUNTABILITY

- 12.1 The Organisation shall at all times keep and maintain proper and accurate accounting records with respect to the Joint Venture Property throughout the Term showing (without limitation) the sources from which, and purposes for which, moneys relating to the Project have been received, and the manner in which those moneys have been disbursed.
- 12.2 The Organisation shall maintain and keep during the Term a Tenancy Register for the Units. The Register shall record for each paying Tenant for each Unit their date of occupancy, their weekly income, the weekly rent & service fees charged to the Tenant by the Organisation, the Target Group category (where applicable) and the vacate date if the Tenancy finishes.
- 12.3 The Organisation shall maintain and keep a Property Register for the Units. The Property Register shall include for each Unit a record of all maintenance work undertaken, the dates of all property inspections, copies of Property Condition Reports and any other information relevant to the care and maintenance of the Units.
- 12.4 The Organisation shall keep all records, accounts, receipts, documents, registers and reports pursuant to Clause 12.1, 12.2 and 12.3 open for inspection or audit at all reasonable times by responsible officers of Homeswest, the Treasury or the Auditor General.
- 12.5 The Organisation shall provide Homeswest with an annual audited financial statement detailing :-
- a) all income and expenditures in relation to the Joint Venture Property;
 - b) profit and loss statements for the Organisation; and
 - c) balance sheet for the Organisation

within 90 days of the end of each Financial Year. In relation to the Income and Expenditure statements for the Joint Venture Property, itemised expenditures should include maintenance, long term maintenance provision, administration and management costs, staff costs, property costs (eg. rates), insurances and other applicable costs. The statements must identify annual and accumulated surpluses or deficits.

- 12.6 Pursuant to Clause 12.5, where the Organisation operates and manages other Joint Venture Units which have been assisted with funds from Homeswest, the Organisation may provide composite audited financial income and expenditure statements for all of these Units so long as these statements comply with the requirements of this Agreement.
- 12.7 The Organisation shall provide Homeswest with a signed statement within 90 days of the end of each Financial Year from persons with authority to sign legal agreements on behalf of the Organisation **certifying that the Organisation has managed the Units under the terms and conditions of this Agreement**. The statement must also detail the occupancy rate for the Units throughout the preceding Financial Year and should identify any terms or conditions of the Agreement that the Organisation has not been able to comply with throughout the preceding Financial Year.
- 12.8 The Organisation shall upon written request from Homeswest provide such further information to Homeswest with respect to the Project as Homeswest may reasonably require from time to time.
- 12.9 The Organisation shall notify Homeswest if it is experiencing at any time any difficulties in meeting any of its obligations and responsibilities under this Agreement.
- 12.10 Homeswest will, from time to time throughout the Term, review the Organisation with respect to its management and maintenance of the Joint Venture Units. The review will include an inspection of the Tenancy and Property Registers kept by the Organisation, a review of the financial management of the Units and negotiation over use of accumulated surplus funds.
- 12.11 Homeswest retains the right to inspect any of the Joint Venture Units subject to sufficient notice by Homeswest to allow the Organisation to provide adequate notification to the Tenant as required under the Residential Tenancies Act. In the event that the Unit is unoccupied, the Organisation may require Homeswest to provide 7 days written notice of inspection.

13. BREACH AND TERMINATION

13.1 IF the Organisation :-

- a) seriously or persistently, in the opinion of Homeswest, breaches any term of this Agreement;
- b) is guilty of Financial or Administrative Mismanagement of the project
- c) uses the Joint Venture Property for a purpose other than the purpose approved under this Agreement or otherwise approved in writing by Homeswest; or
- d) abandons the Joint Venture Property or persistently under occupies the Units without good reason or the written approval of Homeswest; or

- e) is, in the opinion of Homeswest, unable to continue to meet it's obligations under the terms of this Agreement for any reason other than those reasons set out in Clause 14 ;

AND the Organisation does not within 28 days after service by Homeswest of a written notice specifying the breach or events described in this clause either remedy the breach in a manner acceptable to Homeswest or refer any dispute concerning the breach to arbitration pursuant to clause 15.1 and 15.2

THEN the Organisation must immediately, if requested by Homeswest in writing (and at the Organisation's own cost), transfer the title of the Land to Homeswest.

13.2 **IF :**

- a) a judgment is obtained against the Organisation in any court of law (and no stay of proceedings relative to that judgment in the court is granted) and the judgment remains unsatisfied or execution is levied or issued against any of the assets or property of the Organisation;
- b) an order is made against the Organisation by a court of law;
- c) a resolution is passed for the dissolution of the Organisation;
- d) a receiver of any part of the revenue, property, assets, or undertaking of the Organisation is appointed;
- e) the Organisation enters into a compromise or arrangement with creditors without the prior written consent of Homeswest ;
- f) the Organisation stops payment of any of its debts or ceases or threatens to cease to manage the Project ; or
- g) the Organisation without the prior written consent of Homeswest makes or attempts to make any alteration to the provisions of its memorandum or articles of association or its constitution which in the opinion of Homeswest might detrimentally affect the Project or the interests of Homeswest under this Agreement ;

THEN immediately after any of the foregoing events occurs, the Organisation shall meet with Homeswest and enter into discussions with Homeswest about the future ongoing management of the Joint Venture Units. If the Organisation fails to notify Homeswest or fails to enter into discussions with Homeswest, or, if in the opinion of Homeswest the Organisation is no longer able to carry out it's obligations under this Agreement in a satisfactory manner, then the Organisation must immediately if requested by Homeswest in writing (and at the Organisation's own cost), transfer the title of the Land to Homeswest.

- 13.3 Pursuant to Clause 13.1 and 13.2, if Homeswest requires the Land to be transferred, the Organisation must immediately deliver up exclusive possession to Homeswest of the Joint Venture Property together with all records, accounts, documents, and registers related to the management and administration of the Joint Venture Property. Any accumulated long term maintenance funds must be transferred to Homeswest, and any accumulated operational surpluses shall be divided between the Parties in accordance with Clause 8.8.
- 13.4 Upon transfer of the Land to Homeswest and delivery of exclusive possession of the Joint Venture Property to Homeswest by the Organisation pursuant to Clause 13.3, Homeswest shall arrange a market valuation of the Joint Venture Property and upon agreement with the Organisation about the valuation Homeswest shall pay to the Organisation the value of its equitable interest in the Joint Venture Property at its Current Market Value based on the Organisation's percentage equitable interest in the Joint Venture as identified in Item 3 of the Schedule. Disagreement over valuations will be dealt with as per Clause 7.4.
- 13.5 Homeswest shall be entitled to deduct from any moneys payable to the Organisation under Clause 13.4 the amount of any moneys due and payable to Homeswest by the Organisation consequent upon any breach or default by the Organisation or the termination of this Agreement.
- 13.6 In cases where the Organisation fails to comply with a notice to remedy a breach within 14 days, and where the nature of the breach is deemed by Homeswest not to be covered by Clause 13.1 or 13.2, Homeswest may refer the matter to arbitration for settlement pursuant to Clause 15.1 and 15.2.
- 13.7 If Homeswest breaches any condition of this Agreement and fails to remedy the breach within 28 days after service by the Organisation of a notice specifying the breach, the Organisation may refer the matter to arbitration pursuant to Clause 15.1 and 15.2.
- 13.8 Any action taken by either Party in accordance with Clause 13 shall not affect any claim by either Party for damages in respect of a breach of a condition of this Agreement.
- 13.9 The Organisation hereby grants, in consideration of this Agreement, to Homeswest, Power of Attorney to do all things necessary, desirable or convenient to ensure that the requirements of this Clause 13 are fully complied with including but not limited to executing and lodging at the Office of Titles a transfer of the Land from the Organisation to Homeswest, and the Organisation agrees to ratify and confirm all that Homeswest as attorney shall do or cause to be done under or by virtue of this clause and the Organisation shall indemnify Homeswest in respect of any act, matter or thing done pursuant to this Power of Attorney.

14. FORCE MAJEURE

- 14.1 If a Party becomes unable wholly or in part by reason of Force Majeure to carry out any of its duties or obligations under or by virtue of this Agreement:

- a) that Party shall give prompt written notice to the other Party of the Force Majeure with reasonably full particulars thereof and of the probable (as far as is known at the time) extent to which that Party will not be able to perform or be delayed in performing such duties or obligations;
- b) such duties or obligations so far as they are affected by the Force Majeure shall be suspended during, but no longer than, the continuance of the Force Majeure;
- c) that Party shall use all possible diligence to overcome or remove the impact or effects of the Force Majeure as soon as possible.

14.2 The requirement that any Force Majeure shall be overcome or remedied with all possible diligence shall not oblige a Party to settle any strike or other labour dispute on terms it does not approve of or to contest the validity of any law, regulation or decree by way of legal proceedings.

15. ARBITRATION

15.1 Any dispute, difference or disagreement between the Parties arising under or in respect of this Agreement or any term of it other than a breach or default by the Organisation to which Clause 13.2 applies and except with respect to a determination of value pursuant to Clause 7.4 shall be referred to a single arbitrator acceptable to the Parties or, in the absence of agreement between the Parties, to an arbitrator selected by the President of the Law Society of Western Australia.

15.2 The arbitrator appointed pursuant to Clause 15.1 shall determine the dispute between the Parties in accordance with the Commercial Arbitration Act 1985.

16. NOTICES

16.1 A notice required by one Party to the other under this Agreement shall be in writing and shall be served on the Organisation or Homeswest personally, or sent by prepaid post to address or the last known business address of the Party.

16.2 A notice given to a Party in accordance with Clause 16.1 shall be treated as having been given and received if delivered to a Party's address, on the day of delivery if a business day, otherwise on the next following business day; or if sent by prepaid mail, on the third business day after posting.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement as a Deed on the date first hereinbefore written.

THE COMMON SEAL OF THE STATE HOUSING COMMISSION was hereunto affixed in the presence of :-



[Handwritten signature]

[Handwritten signature]

MANAGER
SECURITIES, CONVEYANCING AND
SETTLEMENT SERVICES

EXECUTIVE DIRECTOR

THE COMMON SEAL OF THE SHIRE OF WEST ARTHUR was hereunto affixed in the presence of :

[Handwritten signature]

[Handwritten signature]

PRESIDENT,

CHIEF EXECUTIVE OFFICER

(Position Title)

(Position Title)

ANNEXURE A
[Joint Venture Guidelines]

JvFrehld

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JOINT VENTURE HOUSING PROGRAM

- GUIDELINES



Nov 1998



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INTRODUCTION

What is Joint Venture Housing ?

Key Characteristics

- Pooling of resources for provision of low income rental housing
- Properties managed and maintained by the organisation
- Each party has a financial equity in the project
- Tenants are Homeswest income eligible
- Term of Agreement is 25 years

In a joint venture, organisations and Homeswest pool their resources and skills to provide low income rental housing. In a typical arrangement, an organisation contributes land, cash and in-kind services and Homeswest finances the cost of the construction of the housing.

People from the waiting lists of both the organisation and Homeswest are housed as rental tenants. The amount of rent charged by the organisation is set at, but should not exceed, 25% of the tenants weekly income (excluding all available subsidies) or the market rent, whichever is the lesser of these amounts.

Homeswest is not involved in the direct management of the properties. All rental revenues are retained by the organisation and all property and tenancy management expenses are met by the organisation from those rental revenues.

Because Homeswest and the organisations involved make substantial capital contributions to the joint venture, each party has an equity in the project

Organisations are required to enter into a legal contract with Homeswest which outlines the terms of the project, the rights and responsibilities of both parties, and the relative project equities of each party. The term of this agreement is 25 years.

Flexibility is the key to any successful partnership. Homeswest welcomes a wide variety of proposals, and organisations can negotiate on the details and conditions which will apply in a specific project.

Preference will be given to those organisations which can demonstrate a commitment to the Code of Practice as published by the Community Housing Coalition of WA, 1st Floor Claisebrook Lotteries House, 33 Moore St. East Perth 6004 - Phone 08-92217933

ELIGIBILITY CRITERIA

a) Minimum Eligibility Criteria for a Project.

Any project proposal must meet the following minimum conditions before it can be considered for funding under the Joint Venture Housing Program.

- I. **Rental Accommodation.** The proposal must be for the development or acquisition of rental units for people on low incomes.
- II. **Eligible Organisations.** Non-profit community groups including church and service organisations, housing associations and local governments. Proposals from other government departments will be considered. Private, for profit organisations are not eligible, although partner organisations will retain the option of contracting out aspects of the management of the units to private agencies so long as this does not compromise the purposes and terms and conditions of the project.
- III. **Eligible Tenants.** All tenants within the proposed target group must meet the prevailing Homeswest eligibility criteria for public rental housing at the time of allocation (see attachment).
- IV. **Demand & Need** for the project must be demonstrated by the organisation. The following factors should be addressed :-
 - **Supply Factors** - for example what public, community & private rental options exist; how appropriate is it for the target group (type of stock, age & condition, location factors, private rental costs)
 - **Demand Factors** - for example wait lists (HW, group & other housing groups); DSS & census data for the region; local real estate info;
 - **Local Trends** - including economic & demographic changes (eg. is the town / region growing or dying); changes in the local housing market (eg. if traditional housing options for the target group are diminishing due to gentrification, changes in use of dwellings etc); social trends (eg. changes in family composition).

(Homeswest will also seek comment from it's **Regional Manager** to ascertain his / her assessment of the need for the project).

- V. **Organisation has a long term commitment** to the project and is willing to enter into a 25 year legal agreement (see attached copy).
- VI. **Organisation has a demonstrated capacity and ability to manage** the housing over the term of the agreement (eg. this may be demonstrated by current property portfolio of the organisation, track record, organisational infrastructure; provision of an operational budget for the units).
- VII. **Essential support service guarantees are provided** (where a component of the housing is targeted towards people who require support in order to sustain independent living.)

b) Priority Assessment Criteria.

