



MINUTES
AUDIT AND RISK MANAGEMENT
COMMITTEE
held on
Thursday, 17 September 2020



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Item 1 Opening of Meeting

The Presiding Member declared the meeting open at 5.17 pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The Presiding Member acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji elders past, present and future, in working together for the future of Morawa.

'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.'

Item 3 Recording of Attendance

3.1 Attendance

Committee Members

President Councillor Karen Chappel (Presiding Member)
Deputy President Councillor Dean Carslake
Councillor Jane Coaker (Teleconference)
Councillor Debbie Collins
Councillor Shirley Katona

Staff

Acting Chief Executive Officer	Robert Paull
Executive Manager Corporate & Community Services	John van der Meer
Executive Assistant	Rondah Toms

3.2 Attendance by Telephone / Instantaneous Communications

In accordance with section 14 of the *Local Government (Administration) Regulations 1996* "Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))", the President to declare that this Meeting may take place via instantaneous communication. All Councillors and staff are to be available either via telephone (teleconference) or in person.

3.3 Apologies

Councillor Yvette Harris

3.4 Approved Leave of Absence

Councillor Ken Stokes

3.5 Disclosure of Interests

Nil

Item 4 Applications for Leave of Absence

Nil

Item 5 Response to Previous Questions

Nil

Item 6 Questions from Members without Notice

Nil

Item 7 Announcements by Presiding Member without Discussion

Nil

Item 8 Declarations of All Members to have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting

The Elected Members declared that they had given due consideration to all matters contained in the agenda.

Councillor Karen Chappel
Councillor Dean Carslake
Councillor Jane Coaker
Councillor Debbie Collins
Councillor Shirley Katona

Item 9 Confirmation of Minutes of Previous Meeting

OFFICER’S RECOMMENDATION/RESOLUTION

200901 Moved: Cr Collins Seconded: Cr Carslake

That the Audit Committee Meeting Minutes held on Thursday, 16 July 2020 are confirmed to be a true and correct record.

CARRIED BY SIMPLE MAJORITY 5/0

Disclaimer

Members of the public are cautioned against taking any action on Council decisions, on items in this agenda in which they may have an interest, until formal notification in writing from the Shire has been received. Decisions made at this meeting can be revoked pursuant to the Local Government Act 1995.

Item 10 Reports of Officers**10.1.1 Shire of Morawa Asbestos Register**

Author: Consultant Environmental Health Officer

Authorising Officer: Executive Manager Corporate and Community Services

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION

200902 Moved: Cr Collins Seconded: Cr Katona

That with respect to the Shire of Morawa Asbestos Register the Audit and Risk Management Committee recommends to Council as follows:

- 1. Adopt the Shire of Morawa Public Asbestos Register as presented in Attachment 1;**
- 2. Authorise the Chief Executive Officer to undertake the necessary arrangements to ensure publication meets the statutory requirements; and**
- 3. Authorise the Chief Executive Officer to proactively inform current occupants of Shire owned buildings about the asbestos findings in those buildings.**

CARRIED BY SIMPLE MAJORITY 5/0

PURPOSE

To inform Council about the updated Shire of Morawa Asbestos Register and request endorsement to publish the report and inform parties who are currently using Shire facilities about potential asbestos in the buildings.

DETAIL

Asbestos was once used in Australia in more than 3,000 different products including fibro, flue pipes, drains, roofs, gutters, (automotive) brakes, clutches and gaskets. Asbestos becomes a health risk when its fibres are released into the air and breathed in. Breathing in asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

The risk of contracting these diseases increases with the number of fibres inhaled. The risk of lung cancer from inhaling asbestos fibres is greater if you smoke. Those who get health problems from inhaling asbestos have usually been exposed to high levels of asbestos for a long time. Symptoms don't usually appear