All projects that meet the minimum eligibility requirements will be considered for funding. However, competition for funding assistance is keen, with demand usually exceeding program budget allocations. Therefore Homeswest has developed the following priority criteria. It is not expected that all organisations approved would meet all of these criteria. However, an organisation that meets four of the criteria is more likely to receive favourable consideration than one that meets only one of the priority criteria. Organisations are therefore advised to examine these criteria carefully, and should consider any steps that they might be able to take to improve their rating under the priority criteria.

- I. **Level of Contributions towards Homeswest standard construction cost.** The level of contribution proposed by the organisation towards the costs of Homeswest's standard construction provisions. (Excluding the cost of extra amenities above Homeswest standards)
- II. **Special Needs Groups.** Project proposals with a component able to meet the needs of people with disabilities, Aboriginals or other disadvantaged or special needs target groups.
- III. **Status of Land.** Proposals involving land that is already available and fully serviced as certified by an Engineer's report, enabling the project to commence quickly.
- IV. **Regional Housing Focus.** Organisations with a regional housing focus who are committed to further growth and expansion (where there are a range of unmet needs).
- V. **Track Record.** Organisations previously assisted by Homeswest, with a proven track record, who are seeking to consolidate and expand their housing focus.
- VI. **Rural & Remote Areas.** Special consideration to proposals in rural & remote areas where other housing options are limited or non-existent.

CONTRIBUTION OF RESOURCES

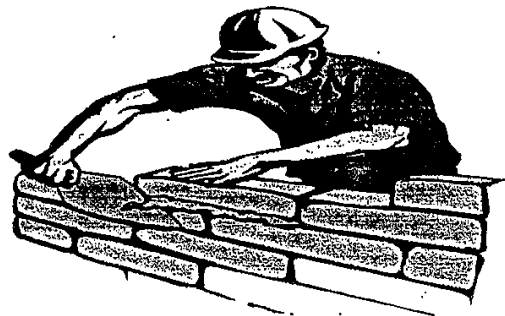
a) Who Contributes What Resources To A Typical Joint Venture Development ?

Land Component

- Land (suitably located, accessible and appropriately zoned)
- Land servicing costs (water, sewerage, drainage, electricity, gas, roads, telecom)
- Feature Survey, Engineers certificates & geo-technical reports.
- Clearing the site, including removal of unsuitable soils & rocks, and refilling with suitable fill.
- Compacting costs
- Surveying costs
- Amalgamation or sub-division costs

Construction Component

- Architectural Fees
- Contract Administration
- Construction costs
- Additional Amenities
- Landscaping

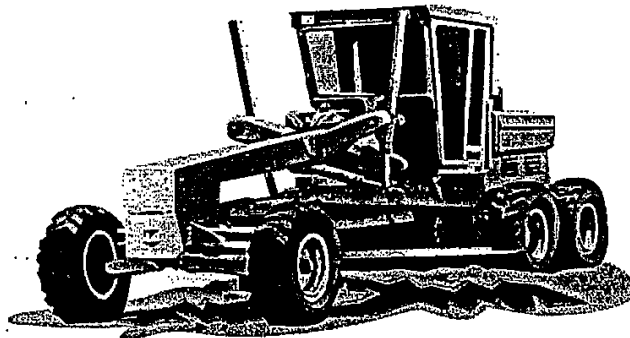


Contributions from organisations typically include land, cash and in-kind services. In most projects the organisation contributes the land, meets all or most of the land component costs and also makes a cash contribution. Homeswest requires a minimum contribution of \$10,000 per unit towards construction costs, plus full payment for extras which exceed Homeswest construction standards. In special circumstances a variation to contributions may be negotiated, subject to the organisation's financial capacity.

If the organisation wishes to include a resident funded or individual private equity component in the overall development, this can be negotiated and may be allowable in some circumstances. However the full costs of these additional units would have to be met by the organisation, and those costs would not be included as part of the JV project, and therefore would not be reflected in the organisation's equity.

Agreed cash contributions from the Organisation are to be forwarded to Homeswest prior to the letting of tenders for the construction contract, unless otherwise approved by Homeswest. Homeswest will prepare the tender documentation, but will not go out to tender until payment has been received.

b) The Land Component



Requirements of the Site

The land component must be well located with respect to public transport, shops, health and community facilities and any special support services required by the tenants to be housed. The site must be zoned appropriately (and if applicable vested appropriately) for the type of housing proposed. It must be technically suitable, with no problems related to soil type, drainage and servicing. This needs to be certified in an Engineer's certificate furnished to Homeswest. The site must be serviced with water, sewerage (where applicable) and power, adequate to cope with the number of units to be built on the site.

If the site proposed for the JV project forms a portion of a larger site, that portion must meet the requirements for a subdivision, including separate access and services.

The organisation usually bears any costs necessary to meet the site requirements (eg. landfill, servicing costs, surveying costs). However, this is negotiable on an individual project basis.

The organisation must provide Homeswest with copies of the title to the site (or the Vesting Order if Crown Land), and details of any restrictive covenants, caveats, easements or other title encumbrances in relation to the site.

Does the Organisation Have To Own The Land ?

It is preferable if the organisation holds freehold title to the land. However, projects can be undertaken on :-

- **Crown Reserve land which is vested** with the organisation for a community or housing purpose. In such circumstances Homeswest will seek to become a joint vestee, or else will seek an amendment to the vesting order which recognises the JV project & JV legal agreement.
- **Leased land**, where the lease term is substantial and the owner of the land is agreeable to becoming a party to the JV Legal Agreement and allowing Homeswest to protect it's equitable interest by securing that interest against the land (see below).

**c) The Construction Component
Who Designs The Housing ?**



Housing constructed under the JV program is not restricted to any particular type or design. Each project is different from the next and innovation in design is encouraged.

Homeswest can provide architectural services to design the housing in consultation with the joint venturer. Alternatively, the organisation may pay for private architectural services subject to agreement on price with Homeswest. These costs will be acknowledged as part of the organisations equity contribution to the project.

The architect will be responsible for the design documentation and the preparation of the construction tender. Homeswest will need to approve all documentation prior to going to tender, and will determine the successful tenderer.

What Features Are Included ?

The amenity level of the buildings will be comparable to prevailing Homeswest building standards. If the organisation wishes to build beyond these standards then they will have to meet the extra costs of this higher level of amenity.

If the project is an **Aged Person's Units** development Homeswest's standard is to construct 60% 2 bedroom units and 40% 1 bedroom units. Where JV partners wish to have a higher ratio of 2 bedroom units, they are required to meet the costs of these additional bedrooms. This additional contribution will be reflected in the Organisation's project equity.

In some projects special features such as 24 hour medical alert buttons for the frail aged have been donated by local service clubs. The value of these special features and additional amenities, if they are an essential element to the project, will be included in the organisations project equity. Other contributions that are frequently made are in the form of in-kind services eg. a local council JV partner might use its parks and gardens staff to undertake the landscaping for the project. In such cases the value of the work undertaken will be included as part of the organisation's contribution.

SECURING EACH PARTY'S PROJECT INTERESTS.

a) The Legal Agreement

Organisations are required to enter into a legal contract with Homeswest which outlines the terms of the project, the rights and responsibilities of both parties, and the relative project equities of each party. The term of this agreement is 25 years. It covers areas such as :-

- the purpose of the project (eg.who will be housed, rent & service fee conditions)
- financing arrangements, contributions and project equities
- reporting & accountability measures
- tenancy & property management (eg. Insurance requirements, rates, taxes)
- property maintenance
- breach & termination provisions ; expiration options (at the end of the term)
- disputes and grievances

b) Additional Security Provisions

Because of the large sums of money involved in a JV project, Homeswest uses the legal contract plus additional legal arrangements to secure it's financial interest in the venture. These arrangements differ according to:

- The **land tenure** arrangements held by the Joint Venturer
- Whether the organisation is approved as a "**bona fide**" organisation by Homeswest's Executive Director.

LAND TENURE	TYPE OF GROUP	SECURITY PROVISIONS
FREEHOLD	Bona Fide	JV Legal Contract only
	Other	JV Legal Contract Caveat against the title
FREEHOLD LEASED	All Groups	JV Legal Contract between Homeswest, Group and Proprietor. Caveat by Homeswest against title. Lease between Group and Proprietor to be approved by H'swest.
CROWN LAND VESTED	Bona Fide	JV Legal Contract Option to amend Vesting Order noting Homeswest's Interest
	Other	JV Legal Contract Amendment to the Vesting Order noting Homeswest's interest OR Homeswest become joint vestee in the land
CROWN LAND VESTED & ON LEASED	All Groups	JV Legal Contract between Homeswest, the Vestee and the Group.Lease between the Vestee and the Group to be approved by H'swest - clause inserted in lease to protect the JV contract.Amendment to the Vesting Order noting HW's interest OR H'swest becoming joint vestee in the land.

The following guidelines are used to determine whether an organisation is deemed to be a bona fide organisation. The Executive Director of Homeswest makes the final determination. Even where an organisation fits the bona fide criteria, Homeswest reserves the right to apply the non bona fide security provisions.

Bona Fide Organisations.

- * Local authorities in a sound financial position.
- * Community agencies with a proven track record with Homeswest.
- * Established and substantial community agencies ie. those with a large organisational infrastructure; financially sound; permanent staff; an established property management portfolio; or managing a range of other community programs;

Other Organisations.

- * Small community agencies ie. nil or limited permanent staff, limited property management portfolio or limited range of community programs.
- * Newly or recently established community agencies (ie. less than 5 years).
- * No track record with Homeswest or unsatisfactory track record.

c) Financial Equities - How Are These Worked Out ?

The total value of each party's contributions are added together to form a **Total Project Cost**. Each party's contribution is then calculated as a proportion of that total project cost in order to establish the relative equities of each party. For example :-

EXAMPLE 1	
Organisation's contributions	
- Land value	= \$125,000
- Land component costs	= \$ 25,000
- Cash contribution towards construction	= \$ 50,000

	\$200,000
Homeswest's contributions	
- Land component costs	= \$10,000
- Net construction costs	= \$490,000

	\$500,000
Total Project Cost	= \$700,000
Organisation's equity	= 28.6%
Homeswest's equity	= 71.4%

NOTE : Another set of equity calculations is also made. These calculations establish Land Cost equities and Construction (or Dwelling) Cost equities. The reason for this is explained below.

d) What Happens At The End of the Term of the Agreement ?

The term of the JV project agreement is 25 years. Because both parties hold an equitable interest in the project, those interests have to be settled at the end of the term. There are a number of options available, including :-

- 1 **Buy out or sale options** (where agreed either party can buy out the other party's project interest, or the whole project can be sold and the proceeds divided)
- 2 **Assignment or transfer options** (where either party's equitable interest can be assigned or transferred to each other or to another agreed party)
- 3 **Extension or renewal** of the agreement for a further term.

Where options under headings 1 & 2 above are proceeded with, then the **Total Project Cost Equities** established at the commencement of the term of the agreement are the basis on which the relative interests of both parties will be determined and distributed. In the example above, if it was agreed to sell the units and split the proceeds, then Homeswest would receive 71.4% of the sale proceeds and the organisation would receive 28.6%. Similarly, if the organisation wished to buy out Homeswest's equitable interest, it would have to pay 71.4% of the current market value of the land and buildings at the time. **However :-**

The Joint Venture Housing Program offers a significant incentive for organisations to extend or renew the agreement at the end of the first term.

Where organisations agree to an extension or renewal, *then the value of each party's equity contributions will be recalculated based on the current market valuations prevailing at the time.* In order to do this separate valuations of the land costs and the construction costs will have to be undertaken. Using Example 1 above, in the year 1996 the :-

- Total Land Costs were \$160,000 (of which the organisation had contributed 93.75%, Homeswest 6.25%),
- Total Construction Costs were \$540,000 (of which the organisation had contributed 9.26%, Homeswest 90.74%)

25 years later (the year 2021), independent valuations establish a :-

- Land Value of \$870,000 (ie. the land has appreciated at an average of 7% per annum during the term of the agreement). With a 93.75% equity calculated against the land, the value of the organisations land cost contribution in the renewed agreement will be \$815,625. Homeswest's will be \$54,375.
- Construction (Dwellings) Value of \$330,000 (ie. the buildings have depreciated in value in real terms). With a 9.26% equity calculated against the buildings the value of the organisations construction costs contribution in the renewed agreement will be \$30,558. Homeswest's will be \$299,442.

Bringing these sets of figures together, what it means is that :-

- Total Project Value is now = \$1,200,000
- Value of Organisation's contribution = \$815,625 (Land)
 + 30,558 (Dwellings)

 \$846,183 (70.5% Project Equity)
- Value of Homeswest's contribution = \$ 54,375 (Land)
 + 299,442 (Dwellings)

 \$353,817 (29.5% Project Equity)

As you can see from this example, there is real benefit to the organisation in entering into a second term or renegotiating a new agreement. The relative equities of each party have effectively been reversed, with the organisation now having a 70.5% project equity (previously it was only 28.6%). The term of this second agreement is not set, and would be negotiated at the time.

(Please Note : Land Value is only recognised as financial equity to a project where the Land is held as freehold title).

MANAGEMENT OF THE HOUSING

a) Ongoing Management Of The Housing.

From the point of hand over of the properties, the organisation assumes responsibility for the on-going management and maintenance of the housing, with all costs being met through the rental income. Rents are paid by the tenants directly to the organisation.

In some circumstances the organisation may wish to contract out some of the management responsibilities eg. a local council could headlease the properties to a regional Community Housing Association to manage. Homeswest would approve such an arrangement so long as it is not detrimental to the tenants and the purposes of the project.

- Management responsibilities include :-**
- Collecting rents; rental arrears; undertake periodic rent reviews
 - Managing tenant liability debts
 - Maintaining the housing & common areas in good repair
 - Making financial provision for long term maintenance (eg. roof repairs, replacement of hot water systems etc)
 - Ensure appropriate level of ancillary or support services
 - Paying all rates, taxes, strata levies and other charges levied against the premises
 - Maintaining appropriate building and other insurance requirements (eg. workers compensation, contents)
 - Employment & supervision of staff (where appropriate)
 - Keep up to date waiting list for the housing & reletting of vacant properties
 - Maintaining Tenancy & Property Registers
 - Compliance with the JV legal agreement, the Residential Tenancies Act and other relevant legislation
 - Responding to tenant concerns with respect to the operation of the units
 - Undertake an annual financial audit & comply with other accountability requirements

b) Operational Management - Program Requirements **Tenant Selection**

The organisation is required to establish a **Tenant Allocations Panel** in order to select the initial tenants for the units, and to fill vacancies as they arise. The panel is responsible for devising appropriate selection criteria. Homeswest Regional Managers retain the right to be involved on the Tenant Allocations Panel and may nominate one

representative to the panel, Homeswest will have the right to refer eligible persons from Homeswest's wait lists to the organisation for consideration for housing. Where these persons meet the agreed selection criteria the organisation must agree to wait listing them for the JV units. **In addition to any selection criteria that the Organisation may develop, all tenants allocated housing must meet Homeswest's eligibility criteria for public rental housing.**

Homeswest's Eligibility Criteria for Public Rental Housing

Applicants must conform to the following :-

- **Must be Australian citizens or have permanent residency status, and live in WA.**
- **Must meet Homeswest's Income Eligibility criteria for public rental housing.** Where an applicant, their partner and non-dependent household members exceed the income limits, then the applicant is NOT eligible for housing under the JVHP. These limits are revised every 6 months.

Homeswest's Maximum Weekly Income Limits (current November 1997)

No. of people in household	For people with a disability							
	Metro and Country		North West & Remote Areas		Metro and Country		North West & Remote Areas	
	Single Income	Dual Income	Single Income	Dual Income	Single Income	Dual Income	Single Income	Dual Income
1 person	\$390	-	\$550		\$490	-	\$690	-
2 people	\$520	\$600	\$740	\$850	\$650	\$750	\$920	\$1060
3 people	\$630	\$720	\$880	\$1010	\$780	\$900	\$1100	\$1260
4 people	\$730	\$840	\$1030	\$1190	\$920	\$1050	\$1290	\$1480

- **Must have an income source obtained in WA** ie. work for an organisation based in WA or be registered with a WA office of the Department of Social Security.
- **Must not own property or land.** Applicants and/or partners or non-dependents to be housed must not own, or be part owner, of property or land. Discretion may be exercised if the applicant is pursuing a property settlement due to family breakdown or other exceptional circumstances.
- **Cannot have cash assets of \$32,200 or above** (this criteria does not apply to people with disabilities).
- **Applicants with a debt to Homeswest must enter into an agreement to repay 100% of their rental debt and 50% of all other debts as a precondition of acceptance of their application for JV housing.**

JvGdline

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Tenant Rights

The Organisation must provide tenants with a tenancy agreement that complies with the minimum requirements set out in the Residential Tenancies Act. Tenants must be provided with security of tenure, subject to their compliance with the tenancy agreement.

The organisation should also establish a grievance mechanism so that a tenant has a place to air any issues or disputes that they have with the Organisation, it's staff or agents. Written details of this grievance mechanism should be provided to tenants when they are allocated their unit. The organisation should not proceed with action through the courts unless the tenant has firstly been given an opportunity to take advantage of the Organisation's internal grievance mechanism.

Rental Charges & Additional Service Fees

The amount of rent charged by the Organisation shall be set at but not exceed 25% of the tenants weekly income (excluding all available subsidies) OR market rent, whichever is the lesser of these amounts. In addition, the Organisation is able to include in their rental charge a sum equivalent to the tenants weekly entitlement for Commonwealth Rent Assistance, thus enabling organisations to charge a 'higher' rent than Homeswest without financially disadvantaging JV tenants relative to Homeswest tenants. By recouping this DSS rent assistance component through more realistic rent charges, it enables organisations to manage & maintain the JV units from the rental income without incurring financial losses.

The example below shows how an organisation can generate an additional \$1,000 per year per property from rental returns without disadvantaging the tenant financially and whilst still complying with Homeswest's rental ceilings.

Example - Maximising Rental Returns

Agency A and Agency B are both housing 30 single aged people whose only source of income is the aged pension of \$340 / fortnight.

Agency A charges a rent by simply calculating 25% of the persons income ie. \$42.50 per week person, leading to a total annual rental return from all tenants of \$66,300.

Agency B factors in the tenants entitlement to claim rental assistance and therefore sets rents at \$65 per week. This entitles the tenant to rent assistance of \$22.30 per week. The tenant therefore pays a rent to the agency of \$42.70 per week from their income, plus the additional \$22.30 DSS rent assistance. The total annual rental return to Agency B from all tenants is therefore \$101,400.

Tenants managed by Agency B, after paying their rent, have the same level of disposable income as tenants managed by Agency A. However, Agency B has increased revenue of \$35,100

Please Note : The Rental Assistance level is based on levels current from July 1st 98. Rent Assistance levels and formulas are regularly revised by DSS. You will need to check with your local office to obtain the most recent information.

Rental Reviews

Organisations are required to review the rents that they charge to their tenants on an annual basis to ensure that appropriate rental levels are being maintained.

Service Fees

Organisations may charge **additional service fees** to tenants subject to approval of Homeswest. These fees must be optional to tenants and related directly to the landlord tenancy functions. Examples might include laundry, linen change, meals & house cleaning services, furniture or TV / video hire (where provided by the landlord). **The fee must NOT exceed the cost of providing these additional services** (ie. service fees cannot be used to supplement the rental income for the units). Any such fees should be separately identified, receipted and accounted for, and should not be included as part of the rental charge.

Furniture Policy. Where organisations wish to provide furnished accommodation they have the option of charging a service fee component for furniture hire, the funds from which can be accumulated for replacement purposes. This contingency fund will need to be identified in the accounts. **Replacement furniture cannot be purchased from operational surpluses**

Repayment of Loans for the Purchase of Land

Loan repayments for the purchase of the land for the JV project (or a future JV project) may be made from the operational rental revenues of the Units, subject to prior written approval of Homeswest. The Organisation will have to demonstrate that it's loan repayment schedule will not compromise the operational viability of the project (ie. they will have to provide budget scenarios under current and high interest rate regimes). They will also have to demonstrate that rent levels charged to tenants will be able to be maintained in accordance with the JV Agreements and Guidelines, that the long term maintenance contingency fund will be able to be sustained and that all other operational costs will be able to be met. **Note : the Valuation of the land under purchase (and not the purchase price) will be treated as the equitable value of the land.**



Long Term Maintenance Provisions

Organisations are required to set aside an agreed proportion of the annual rental income of the JV units for long term maintenance needs. The annual amount to be set aside will be reviewed every 5 years, or sooner if requested by either party. This contingency fund must be clearly identified in the annual audited accounts of the organisation.

REPORTING AND ACCOUNTABILITY



- Audited Financial Statements
- Organisational Reviews
- Property Inspections
- Property Register
- Tenancy Register

Audited Financial Statements

Organisation's must provide Homeswest with annual audited financial statements within 3 months of the end of each financial year detailing :-

- Itemised income and expenditure statements in relation to the JV units.
- Profit and loss statements and balance sheet for the Organisation.

The boxes below indicate some of the key components that need to be itemised in the audited income and expenditure statements. **The statements should also clearly identify any annual & accumulated project surpluses or deficits.** Where an organisation has multiple JV units a composite income and expenditure statement for all of the units is acceptable.

Income items include :-

- Rental Income
- Service Fees
- Donations
- Interest
- Other

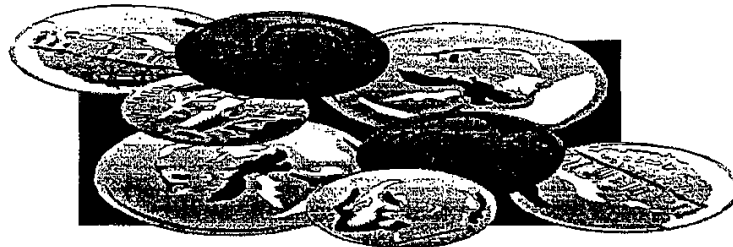
Expenditure cost items include :-

- Maintenance
- Long Term maintenance provision
- Administration & management expenses
- Staff costs
- Property costs (eg lease fee, rates)
- Insurance costs
- Improvements
- Other

Where an organisation has multiple JV units and / or a number of JV housing projects with Homeswest, a composite income and expenditure statement for all of the JV units is acceptable. Where the JV units form part of a larger housing or program portfolio for the organisation (eg. part of a seniors village complex or part of a state wide housing portfolio), it is still a requirement that the organisation provide the audited income and expenditure statements that relate specifically to the JV housing units.

Project Surpluses

All annual and accumulated surplus income generated from the operation of the JV units must be identified in the annual audited income and expenditure statements. Surpluses are the balance of funds remaining once all operational expenditures have been accounted for including provision for long term maintenance.



Any proposed use of surplus funds by the Organisation must be negotiated with Homeswest Community Housing Services. Uses to which surpluses might be applied include property upgrades and improvements, contributions towards further JV projects, and the purchase of additional equity in the project. Other uses proposed will be assessed on merit.

Homeswest will undertake reviews of the Organisation's management and maintenance of the JV Units from time to time (see below). During the reviews, the Organisation will need to present proposals for the use of accumulated surpluses. This does not necessarily mean that the funds will have to be spent immediately - the proposal may well be to accumulate for a further period in order to build up sufficient funds to contribute to the construction of further JV or low income housing units.

If however there is no agreed use for surpluses, then existing surpluses at the time of the reviews shall be divided proportionately between the Parties based on the respective equities of the Parties. These equities are identified in the Schedule of the Legal Agreement. Homeswest will then use it's share for other JV or community housing projects.

Organisational Reviews

Homeswest's Community Housing Services will undertake formal reviews of funded projects on a rolling basis. The frequency of reviews will vary, but each organisation will be reviewed at least once every 3 year period. The review will include all programs funded or supported by Homeswest. For example, if an organisation has 20 JV units, 15 Community Housing Program units and 6 Community Disability Housing Program, all projects will be examined during the review process.

Homeswest reserves the right to inspect individual properties as part of the review process. Usually however only a small sample of properties will be inspected. Homeswest will also inspect the Property & Tenancy Registers (see below) to ensure that the organisation is complying with its management & maintenance obligations.

Reviews will examine:

- **Financial management.** Are proper accounts being kept? Is the organisation complying with its financial reporting requirements? Is the organisation paying its bills? Negotiation over use of surplus funds.
- **Property management.** Are properties being properly maintained? Are regular property inspections being carried out by the organisation? Are PCR's being done? Are the Property Registers being kept up to date?
- **Tenancy management.** Are annual rental reviews being carried out? Are occupancy rates being maintained at acceptable levels? How long is it taking to fill vacancies? Are tenancy problems being resolved satisfactorily? Are tenants being provided with Tenancy Agreements? Is the organisations grievance procedure operating effectively?

Tenancy Register

Organisations are required to keep a Tenancy Register for each of the JV units. The Register should include :-

- Date of occupancy of each tenant
- Current income of tenant
- Level of rent charged to tenant
- Service Fee charges
- Vacate date of the tenant
- Target group (if applicable)

Property Register

A Property Register also needs to be kept *covering all of the JVHP Units*. This register may be inspected by Homeswest officers during Organisational Reviews or during visits to the organisation. The register should include :-

- A record of all maintenance undertaken on the JVHP properties (including copies of receipts of work undertaken). This to include garden maintenance.
- The dates of all property inspections undertaken
- Copies of all Property Condition Reports
- A record of any vandalism or wilful damages
- A record of Tenant Liability damages and claims
- Any other information relevant to the care and maintenance of the property.

Organisations may keep these records on each individual JVHP Unit, or, if this is too administratively onerous, they may keep composite records relating to each funded project.

The organisation is required to inspect each JV unit at least once per year and fill out a Property Condition Report (PCR). PCR's are also required when a tenant vacates. Homeswest reserves the right to inspect JV units at any time, subject to sufficient notice to the Organisation.

PROGRAM PROMOTION

a) Naming Rights & Promotion of the Project

The organisation may wish to name the project to give it a particular identity. Each joint venture is required to have a plaque displayed in a prominent place on the housing which identifies the project as a joint venture between the organisation and Homeswest. The participation of both parties must also be expressly acknowledged in any signs on the housing and site, and in any advertising and promotion.

b) Opening Ceremony

Upon completion of the construction a joint opening ceremony is held at which representatives of both the organisation and Homeswest speak and unveil a plaque. The opening ceremony is a public opportunity to note and thank the range of people who have been involved in developing the project.

Homeswest has a Public Affairs section which can be utilised to organise the opening ceremony for the project.

FURTHER INFORMATION

Further information about the Joint Venture Housing Program can be obtained by contacting

Contact : Coordinator Community Programs
Homeswest, Community Housing Services
99 Plain Street,
East Perth 6004

Ph: 08-9222 4784

Fax: 08-9222 8107

Other documents available include :-

- **Sample Legal Agreements**
- **Project Proposal Form**

JOINT VENTURE HOUSING PROGRAM

- GUIDELINES



Nov 1998



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INTRODUCTION

What is Joint Venture Housing ?

Key Characteristics

- Pooling of resources for provision of low income rental housing
- Properties managed and maintained by the organisation
- Each party has a financial equity in the project
- Tenants are Homeswest income eligible
- Term of Agreement is 25 years

In a joint venture, organisations and Homeswest pool their resources and skills to provide low income rental housing. In a typical arrangement, an organisation contributes land, cash and in-kind services and Homeswest finances the cost of the construction of the housing.

People from the waiting lists of both the organisation and Homeswest are housed as rental tenants. The amount of rent charged by the organisation is set at, but should not exceed, 25% of the tenants weekly income (excluding all available subsidies) or the market rent, whichever is the lesser of these amounts.

Homeswest is not involved in the direct management of the properties. All rental revenues are retained by the organisation and all property and tenancy management expenses are met by the organisation from those rental revenues.

Because Homeswest and the organisations involved make substantial capital contributions to the joint venture, each party has an equity in the project

Organisations are required to enter into a legal contract with Homeswest which outlines the terms of the project, the rights and responsibilities of both parties, and the relative project equities of each party. The term of this agreement is 25 years.

Flexibility is the key to any successful partnership. Homeswest welcomes a wide variety of proposals, and organisations can negotiate on the details and conditions which will apply in a specific project.

Preference will be given to those organisations which can demonstrate a commitment to the Code of Practice as published by the Community Housing Coalition of WA, 1st Floor Claisebrook Lotteries House, 33 Moore St. East Perth 6004 - Phone 08-92217933

ELIGIBILITY CRITERIA

a) Minimum Eligibility Criteria for a Project.

Any project proposal must meet the following minimum conditions before it can be considered for funding under the Joint Venture Housing Program.

- I. **Rental Accommodation.** The proposal must be for the development or acquisition of rental units for people on low incomes.
- II. **Eligible Organisations.** Non-profit community groups including church and service organisations, housing associations and local governments. Proposals from other government departments will be considered. Private, for profit organisations are not eligible, although partner organisations will retain the option of contracting out aspects of the management of the units to private agencies so long as this does not compromise the purposes and terms and conditions of the project.
- III. **Eligible Tenants.** All tenants within the proposed target group must meet the prevailing Homeswest eligibility criteria for public rental housing at the time of allocation (see attachment).
- IV. **Demand & Need** for the project must be demonstrated by the organisation. The following factors should be addressed :-
 - **Supply Factors** - for example what public, community & private rental options exist; how appropriate is it for the target group (type of stock, age & condition, location factors, private rental costs)
 - **Demand Factors** - for example wait lists (HW, group & other housing groups); DSS & census data for the region; local real estate info;
 - **Local Trends** - including economic & demographic changes (eg. is the town /- region growing or dying); changes in the local housing market (eg. if traditional housing options for the target group are diminishing due to gentrification, changes in use of dwellings etc); social trends (eg. changes in family composition).

(Homeswest will also seek comment from it's **Regional Manager** to ascertain his / her assessment of the need for the project).

- V. **Organisation has a long term commitment** to the project and is willing to enter into a 25 year legal agreement (see attached copy).
- VI. **Organisation has a demonstrated capacity and ability to manage** the housing over the term of the agreement (eg. this may be demonstrated by current property portfolio of the organisation, track record, organisational infrastructure, provision of an operational budget for the units).
- VII. **Essential support service guarantees are provided** (where a component of the housing is targeted towards people who require support in order to sustain independent living.)

b) Priority Assessment Criteria.

All projects that meet the minimum eligibility requirements will be considered for funding. However, competition for funding assistance is keen, with demand usually exceeding program budget allocations. Therefore Homeswest has developed the following priority criteria. It is not expected that all organisations approved would meet all of these criteria. However, an organisation that meets four of the criteria is more likely to receive favourable consideration than one that meets only one of the priority criteria. Organisations are therefore advised to examine these criteria carefully, and should consider any steps that they might be able to take to improve their rating under the priority criteria.

- I. **Level of Contributions towards Homeswest standard construction cost.** The level of contribution proposed by the organisation towards the costs of Homeswest's standard construction provisions. (Excluding the cost of extra amenities above Homeswest standards)
- II. **Special Needs Groups.** Project proposals with a component able to meet the needs of people with disabilities, Aboriginals or other disadvantaged or special needs target groups.
- III. **Status of Land.** Proposals involving land that is already available and fully serviced as certified by an Engineer's report, enabling the project to commence quickly.
- IV. **Regional Housing Focus.** Organisations with a regional housing focus who are committed to further growth and expansion (where there are a range of unmet needs).
- V. **Track Record.** Organisations previously assisted by Homeswest, with a proven track record, who are seeking to consolidate and expand their housing focus.
- VI. **Rural & Remote Areas.** Special consideration to proposals in rural & remote areas where other housing options are limited or non-existent.

CONTRIBUTION OF RESOURCES

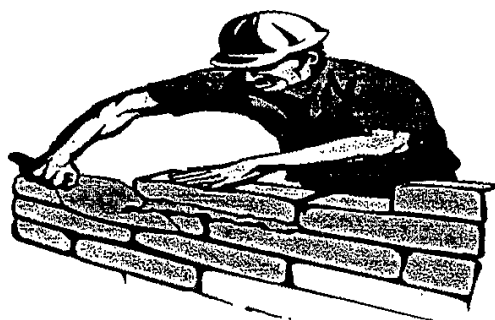
a) Who Contributes What Resources To A Typical Joint Venture Development ?

Land Component

- Land (suitably located, accessible and appropriately zoned)
- Land servicing costs (water, sewerage, drainage, electricity, gas, roads, telecom)
- Feature Survey, Engineers certificates & geo-technical reports.
- Clearing the site, including removal of unsuitable soils & rocks, and refilling with suitable fill.
- Compacting costs
- Surveying costs
- Amalgamation or sub-division costs

Construction Component

- Architectural Fees
- Contract Administration
- Construction costs
- Additional Amenities
- Landscaping

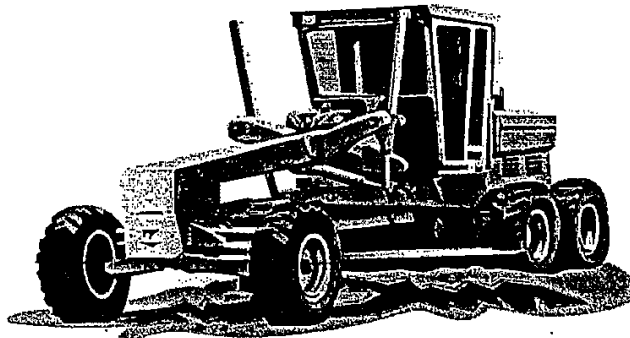


Contributions from organisations typically include land, cash and in-kind services. In most projects the organisation contributes the land, meets all or most of the land component costs and also makes a cash contribution. Homeswest requires a minimum contribution of \$10,000 per unit towards construction costs, plus full payment for extras which exceed Homeswest construction standards. In special circumstances a variation to contributions may be negotiated, subject to the organisation's financial capacity.

If the organisation wishes to include a resident funded or individual private equity component in the overall development, this can be negotiated and may be allowable in some circumstances. However the full costs of these additional units would have to be met by the organisation, and those costs would not be included as part of the JV project, and therefore would not be reflected in the organisation's equity.

Agreed cash contributions from the Organisation are to be forwarded to Homeswest prior to the letting of tenders for the construction contract, unless otherwise approved by Homeswest. Homeswest will prepare the tender documentation, but will not go out to tender until payment has been received.

b) The Land Component



Requirements of the Site

The land component must be well located with respect to public transport, shops, health and community facilities and any special support services required by the tenants to be housed. The site must be zoned appropriately (and if applicable vested appropriately) for the type of housing proposed. It must be technically suitable, with no problems related to soil type, drainage and servicing. This needs to be certified in an Engineer's certificate furnished to Homeswest. The site must be serviced with water, sewerage (where applicable) and power, adequate to cope with the number of units to be built on the site.

If the site proposed for the JV project forms a portion of a larger site, that portion must meet the requirements for a subdivision, including separate access and services.

The organisation usually bears any costs necessary to meet the site requirements (eg. landfill, servicing costs, surveying costs). However, this is negotiable on an individual project basis.

The organisation must provide Homeswest with copies of the title to the site (or the Vesting Order if Crown Land), and details of any restrictive covenants, caveats, easements or other title encumbrances in relation to the site.

Does the Organisation Have To Own The Land ?

It is preferable if the organisation holds freehold title to the land. However, projects can be undertaken on :-

- **Crown Reserve land which is vested** with the organisation for a community or housing purpose. In such circumstances Homeswest will seek to become a joint vestee, or else will seek an amendment to the vesting order which recognises the JV project & JV legal agreement.
- **Leased land**, where the lease term is substantial and the owner of the land is agreeable to becoming a party to the JV Legal Agreement and allowing Homeswest to protect its equitable interest by securing that interest against the land (see below).

**c) The Construction Component
Who Designs The Housing ?**



Housing constructed under the JV program is not restricted to any particular type or design. Each project is different from the next and innovation in design is encouraged.

Homeswest can provide architectural services to design the housing in consultation with the joint venturer. Alternatively, the organisation may pay for private architectural services subject to agreement on price with Homeswest. These costs will be acknowledged as part of the organisations equity contribution to the project.

The architect will be responsible for the design documentation and the preparation of the construction tender. Homeswest will need to approve all documentation prior to going to tender, and will determine the successful tenderer.

What Features Are Included ?

The amenity level of the buildings will be comparable to prevailing Homeswest building standards. If the organisation wishes to build beyond these standards then they will have to meet the extra costs of this higher level of amenity.

If the project is an **Aged Person's Units** development Homeswest's standard is to construct 60% 2 bedroom units and 40% 1 bedroom units. Where JV partners wish to have a higher ratio of 2 bedroom units, they are required to meet the costs of these additional bedrooms. This additional contribution will be reflected in the Organisation's project equity.

In some projects special features such as 24 hour medical alert buttons for the frail aged have been donated by local service clubs. The value of these special features and additional amenities, if they are an essential element to the project, will be included in the organisations project equity. Other contributions that are frequently made are in the form of in-kind services eg. a local council JV partner might use its parks and gardens staff to undertake the landscaping for the project. In such cases the value of the work undertaken will be included as part of the organisation's contribution.

SECURING EACH PARTY'S PROJECT INTERESTS.

a) The Legal Agreement

Organisations are required to enter into a legal contract with Homeswest which outlines the terms of the project, the rights and responsibilities of both parties, and the relative project equities of each party. The term of this agreement is 25 years. It covers areas such as :-

- the purpose of the project (eg.who will be housed, rent & service fee conditions)
- financing arrangements, contributions and project equities
- reporting & accountability measures
- tenancy & property management (eg. Insurance requirements, rates, taxes)
- property maintenance
- breach & termination provisions ; expiration options (at the end of the term)
- disputes and grievances

b) Additional Security Provisions

Because of the large sums of money involved in a JV project, Homeswest uses the legal contract plus additional legal arrangements to secure it's financial interest in the venture. These arrangements differ according to:

- The **land tenure** arrangements held by the Joint Venturer
- Whether the organisation is approved as a "**bona fide**" organisation by Homeswest's Executive Director.

LAND TENURE	TYPE OF GROUP	SECURITY PROVISIONS
FREEHOLD	Bona Fide	JV Legal Contract only
	Other	JV Legal Contract Caveat against the title
FREEHOLD LEASED	All Groups	JV Legal Contract between Homeswest, Group and Proprietor. Caveat by Homeswest against title. Lease between Group and Proprietor to be approved by H'swest.
CROWN LAND VESTED	Bona Fide	JV Legal Contract Option to amend Vesting Order noting Homeswest's interest
	Other	JV Legal Contract Amendment to the Vesting Order noting Homeswest's interest OR Homeswest become joint vestee in the land
CROWN LAND VESTED & ON LEASED	All Groups	JV Legal Contract between Homeswest, the Vestee and the Group.Lease between the Vestee and the Group to be approved by H'swest - clause inserted in lease to protect the JV contract.Amendment to the Vesting Order noting HW's interest OR H'swest becoming joint vestee in the land.

The following guidelines are used to determine whether an organisation is deemed to be a bona fide organisation. The Executive Director of Homeswest makes the final determination. Even where an organisation fits the bona fide criteria, Homeswest reserves the right to apply the non bona fide security provisions.

Bona Fide Organisations.

- * Local authorities in a sound financial position;
- * Community agencies with a proven track record with Homeswest.
- * Established and substantial community agencies ie. those with a large organisational infrastructure; financially sound; permanent staff; an established property management portfolio; or managing a range of other community programs;

Other Organisations.

- * Small community agencies ie. nil or limited permanent staff, limited property management portfolio or limited range of community programs.
- * Newly or recently established community agencies (ie. less than 5 years).
- * No track record with Homeswest or unsatisfactory track record.

c) Financial Equities - How Are These Worked Out ?

The total value of each party's contributions are added together to form a **Total Project Cost**. Each party's contribution is then calculated as a proportion of that total project cost in order to establish the relative equities of each party. For example :-

EXAMPLE 1	
Organisation's contributions	
- Land value	= \$125,000
- Land component costs	= \$ 25,000
- Cash contribution towards construction	= \$ 50,000
	\$200,000
Homeswest's contributions	
- Land component costs	= \$10,000
- Net construction costs	= \$490,000
	\$500,000
Total Project Cost	= \$700,000
Organisation's equity	= 28.6%
Homeswest's equity	= 71.4%

NOTE : Another set of equity calculations is also made. These calculations establish Land Cost equities and Construction (or Dwelling) Cost equities. The reason for this is explained below.

d) What Happens At The End of the Term of the Agreement ?

The term of the JV project agreement is 25 years. Because both parties hold an equitable interest in the project, those interests have to be settled at the end of the term. There are a number of options available, including :-

- 1 **Buy out or sale options** (where agreed either party can buy out the other party's project interest, or the whole project can be sold and the proceeds divided)
- 2 **Assignment or transfer options** (where either party's equitable interest can be assigned or transferred to each other or to another agreed party)
- 3 **Extension or renewal** of the agreement for a further term.

Where options under headings 1 & 2 above are proceeded with, then the **Total Project Cost Equities** established at the commencement of the term of the agreement are the basis on which the relative interests of both parties will be determined and distributed. In the example above, if it was agreed to sell the units and split the proceeds, then Homeswest would receive 71.4% of the sale proceeds and the organisation would receive 28.6%. Similarly, if the organisation wished to buy out Homeswest's equitable interest, it would have to pay 71.4% of the current market value of the land and buildings at the time. **However :-**

The Joint Venture Housing Program offers a significant incentive for organisations to extend or renew the agreement at the end of the first term.

Where organisations agree to an extension or renewal, *then the value of each party's equity contributions will be recalculated based on the current market valuations prevailing at the time.* In order to do this separate valuations of the land costs and the construction costs will have to be undertaken. Using Example 1 above, in the year 1996 the :-

- Total Land Costs were \$160,000 (of which the organisation had contributed 93.75%, Homeswest 6.25%).
- Total Construction Costs were \$540,000 (of which the organisation had contributed 9.26%, Homeswest 90.74%)

25 years later (the year 2021), independent valuations establish a :-

- Land-Value of \$870,000 (ie. the land has appreciated at an average of 7% per annum during the term of the agreement). With a 93.75% equity calculated against the land, the value of the organisations land cost contribution in the renewed agreement will be \$815,625. Homeswest's will be \$54,375.
- Construction (Dwellings) Value of \$330,000 (ie. the buildings have depreciated in value in real terms). With a 9.26% equity calculated against the buildings the value of the organisations construction costs contribution in the renewed agreement will be \$30,558. Homeswest's will be \$299,442.

Bringing these sets of figures together, what it means is that :-

- Total Project Value is now = \$1,200,000
- Value of Organisation's contribution = \$815,625 (Land)
 + 30,558 (Dwellings)

 \$846,183 (70.5% Project Equity)
- Value of Homeswest's contribution = \$ 54,375 (Land)
 + 299,442 (Dwellings)

 \$353,817 (29.5% Project Equity)

As you can see from this example, there is real benefit to the organisation in entering into a second term or renegotiating a new agreement. The relative equities of each party have effectively been reversed, with the organisation now having a 70.5% project equity (previously it was only 28.6%). The term of this second agreement is not set, and would be negotiated at the time.

(Please Note : Land Value is only recognised as financial equity to a project where the Land is held as freehold title).

MANAGEMENT OF THE HOUSING

a) Ongoing Management Of The Housing.

From the point of hand over of the properties, the organisation assumes responsibility for the on-going management and maintenance of the housing, with all costs being met through the rental income. Rents are paid by the tenants directly to the organisation.

In some circumstances the organisation may wish to contract out some of the management responsibilities eg. a local council could headlease the properties to a regional Community Housing Association to manage. Homeswest would approve such an arrangement so long as it is not detrimental to the tenants and the purposes of the project.

Management responsibilities include :-

- Collecting rents; rental arrears; undertake periodic rent reviews
- Managing tenant liability debts
- Maintaining the housing & common areas in good repair
- Making financial provision for long term maintenance (eg. roof repairs, replacement of hot water systems etc)
- Ensure appropriate level of ancillary or support services
- Paying all rates, taxes, strata levies and other charges levied against the premises
- Maintaining appropriate building and other insurance requirements (eg. workers compensation, contents)
- Employment & supervision of staff (where appropriate)
- Keep up to date waiting list for the housing & reletting of vacant properties
- Maintaining Tenancy & Property Registers
- Compliance with the JV legal agreement; the Residential Tenancies Act and other relevant legislation
- Responding to tenant concerns with respect to the operation of the units
- Undertake an annual financial audit & comply with other accountability requirements

b) Operational Management - Program Requirements ***Tenant Selection***

The organisation is required to establish a **Tenant Allocations Panel** in order to select the initial tenants for the units, and to fill vacancies as they arise. The panel is responsible for devising appropriate selection criteria. Homeswest Regional Managers retain the right to be involved on the Tenant Allocations Panel and may nominate one

representative to the panel. Homeswest will have the right to refer eligible persons from Homeswest's wait lists to the organisation for consideration for housing. Where these persons meet the agreed selection criteria the organisation must agree to wait listing them for the JV units. **In addition to any selection criteria that the Organisation may develop, all tenants allocated housing must meet Homeswest's eligibility criteria for public rental housing.**

Homeswest's Eligibility Criteria for Public Rental Housing

Applicants must conform to the following :-

- **Must be Australian citizens or have permanent residency status, and live in WA.**
- **Must meet Homeswest's Income Eligibility criteria for public rental housing.** Where an applicant, their partner and non-dependent household members exceed the income limits, then the applicant is NOT eligible for housing under the JVHP. These limits are revised every 6 months.

Homeswest's Maximum Weekly Income Limits (current November 1997)

No. of people in household	For people with a disability							
	Metro and Country		North West & Remote Areas		Metro and Country		North West & Remote Areas	
	Single Income	Dual Income	Single Income	Dual Income	Single Income	Dual Income	Single Income	Dual Income
1 person	\$390	-	\$550		\$490	-	\$690	-
2 people	\$520	\$600	\$740	\$850	\$650	\$750	\$920	\$1060
3 people	\$630	\$720	\$880	\$1010	\$780	\$900	\$1100	\$1260
4 people	\$730	\$840	\$1030	\$1190	\$920	\$1050	\$1290	\$1480

- **Must have an income source obtained in WA** ie. work for an organisation based in WA or be registered with a WA office of the Department of Social Security.
- **Must not own property or land.** Applicants and/or partners or non-dependents to be housed must not own, or be part owner, of property or land. Discretion may be exercised if the applicant is pursuing a property settlement due to family breakdown or other exceptional circumstances.
- **Cannot have cash assets of \$32,200 or above** (this criteria does not apply to people with disabilities).
- **Applicants with a debt to Homeswest must enter into an agreement to repay 100% of their rental debt and 50% of all other debts as a precondition of acceptance of their application for JV housing.**

Tenant Rights

The Organisation must provide tenants with a tenancy agreement that complies with the minimum requirements set out in the Residential Tenancies Act. Tenants must be provided with security of tenure, subject to their compliance with the tenancy agreement.

The organisation should also establish a grievance mechanism so that a tenant has a place to air any issues or disputes that they have with the Organisation, it's staff or agents. Written details of this grievance mechanism should be provided to tenants when they are allocated their unit. The organisation should not proceed with action through the courts unless the tenant has firstly been given an opportunity to take advantage of the Organisation's internal grievance mechanism.

Rental Charges & Additional Service Fees

The amount of rent charged by the Organisation shall be set at but not exceed 25% of the tenants weekly income (excluding all available subsidies) OR market rent, whichever is the lesser of these amounts. In addition, the Organisation is able to include in their rental charge a sum equivalent to the tenants weekly entitlement for Commonwealth Rent Assistance, thus enabling organisations to charge a 'higher' rent than Homeswest without financially disadvantaging JV tenants relative to Homeswest tenants. By recouping this DSS rent assistance component through more realistic rent charges, it enables organisations to manage & maintain the JV units from the rental income without incurring financial losses.

The example below shows how an organisation can generate an additional \$1,000 per year per property from rental returns without disadvantaging the tenant financially and whilst still complying with Homeswest's rental ceilings.

Example - Maximising Rental Returns
 Agency A and Agency B are both housing 30 single aged people whose only source of income is the aged pension of \$340 / fortnight.

Agency A charges a rent by simply calculating 25% of the persons income i.e. \$42.50 per week person, leading to a total annual rental return from all tenants of \$66,300.

Agency B factors in the tenants entitlement to claim rental assistance and therefore sets rents at \$65 per week. This entitles the tenant to rent assistance of \$22.30 per week. The tenant therefore pays a rent to the agency of \$42.70 per week from their income, plus the additional \$22.30 DSS rent assistance. The total annual rental return to Agency B from all tenants is therefore \$101,400.

Tenants managed by Agency B, after paying their rent, have the same level of disposable income as tenants managed by Agency A. However, Agency B has increased revenue of \$35,100

Please Note : The Rental Assistance level is based on levels current from July 1st 96. Rent Assistance levels and formulas are regularly revised by DSS. You will need to check with your local office to obtain the most recent information.

Rental Reviews

Organisations are required to review the rents that they charge to their tenants on an annual basis to ensure that appropriate rental levels are being maintained.

Service Fees

Organisations may charge **additional service fees** to tenants subject to approval of Homeswest. These fees must be optional to tenants and related directly to the landlord tenancy functions. Examples might include laundry, linen change, meals & house cleaning services, furniture or TV/video hire (where provided by the landlord). **The fee must NOT exceed the cost of providing these additional services** (ie. service fees cannot be used to supplement the rental income for the units). Any such fees should be separately identified, receipted and accounted for, and should not be included as part of the rental charge.

Furniture Policy. Where organisations wish to provide furnished accommodation they have the option of charging a service fee component for furniture hire, the funds from which can be accumulated for replacement purposes. This contingency fund will need to be identified in the accounts. **Replacement furniture cannot be purchased from operational surpluses**

Repayment of Loans for the Purchase of Land

Loan repayments for the purchase of the land for the JV project (or a future JV project) may be made from the operational rental revenues of the Units, subject to prior written approval of Homeswest. The Organisation will have to demonstrate that its loan repayment schedule will not compromise the operational viability of the project (ie. they will have to provide budget scenarios under current and high interest rate regimes). They will also have to demonstrate that rent levels charged to tenants will be able to be maintained in accordance with the JV Agreements and Guidelines, that the long term maintenance contingency fund will be able to be sustained and that all other operational costs will be able to be met. **Note : the Valuation of the land under purchase (and not the purchase price) will be treated as the equitable value of the land.**



Long Term Maintenance Provisions

Organisations are required to set aside an agreed proportion of the annual rental income of the JV units for long term maintenance needs. The annual amount to be set aside will be reviewed every 5 years, or sooner if requested by either party. This contingency fund must be clearly identified in the annual audited accounts of the organisation.

REPORTING AND ACCOUNTABILITY



- Audited Financial Statements
- Organisational Reviews
- Property Inspections
- Property Register
- Tenancy Register

Audited Financial Statements

Organisations must provide Homeswest with annual audited financial statements within 3 months of the end of each financial year detailing :-

- Itemised income and expenditure statements in relation to the JV units.
- Profit and loss statements and balance sheet for the Organisation.

The boxes below indicate some of the key components that need to be itemised in the audited income and expenditure statements. **The statements should also clearly identify any annual & accumulated project surpluses or deficits.** Where an organisation has multiple JV units a composite income and expenditure statement for all of the units is acceptable.

Income items include :-

- Rental income
- Service Fees
- Donations
- Interest
- Other

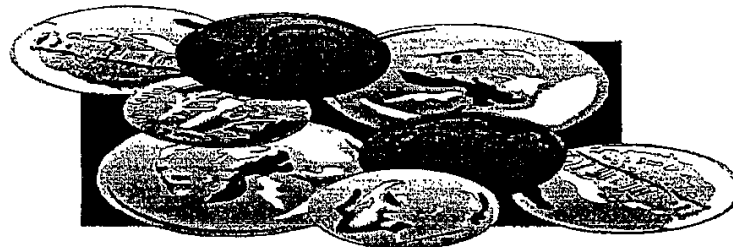
Expenditure cost items include :-

- Maintenance
- Long Term maintenance provision
- Administration & management expenses
- Staff costs
- Property costs (eg lease fee, rates)
- Insurance costs
- Improvements
- Other

Where an organisation has multiple JV units and / or a number of JV housing projects with Homeswest, a composite income and expenditure statement for all of the JV units is acceptable. Where the JV units form part of a larger housing or program portfolio for the organisation (eg. part of a seniors village complex or part of a state wide housing portfolio), it is still a requirement that the organisation provide the audited income and expenditure statements that relate specifically to the JV housing units.

Project Surpluses

All annual and accumulated surplus income generated from the operation of the JV units must be identified in the annual audited income and expenditure statements. Surpluses are the balance of funds remaining once all operational expenditures have been accounted for including provision for long term maintenance.



Any proposed use of surplus funds by the Organisation must be negotiated with Homeswest Community Housing Services. Uses to which surpluses might be applied include property upgrades and improvements, contributions towards further JV projects, and the purchase of additional equity in the project. Other uses proposed will be assessed on merit.

Homeswest will undertake reviews of the Organisation's management and maintenance of the JV Units from time to time (see below). During the reviews, the Organisation will need to present proposals for the use of accumulated surpluses. This does not necessarily mean that the funds will have to be spent immediately - the proposal may well be to accumulate for a further period in order to build up sufficient funds to contribute to the construction of further JV or low income housing units.

If however there is no agreed use for surpluses, then existing surpluses at the time of the reviews shall be divided proportionately between the Parties based on the respective equities of the Parties. These equities are identified in the Schedule of the Legal Agreement. Homeswest will then use it's share for other JV or community housing projects.

Organisational Reviews

Homeswest's Community Housing Services will undertake formal reviews of funded projects on a rolling basis. The frequency of reviews will vary, but each organisation will be reviewed at least once every 3 year period. The review will include all programs funded or supported by Homeswest. For example, if an organisation has 20 JV units, 15 Community Housing Program units and 6 Community Disability Housing Program, all projects will be examined during the review process.

Homeswest reserves the right to inspect individual properties as part of the review process. Usually however only a small sample of properties will be inspected. Homeswest will also inspect the Property & Tenancy Registers (see below) to ensure that the organisation is complying with its management & maintenance obligations.

Reviews will examine

- **Financial management.** Are proper accounts being kept? Is the organisation complying with its financial reporting requirements? Is the organisation paying its bills? Negotiation over use of surplus funds.
- **Property management.** Are properties being properly maintained? Are regular property inspections being carried out by the organisation? Are PCR's being done? Are the Property Registers being kept up to date?
- **Tenancy management.** Are annual rental reviews being carried out? Are occupancy rates being maintained at acceptable levels? How long is it taking to fill vacancies? Are tenancy problems being resolved satisfactorily? Are tenants being provided with Tenancy Agreements? Is the organisations grievance procedure operating effectively?

Tenancy Register

Organisations are required to keep a Tenancy Register for each of the JV units. The Register should include :-

- Date of occupancy of each tenant
- Current income of tenant
- Level of rent charged to tenant
- Service Fee charges
- Vacate date of the tenant
- Target group (if applicable)

Property Register

A Property Register also needs to be kept **covering all of the JVHP Units**. This register may be inspected by Homeswest officers during Organisational Reviews or during visits to the organisation. The register should include :-

- A record of all maintenance undertaken on the JVHP properties (including copies of receipts of work undertaken). This to include garden maintenance.
- The dates of all property inspections undertaken
- Copies of all Property Condition Reports
- A record of any vandalism or wilful damages
- A record of Tenant Liability damages and claims
- Any other information relevant to the care and maintenance of the property.

Organisations may keep these records on each individual JVHP Unit, or, if this is too administratively onerous, they may keep composite records relating to each funded project.

The organisation is required to inspect each JV unit at least once per year and fill out a Property Condition Report (PCR). PCR's are also required when a tenant vacates. Homeswest reserves the right to inspect JV units at any time, subject to sufficient notice to the Organisation.

PROGRAM PROMOTION

a) Naming Rights & Promotion of the Project

The organisation may wish to name the project to give it a particular identity. Each joint venture is required to have a plaque displayed in a prominent place on the housing which identifies the project as a joint venture between the organisation and Homeswest. The participation of both parties must also be expressly acknowledged in any signs on the housing and site, and in any advertising and promotion.

b) Opening Ceremony

Upon completion of the construction a joint opening ceremony is held at which representatives of both the organisation and Homeswest speak and unveil a plaque. The opening ceremony is a public opportunity to note and thank the range of people who have been involved in developing the project.

Homeswest has a Public Affairs section which can be utilised to organise the opening ceremony for the project.

FURTHER INFORMATION

Further information about the Joint Venture Housing Program can be obtained by contacting

Contact : Coordinator Community Programs
Homeswest, Community Housing Services
99 Plain Street,
East Perth 6004

Ph: 08-9222 4784

Fax: 08-9222 8107

Other documents available include :-

- Sample Legal Agreements
- Project Proposal Form

ANNEXURE B

[Requirements of the Site]

These additional comments explain in further detail what is required of the Organisation in relation to the clearing, preparing and servicing of the Land.

- PROPERLY CLEARED** : This includes the demolition of any unwanted old buildings, old footings and foundations, clearing all debris and all unwanted vegetation.
- PROPERLY PREPARED** : This includes the removal of unsuitable soils, like clay or peat, and filling with suitable fill material, and any rock encountered in the building works.
- ADEQUATELY SERVICED** : This includes the following:
- Electrical incoming cables, sub-stations and contributions.
 - Water incoming mains and contributions.
 - Off-site stormwater disposal to connect to Local Authority drains, or special disposal methods.
 - Sub-soil drainage.
 - Main site sewer, pipe connecting to Minister's sewer, or extension of Minister's sewer to site and contributions.

The Guidelines (Annexure A) provides details of Surveys and Reports required to assess the suitability, services and requirements of the site.

ANNEXURE C

[REVALUATION OF EQUITIES FORMULA]

(Only applicable if the Term of Agreement is extended or a new Agreement is entered into at the expiration of the Term)

Step 1 : Establish Each Parties Respective Equitable Interests In The Land

Use the \$ Values identified in Item 2 of the Schedule.

$$A = HL + OL$$

$$HL\% = \frac{HL}{A} \times 100$$

$$OL\% = \frac{OL}{A} \times 100$$

where A is the Total of the Land Costs established at the commencement of the Term

OL is the total of the Land Costs contributed towards the Joint Venture by the Organisation as identified in Item 2a) of the Schedule

HL is the total of the Land Costs contributed towards the Joint Venture by Homeswest as identified in Item 2b) of the Schedule

HL% and OL% are Homeswest's and the Organisation's respective equitable Interest's in the Land.

Step 2 : Establish Each Parties Respective Equitable Interest's in the Joint Venture Units. (Use the \$ Values identified in Item 2 of the Schedule)

$$B = HU + OU$$

$$HU\% = \frac{HU}{B} \times 100$$

$$OU\% = \frac{OU}{B} \times 100$$

where B is the Total of the Construction Costs and any subsequent agreed improvements, identified in Item 2 of the Schedule.

OU is the amount of the Construction Costs and any subsequent agreed improvements contributed towards the Joint Venture Units by the Organisation, as identified in Item 2a) of the Schedule

HU is the amount of the Construction Costs and any subsequent agreed improvements contributed towards the Joint Venture Units by Homeswest, as identified in Item 2b) of the Schedule

HU% and OU% are Homeswest's and the Organisation's respective equitable Interest's in the Joint Venture Units.

Step 3 : Revaluation of Each Parties Respective Equitable Interests in the Joint Venture.

Obtain separate Current Market Valuations, expressed in \$, of :-

- a) the Land (L)
- b) the Units (U)

Calculate the \$ values of the following :-

$$C = L \times OL\% \quad (\text{Organisation's equitable Interest in the Land})$$

$$D = L \times HL\% \quad (\text{Homeswest's equitable Interest in the Land})$$

$$E = U \times OU\% \quad (\text{Organisation's equitable Interest in the JV Units})$$

$$F = U \times HU\% \quad (\text{Homeswest's equitable Interest in the JV Units})$$

where :-

C and D are the respective \$ values of the Organisation's and Homeswest's equitable Interests in the Land at Current Market Values ; and

E and F are the respective \$ values of the Organisation's and Homeswest's equitable Interests in the Joint Venture Units at Current Market Values.

Add C + D + E + F to obtain a revised Total Project Value (TPV)

<p>The Organisation's revised equitable Interest in the Joint Venture (ORI%):</p> $ORI\% = \frac{C+E}{TPV} \times 100$ <p>Homeswest's revised equitable Interest in the Joint Venture (HRI%):</p> $HRI\% = \frac{D+F}{TPV} \times 100$
--

ANNEXURE D
[Plan of the Land]

ORIGINAL — NOT TO BE REMOVED FROM DEPARTMENT OF LAND ADMINISTRATION

Application 6631535

LANDS	L.T.O.
Land L.R. 3002-571	
Interest	Permit
	Lease
	Name

WESTERN AUSTRALIA



CT 2114 525



Crown Grant

Elizabeth the Second, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth. To all to whom these Presents shall come, GREETING; Know ye that We, of Our especial Grace, certain knowledge, and mere motion, have given and granted, and We do by these Presents, for Us, Our heirs and successors, in consideration of the payment of the sum of \$2,500.00 and the fulfilment of the prescribed conditions to the satisfaction of Our Governor of Our State of Western Australia, Give and Grant unto Shire of West Arthur of Burrows Street, Darken

FOL

VOL

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION

(hereinafter called the Grantee), the natural surface and so much of the land as is below the natural surface to a depth of 12.19 metres of ALL THAT Piece or Parcel of Land situate and being in the Shire of Darken in Our said State, containing 1040 square metres or less, and marked and distinguished in the maps, books, plans and diagrams of the Department of Land Administration through which the Land Act 1933 is administered, as Darken Lot 283

and as the same is delineated in the plan drawn in the first schedule TOGETHER with all Appurtenances thereunto belonging or in anywise appertaining: TO HAVE AND TO HOLD the said Piece or Parcel of Land to the depth aforesaid, and all and singular the Premises hereby granted, with their appurtenances, unto the Grantee, in fee simple: YIELDING and PAYING for the same to Us, Our heirs and successors, one peppercorn of yearly rent (on 22 March in each year, or so soon thereafter as the same shall be lawfully demanded): PROVIDED NEVERTHELESS that subject to section 141 of the Land Act, 1933, it shall (at any time within 21 years from the date of these Presents) be lawful for Us, Our heirs and successors, or for any person acting in that behalf by Us or their authority, to resume and enter upon possession of any part of the said Piece or Parcel of Land, which it may at any time by Us, Our heirs and successors, be deemed necessary for purposes of public use, utility or convenience, and for the purpose of exercising the power to search for minerals heretofore reserved, and such land so resumed to hold to Us, Our heirs and successors as of Our or their former estate without making to the Grantee, or any person claiming under him, any compensation in respect thereof, so nevertheless, that no such resumption be made without compensation of any part of the said Piece or Parcel of Land upon which any expenditure shall have been made by the said Grantee, or any person claiming under him, and we do hereby save and reserve to Us, Our heirs and successors, all rights of Gold, Silver, Copper, Tin, or other Metals, Ore and Minerals, or other substances containing Metals, and all Gems or Precious Stones and Coal or Mineral Oil, and all Plumbagoic Substance or Parcel of Land or any part thereof; and we do hereby save and reserve to Us, Our heirs and successors all petroleum (as defined in the Petroleum Act, 1967) on or below the surface of the said Land with the right reserved to Us, Our heirs and successors and persons authorized by Us, Our heirs and successors to have access to the said land for the purpose of searching for and for the operations of obtaining petroleum in any part of the said land subject to and in accordance with the provisions contained in the Petroleum Act, 1967, or any Act repealing and amending in substitution of that Act

His Excellency Major General Philip Michael Jeffery, Companion of the Order of Australia, Officer of the Order of Australia, (Military Division), Military Cross, Governor of the State of Western Australia.

Sealed this 5th day of November 1997

Grant under the Land Act, 1933

Minister for Lands

Governor

CERTIFICATE OF TITLE UNDER THE "TRANSFER OF LAND ACT, 1893" AS AMENDED

The abovesaid Grantee is now the registered proprietor of an estate in fee simple in all the land described in this Grant subject to the easements and encumbrances shown in the Second Schedule hereto.

DATED THE 14th DAY OF November 1997

REGISTRAR OF TITLES



FOR ENCUMBRANCES AND OTHER MATTERS AFFECTING THE LAND SEE SECOND SCHEDULE

DOLA COPY OF ORIGINAL NOT TO SCALE 02 Sep 1998 15:37:04 JOB 569573

47

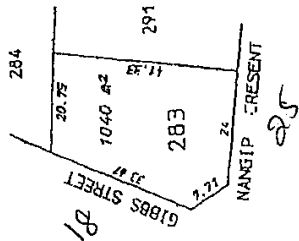
FIRST SCHEDULE

All and sundry monuments on the Plan hereon are shown in black ink, and a peg has been placed at each corner of the allotment.

Scale: 1:1000

Survey: DA 22313

Opp: 1540/1961
1/8



NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT. ENTRIES NOT RULED THROUGH THAT BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

INSTRUMENT NUMBER	REGISTERED	TIME	SEAL	INITIALS	CANCELLATION NUMBER	REGISTERED OR CANCELLED	SEAL	INITIALS

CERTIFICATE OF TITLE VOL 2114 525

SCHEDULE - PROJECT A

1. DESCRIPTION OF THE PROJECT

Lot 283 (25) Nangip Crescent, Darkan on Certificate of Title Volume 2114 Folio 525

Units

Type of Unit (eg. 3 bedroom unit)	No.	Construct / purchase or modification?	Target group to be housed
3 bedroom unit	2	Construction	Single Persons/Families

2. FINANCIAL CONTRIBUTIONS TO THE JOINT VENTURE

a) Organisation=s Contributions to :

Land Costs

- Land Value	\$ 4,000
- Site Works	\$ 2,710
- Water Mains	<u>\$ 5,071</u>
	\$11,781

Construction Costs

- Cash Contribution	\$ 30,000
- Cash towards extra amenities	\$ 7,000
- Landscaping & Reticulation	\$ 2,577
- Robes	\$ 1,465
- Blinds	\$ 2,060
- Globes	<u>\$ 33</u>
	\$ 43,135

Organisation's Total Project Contribution = \$54,916

b) Homeswest' s contributions to :

Land Costs

- Earthworks	\$ 5,769
--------------	----------

Construction Costs

- Accepted Tender Price	\$235,600
- Variations to contract	\$ 1,425
- Consultants	\$ 2,721
- Architectural Fees	\$ 3,178
- Contract Administration	\$ 14,136
- Less Organisation=s Contribution	\$ 30,000

Homeswest' s Total Project Contribution = \$225,829

3. THE PARTIES PERCENTAGE EQUITABLE INTERESTS IN THE JOINT VENTURE

*MacLure
Leonic McIlree
Shire of West Arthur*

- a) The Organisation 19.6%
- b) Homeswest 80.4%

4. ADDRESSES OF ALL UNITS COVERED BY THIS SCHEDULE

Unit A and B, 25 Nangip Crescent, Darkan

5. LONG TERM MAINTENANCE PROVISION

An amount equivalent to 1% of current replacement costs of the properties shall be set aside annually from the annual rental income for the long term maintenance needs of the Joint Venture Properties.

6. Commencement Date: December 11th 1998

7. THE PARTIES REVISED PERCENTAGE EQUITABLE INTERESTS IN THE JOINT VENTURE (Only applicable where the Agreement is to be renewed or extended)

- a) The Organisation ___ %
- b) Homeswest ___ %

Leonie McAllister
 Leonie McAllister
 Shire of West Arthur

Enquiries:
Direct Line:
Our Ref:
Your Ref:



99 PLAIN ST
EAST PERTH
WESTERN
AUSTRALIA
6004

HOMESWEST
CENTRE

TELEPHONE:
9222 4666
9221 3985 (TTY)

FACSIMILE:
9221 1388

Mr Ryan Duff
Deputy Chief Executive Officer
Shire of West Arthur
Burrowes Street
DARKAN WA 6392

*Greg,
please add to
packet.*

Notes:

OR

Dear Mr Duff,

RE: HOMESWEST LOAN TO SHIRE OF WEST ARTHUR *12/14/99*

I refer to your correspondence dated 31 March 1999 seeking Homeswest approval to reduce the principal amount owed on the loan to the Shire of West Arthur.

I advise that approval is given to the Shire reducing the principal by an initial lump sum payment of \$89,000 and then by a minimum payments of \$10,000 each year for the remaining term of the loan.

In addition, I refer to the loan agreement which states that after the initial three year period of the loan, the interest rate charged on the loan will be reviewed and thereafter the Commonwealth Bank standard variable housing loan rate will be charged. This review is due on 5 June 1999. The standard variable housing loan rate currently charged by the Commonwealth Bank is 6.55% p.a. However, Homeswest has decided to exercise it's discretion to vary the interest rate from the standard variable rate and allow the Shire to continue to make interest payments at the rate of 6.5% p.a. This keeps the loan an economical product for the Shire of West Arthur.

Given that the loan agreement states that the Shire must meet its loan obligation by repaying the loan in full by the end of the six year term, that being 4 June 2002, I trust the Shire will ensure that the principal repayments will be sufficient to meet this obligation.

Yours sincerely,

J. Coles
JOHN COLES
DIRECTOR
FINANCIAL SERVICES

7 April 1999



*JR.
Approved*

MEMORANDUM

TO: DIRECTOR, FINANCIAL SERVICES *J* *for consideration*
FROM: MANAGER, MANAGEMENT ACCOUNTING *by Executive*
SUBJECT: LOAN TO SHIRE OF WEST ARTHUR *R*

INTRODUCTION

Please find attached correspondence received from the Shire of West Arthur, seeking Homeswest's approval to start reducing the principal amount owed on its loan.

BACKGROUND

In May 1995, the Shire of West Arthur approached Homeswest for a loan to construct rental housing in the town of Darkan for employees in the town. A loan of \$320,000 maximum was approved over a loan term of six years. Funding draw downs have been made of \$70,816 on 31 May 1996 and \$79,184 on 2 August 1996, being a total draw down of \$150,000.

As stated in the loan deed, the interest rate charged on the loan is 6.5% for the first three years and thereafter it will be changed to the standard variable housing loan rate charged at the time by the Commonwealth Bank of Australia. However, Homeswest has the discretion to vary the interest rate from the standard variable rate.

The principal is to be repaid by the Shire from the sale of the houses during the period of the loan, but must be repaid in full on the sixth anniversary of the loan if it hasn't already been previously repaid in full. The repayment of the loan is due on 4 June 2002. The Shire has the right to repay the loan at any time and it also may, at any time, request Homeswest to restructure the loan repayments or other terms of the loan, which Homeswest has the discretion to agree or refuse.

CURRENT SITUATION

To date, the Shire has been paying interest only payments of \$2,437.50, paid quarterly in arrears. However, on 31 March 1999, the Shire of West Arthur wrote to Homeswest requesting that it start reducing the principal amount of the loan.

The Shire is seeking Homeswest's approval to reduce the principal by an initial lump sum of \$89,000 and then by a minimum of \$10,000 each year until the loan is fully extinguished.

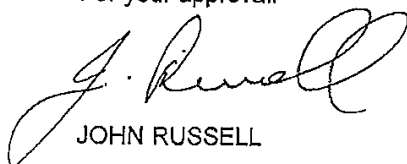
A review of the interest rate charged on the loan is due on 5 June 1999. The standard variable housing loan rate charged by the Commonwealth Bank of Australia is currently 6.55%.

RECOMMENDATIONS

It is recommended that:

1. As the interest rate market is quite stable, Homeswest exercise it's discretion to vary the interest rate from the standard variable rate and allow the Shire to continue to make interest payments at the rate of 6.5%. There is minimal difference (\$75 a year on the principal of \$150,000), between the current interest rate charged of 6.5% and the standard variable housing loan rate currently charged by the Commonwealth Bank of 6.55%. This keeps the loan an economical product for the Shire of West Arthur.
2. Homeswest approve the Shire's proposal to reduce the principal amount by a lump sum payment of \$89,000 and annual minimum repayments of \$10,000. This will provide Homeswest with an inflow of funds to its bank account. In repaying the loan, the Shire must ensure that it will meet its obligation of repaying the principal by 4 June 2002.

For your approval.



JOHN RUSSELL

7 April 1999

31-MAR-99 WED 14.29

SHIRE OF WEST ARTHUR

FAX NO. 01 097301201

P. 01



Shire of West Arthur

Our Reference..... 5.2.3
Your Reference
Enquiries to Ryan Duff

Burrowes Street,
DARKAN, W.A. 6392
Telephone: (08) 9736 1003
Facsimile: (08) 9736 1201
email: westarthur@bigpond.com

31st March 1999

The Manager
Securities, Conveyancing Settlement Services
State Housing Commission
99 Plain St
EAST PERTH WA 6000

Dear Sir/Madam

RE: DEED OF LOAN

The Shire of West Arthur has recently reviewed its loan commitment of \$150,000 with Homeswest, for the purpose of Housing. Up until now Council has been paying interest only payments, but as a result of this review Council wish to start reducing the principal amount owed on this loan.

At this stage we are seeking Homeswest's approval to reduce the principal sum by an initial lump sum of \$89,000 and then by a minimum of \$10,000 each year until the loan is fully extinguished. Should you be in agreeance with our proposal then we would welcome further negotiations with you.

If you have any further queries please contact the CEO, Nicole Wasmann or myself.

Yours faithfully


Ryan Duff
Deputy Chief Executive Officer

~~manager management & accounts~~
~~John Russell~~

Please note request, if this does not relate to your area please return asap Thanks

on 11/4/99
LEANN FOTAKIS

1-4-99
MANAGER
Settlement Services

ALL CORRESPONDENCE TO BE ADDRESSED TO THE CHIEF EXECUTIVE OFFICER

Rajinder Sunner

From: Joshua Koutsoukos <Joshua.Koutsoukos@communities.wa.gov.au>
Sent: Wednesday, 17 May 2023 3:09 PM
To: Rajinder Sunner; Ashleigh Telfer; Cassandra Squires
Cc: Helen Taylor; Alana Lundstrom
Subject: Meeting Summary and Documentation Request
Attachments: Shire of West Arthur - Meeting Minutes - 17 May 2023.docx

Good afternoon all,

Thank you for taking time to speak with us this morning regarding the Joint Venture Agreement between The Shire of West Arthur and the Department of Communities (Housing Authority).

As discussed, the Joint Venture Agreement expiring 11th December 2023 will need to be reviewed and a decision made in regard to the extension with the below options under Clause 7.1 of the Agreement:

- a) to enter into a new joint venture agreement between the parties on new terms and conditions with the view to continuing the Project
- b) to extend the term of the exiting Agreement for a further period as agreed between the Parties.
- c) to assign or transfer the organisations interest in the Joint Venture property to another organisation or party which agrees to be bound by all the terms and conditions of this agreement for a new or is willing to negotiate a new Joint Venture agreement with Homewest (Communities)
- d) the Organisation to buy out Homewest (Communities) Equitable Interest in the Joint Venture at its current Market Value
- e) Homewest (Communities) to purchase the Organisations equitable interest in the Joint Venture Property at its current Market Value, thereby transfer proprietorship of the land to Homewest (Communities)
- f) to sell the Joint Venture Property at its current Market Value and divide the proceeds of the sale between the Parties based on each party's percentage equitable Interest in the Joint Venture as identified in Item 3 of the schedule.

While we are waiting for the Council to meet and form a decision on the options, can you please provide the following information and I can commence a draft report:

- confirm the properties are occupied and the correct target group housed as per the Agreement (9.1 Tenancy Management)
- confirm the rent setting policy applied (8.3 Rental Income, Service Fees and Operational Surpluses)
- where a property is vacant, confirm the Regional office has been contacted as per the Tenant Allocations Panel (9. Tenancy Management)
- provide the most recent Annual Financial Report specific to the Assets including confirmation of any funds allocated to a surplus account. If nil please advise nil. (12.5 Reporting and Accountability)
- provide a copy of insurance for the Assets under all Agreements (11. Insurance and Indemnities)
- provide a list of most recent inspection dates for all Assets under Agreements between the Shire of West Arthur and Department of Communities. (10.8 Asset Management / 12.3 Reporting and Accountability)

The Shire of West Arthur falls under the Narrogin Regional Office.

Natasha Heales is the Area Manager there and will be able to check the regional waitlist for you. Her details are below:

Email: Natasha.HEALES@communities.wa.gov.au

MOB: +61457050017

Please let me know if you have any questions or concerns.

Kind regards,

Joshua Koutsoukos

Relationship and Contract Assistant
Business and Operational Support Services Division

Department of Communities
M 0468 758 192
5 Newman Court, Fremantle 6160
W communities.wa.gov.au



Government of Western Australia
Department of Communities

The Department of Communities acknowledges the traditional owners of country throughout Western Australia and their connection to land, waters and community. We pay our respects to them and their cultures, and to their elders past and present.

The Department of Communities (Communities) formed on 1 July 2017 and is responsible for the delivery of child protection and family support, community grants, funding and initiatives, education and care regulation, disability services, housing and regional services reform. During the transition phase emails sent from the Housing Authority domain will be converted to the Communities email address. This message may contain privileged and confidential information and is intended for the exclusive use of the addressee(s). You must not disclose this communication to anyone without the prior consent of Communities. If you have received this email in error, please notify us by return mail, delete it from your system and destroy all copies. Communities has exercised care to avoid errors in the information contained in this email but does not warrant that it is error or omission free.



Government of **Western Australia**
Department of **Communities**

Shire of West Arthur and Business & Operational Support Services Minutes

Date: Wednesday, 17th May 2023

Time: 10:00am – 11:00am

Venue: via Microsoft Teams

Attendees:

- Helen Taylor (HT) – Department of Communities (DOC)
- Joshua Koutsoukos (JK) – Department of Communities (DOC)
- Alana Lundstrom (AL) – Department of Communities (DOC)
- Rajinder Sunner (RS) – Shire of West Arthur (Shire)
- Ashleigh Telfer (AT) – Shire of West Arthur (Shire)
- Cassandra Squires (CS) – Shire of West Arthur (Shire)

Apologies:

- NIL

1. Joint Venture Agreement

(HT) advised that the Joint Venture Agreement for units 1/25 and 2/25 Nangip Crescent in Darkan are expiring at the end of the year and asked The Shire on what they would like to do with these units.

(RS) said he would like to look at possibly extending this Agreement for a further five years, a decision that will need to be brought forward to local council.

(HT) and (AL) provided The Shire with a high-level breakdown of the internal process of extending. They also explained the eligibility of the tenants that are housed under this agreement. (JK) will forward the contact details for the regional office to The Shire.

(AL) advised that Rent Setting Policy will be sent via email for reference as well.

(RS) confirmed that the two units are occupied. The Shire will look to confirm the eligibility of the current tenants. Inspections of the properties were last completed last year.

(HT) confirmed that the Target Group for these two units are for Singles/Low-income earners. DOC will look to change the addresses of these units to 18 Gibbs Street and 25 Nangip Crescent, Darkan.

(JK) will summarise the expiring agreement and provide future options.

2. Deed of Trust Agreement

(HT) provided a summary of the properties under the Deed of Trust Agreement and advised of Unit 2/10 Hillman Street, Darkan that is currently occupied by a GROH tenant.

She has reiterated that there is no waitlist from either the Shire or the regional office currently and advised that the GROH tenancy will rollover as the agreement in place is due to expire in September 2023. The Shire should seek to periodically check in with the regional office to confirm that there is no one on the waitlist.

(RS) expressed concern due to lack of available properties, finding accommodation for teachers and others puts pressure on The Shire to resolve.

(HT) and (AL) advised that The Shire will need to seek assistance from the GROH team to find suitable accommodation for public servants. (HT) advised that her team will arrange a meeting with the GROH team to share The Shires concerns and advise that the ongoing Agreement at Unit 2/10 Hillman Street Darkan will rollover subject to eligible persons on the waitlist.

(HT) explained that the waitlist is housed by order of entry onto the waitlist unless applicant is a priority case. If there is no demand for housing, The Shire have been instructed to periodically check in with the regional office.

3. Other Business

(HT) requested The Shire and DOC meet again in a month to follow up on everything in today's discussion.

DOC will also seek to visit The Shire to meet in person at a future date to be determined.

Actions- refer action register.

Meeting	Action Item	Action	Responsibility	Due Date	Status/Update
17/05/2023	1	JK to provide a list of documents for the Shire to send through, and provide contact details of the Narrogin regional office	Joshua Koutsoukos	18/05/2023	
	2	JK to provide a copy of rent setting policy and calculator	Joshua Koutsoukos	18/05/2023	
	3	Change street names to 18 Gibbs Street and 25 Nangip Crescent, Darkan	Joshua Koutsoukos	18/06/2023	
	4	Arrange meeting with the GROH team to advise of current arrangement and share The Shire's concerns	Joshua Koutsoukos	18/06/2023	

13 WORKS AND SERVICES

Nil

14 REGULATORY SERVICES

14.1 LOCAL PLANNING POLICY NO.1

File Reference:	ADM015
Location:	N/A
Applicant:	N/A
Author:	Geoffrey Lush, Planning Consultant
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	13/06/2023
Disclosure of Interest:	Nil
Attachments:	1. Local Planning Policy No. 1 - Permitted Development ↓

SUMMARY:

Following the recent review of Council's Policies, some minor editing clarifications have been identified as being required to Local Planning Policy No 1 – Permitted Development.

BACKGROUND:

Local Planning Policy No 1 – Permitted Development is contained as attachment 1 and it provides guidance as to what development requires Council Planning Approval. It was originally adopted by Council in 2015 and then modified in 2019 to reference Local Planning Policy No 2 – Rural Sheds.

The Policy was prepared following the introduction of the Planning and Development (Local Planning Schemes) Regulations 2015. This was done to ensure consistency with the previous Scheme provisions. The Policy primarily relates to the development of a lot of a single house, including any extension, ancillary outbuildings and swimming pools where it is a permitted (P) in the relevant zone. This predominantly affects the Rural zone as a single house is already exempt from requiring approval in the Residential zone. These exemptions are conditional upon the minimum boundary setbacks stipulated in the Scheme being complied with.

COMMENT:

The two items in the Policy Statement to be addressed are:

- 3) A Building Licence is still required for a single house and structures in accordance with the Building Act. Compliance with the setback requirements and any other applicable development standards will be assessed as part of this application.
- 5) The development of a farm shed/outbuilding in accordance with Local Planning Policy No 2.

These can be improved / clarified by modifying them as follows:

- 3) A Building ~~License~~ **Permit Application** is still required for a single house and structures in accordance with the Building Act. Compliance with the setback requirements and any other applicable development standards will be assessed as part of this **building** application.
- 5) The development of a farm shed/outbuilding in accordance with Local Planning Policy No 2 does not require **Planning Approval**.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Clause 5(2) of the Deemed Provisions provides that the local government may make a minor amendment to a local planning policy without advertising the amendment.

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Significant	Severe
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Lack of transparency and accountability in decision making process.
Risk Likelihood (based on history and with existing controls)	Moderate (9)
Risk Consequence	Medium (9)
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Possible (3)
Principal Risk Theme	Providing inaccurate advice / information
Risk Action Plan (Controls or Treatment Proposed)	Ensure compliance with regulations and policies

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-069

Moved: Cr Robyn Lubcke
 Seconded: Cr Adam Squires

That Council pursuant to Clause 5 Part 2 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolve to amend Local Planning Policy no. 1 – Permitted Development by modifying Items (3) and (5) of the Policy Statement to read as follows:

- 3) A Building Permit Application is still required for a single house and structures in accordance with the Building Act. Compliance with the setback requirements and any other applicable development standards will be assessed as part of this building application.
- 5) The development of a farm shed/outbuilding in accordance with Local Planning Policy No 2 does not require Planning Approval.

CARRIED

Attachment 1**Shire of West Arthur****LOCAL PLANNING POLICY NO 1****PERMITTED DEVELOPMENT****Policy Area**

This Policy applies to the whole Shire.

Objective

To clarify what development requires Council Planning Approval.

Background

Clause 60 of Schedule 2 Planning and Development (Local Planning Schemes) Regulations 2015 sets out the requirement for development approval. It states that a person must not commence or carry out any works on, or use, land in the Scheme area unless:

- the person has obtained the development approval from Council; or
- the development is of a type referred to in Clause 61.

Clause 61 in summary includes:

- (a) Works in a regional reserve under a region planning scheme (not applicable to West Arthur);
- (b) The carrying out of internal building work which does not materially affect the external appearance of the building unless the work is on a building identified as having an interior with cultural heritage significance:
 - (i) in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or
 - (ii) on a heritage list prepared in accordance with this Scheme;
- (c) The erection or extension of a single house on a lot if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes.
- (d) The erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house or a grouped dwelling if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes.
- (e) The demolition of a single house, ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool.

Paragraphs (c), (d) and (e) do not apply where the single house or other structure is

- (i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or
- (ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or
- (iii) included on a heritage list prepared in accordance with this Scheme; or
- (iv) within an area designated under the Scheme as a heritage area; or
- (v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.

Clause 61 also provides that Council can specify other development or works which does not require a planning approval in accordance with a Local Planning Policy.

Policy Statement

- 1) The development on a lot of a single house, including any extension, ancillary outbuildings and swimming pools does not require a planning approval provided that:
 - It is a (P) use in the relevant zone;
 - The minimum boundary setbacks stipulated in the Scheme are complied with;
 - The development complies with the deemed-to-comply requirements of the R-Codes where applicable in that zone.
- 2) Provision (1) does not apply to the development of:
 - A lot abutting an unconstructed road or a lot which does not have frontage to a constructed road (see Clause 5.7 of the Scheme);
 - A relocated building in a gazetted townsite (see Clause 5.10 of the Scheme);
 - A heritage place or building; or
 - Where otherwise stipulated by the Scheme.
- 3) A Building Licence is still required for a single house and structures in accordance with the Building Act. Compliance with the setback requirements and any other applicable development standards will be assessed as part of this application.
- 4) Council's planning approval is still required for more than one single dwelling in the Rural Zone.
- 5) The development of a farm shed/outbuilding in accordance with Local Planning Policy No 2.

Adoption

Adopted by Council at its meeting of the 22nd December 2015

Modified 22nd October 2019

14.2 DEVELOPMENT APPLICATION: BED AND BREAKFAST - 17 BURROWES STREET DARKAN

File Reference:	A612
Author:	Geoffrey Lush, Planning Consultant
Authorising Officer:	Vin Fordham Lamont, Chief Executive Officer
Date:	13/06/2023
Disclosure of Interest:	Nil
Location:	17 Burrowes Street
Applicant:	C Telfer
Owner:	As Above
Proposal:	Application to expand existing Bed & Breakfast
Attachments:	1. Floorplan - 17 Burrowes St Proposed Bed & Breakfast ↓

SUMMARY:

Council is requested to consider an application for planning approval to expand an existing Bed & Breakfast facility at No 17 (Lots 17 and 18) Burrowes Street Darkan.

BACKGROUND:

The subject land comprises of Lots 17 and 18 Burrowes Street, Darkan and is situated on the corner of Burrowes and Fisher Streets. It has an area of 2,005sqm and there is an existing dwelling on the property. Council has previously approved the use of the site for:

- a Photography Studio / gallery in 2020; and.
- A single room unhosted Bed & Breakfast facility in 2022.

The current application is to now use an additional three bedrooms for accommodation purposes, for up to a maximum of six (6) people in addition to the existing operation. There are no external alterations to the building. This will be unhosted accommodation with the manager residing out of town. The existing site is shown below and the proposed floor plan is included in Attachment 1.



COMMENT:Statutory Provisions

The proposal is not a defined use in the Planning Scheme. It would be expected to be Bed & Breakfast but the definition for this requires the manager to be living on-site and states that:

“bed and breakfast” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.”

In 2020 the Planning Regulations were modified to replace the Scheme provisions relating to unspecified land uses. These were then defined as a ‘complex development application’ and the Regulation introduced revised provisions and advertising requirements for these. These included the mandatory advertising of the application to all landowners within a 200m radius of the site for a minimum period of 28 days.

In relation to the previous application, Council obtained an exemption from to this provision from the Western Australian Planning Commission. This exemption and requiring a sign on-site has now been applied generally to non-metropolitan Shires across the State with the Notice stating that:

“Exempt from compliance to notify owners and occupiers but may be considered by the local government based on the services provided by a local postal service and the ability to contact affected parties effectively and efficiently.”

Under the previous provisions within the Local Planning Scheme, Council after resolving that the application was consistent with the objectives of the Commercial zone would have advertised this for 14 days to adjacent landowners.

Application Issues

The main issue with the application is that it will be unhosted and that this may result in conflict with surrounding landowners due to the lack of appropriate supervision of guests. To address this, it is recommended that the operator establish a complaints management procedure.

The manager should be contactable if a complaint is made. The guests should have 24-hour access to the manager via phone, email or an online app. In approving the previous application, Council required that a complaints management procedure be prepared and this has now been done.

The subject land is located in the Commercial zone even though the surrounding development is generally residential. With appropriate management, the proposed use should not have any detrimental impact upon the amenity of the surrounding residents.

CONSULTATION:

The application was advertised to the surrounding property owners and with a notice in the Bleat. No submissions have been received.

STATUTORY ENVIRONMENT:Local Planning Strategy

The Local Planning Strategy contains the following objectives for the commercial centre of the townsite:

- The Council envisages consolidation of commercial activities within the general confines of the established town centre.
- The town centre encompasses a wide range of commercial uses, civic facilities, and community uses. It is anticipated mixed-use development will continue within this area.

Local Planning Scheme No 2

The subject land is zoned Commercial under Local Planning Scheme No 2. The objectives for the Commercial zone include:

- ensuring that the established town centre in Darkan remain the principal place for retail, commercial, civic, and administrative functions in the district; and
- to provide for expansion of commercial activity and community facilities to meet future demands.to achieve a high standard of residential development.

Bushfire Prone Land

The subject land is not designated as being bushfire prone.

POLICY IMPLICATIONS:

The application will create a precedent for this type of use within the townsite and the evolving WAPC Policy Framework and/or changes to the Planning Regulations may also have important implications.

FINANCIAL IMPLICATIONS:

None.

STRATEGIC IMPLICATIONS:

The Shire's Strategic Community Plan Towards 2031 and Corporate Business Plan 2021 – 2025 Outcome 2.2 – A growing, diverse business community.

- Investigate tourism opportunities and support this growing sector.
- Support the development of farm stay and bed and breakfast and other short stay accommodation options.
- Encourage the development of local accommodation to allow visiting organisations the opportunity to use the excellent existing office space in the CRC for meetings, workshops and other functions.

Outcome 4.4 – Appropriate planning and development.

- Implement the town planning scheme and policies to ensure any planning and development is appropriate through the Shire.

RISK IMPLICATIONS:

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. ***Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other.*** The greater the risk rating, the greater the risk and the higher the need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

Risk Themes:

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays

- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

Risk Matrix:

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Significant 4	Severe 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Description of Key Risk	Non-compliance results in termination of services / approval or imposed penalties
Risk Likelihood (based on history and with existing controls)	Likely (4)
Risk Consequence	Rare (1) The event may only occur in exceptional circumstances
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Principal Risk Theme	Community Disruption Compliance failure
Risk Action Plan (Controls or Treatment Proposed)	Ensure compliance with conditions of approval and other applicable Regulations.

VOTING REQUIREMENTS:

Simple Majority

RESOLUTION CO-2023-070

Moved: Cr Robyn Lubcke

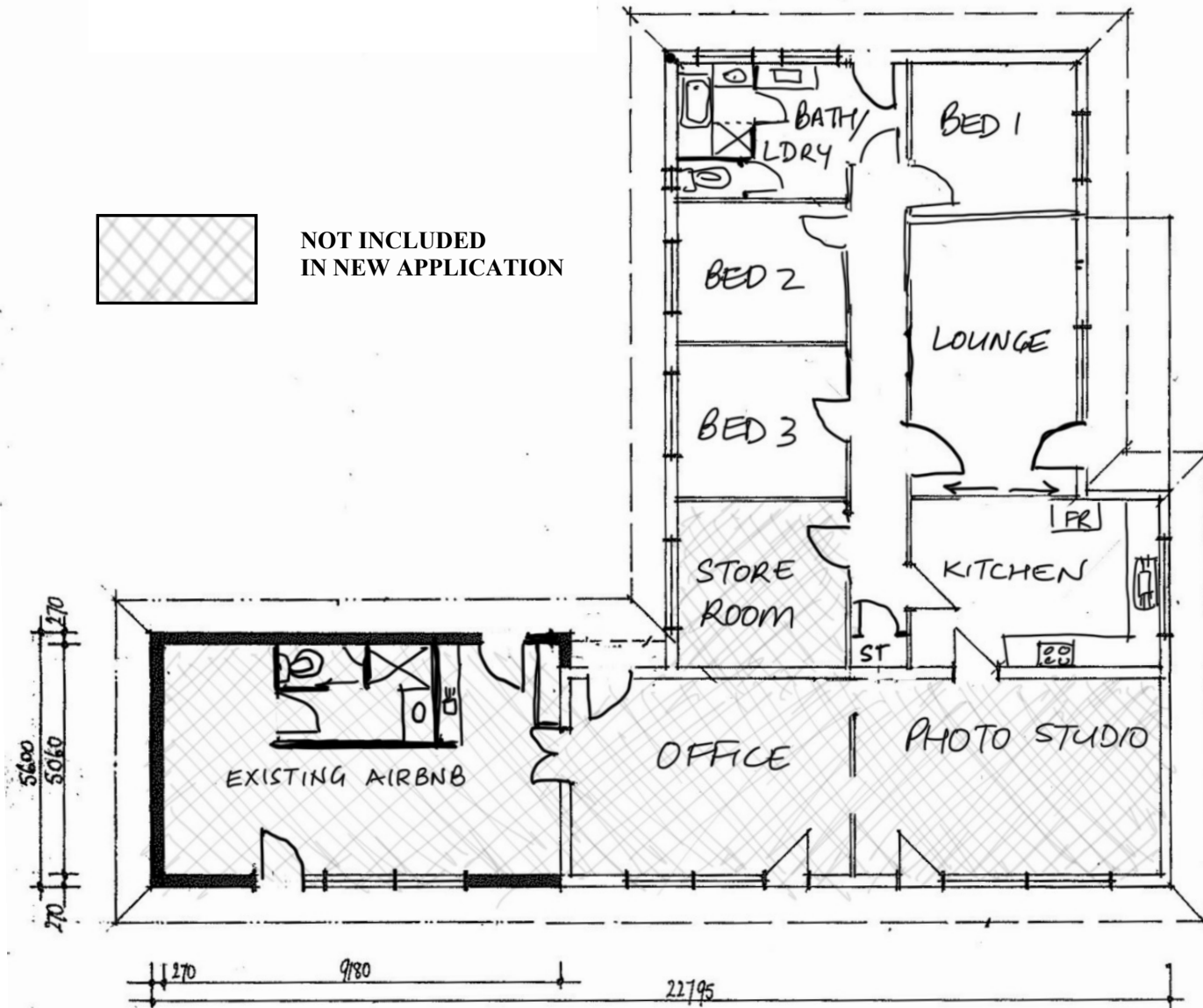
Seconded: Cr Adam Squires

That Council approve the use and development of Lots 17 & 18 DP222360 Burrowes Street for an unhosted Bed & Breakfast facility subject to the following conditions:

- 1 The development hereby approved shall occur generally in accordance with the proposal submitted with the application and this shall not be altered or modified without the prior written approval of the Shire.
- 2 The maximum number of guests is six (6) persons not including the existing single bedroom approved for accommodation by Council in 2022.
- 3 The Manager or nominated person, shall be contactable at any time there are guests staying on the site and should not be more than 30 minutes driving distance from the site.
- 4 Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.
- 5 Advertising signs may be displayed within the property to the requirements and satisfaction of Council.
- 6 Provision for car parking shall be provided and maintained on site to the requirements and satisfaction of the Shire.

CARRIED

Lots 17 & 18 Burrowes Street - Proposed Bed & Breakfast



15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING

Nil

17 MATTERS BEHIND CLOSED DOORS

Nil

18 CLOSURE OF MEETING

The Presiding Member declared the Meeting closed at 7.55pm.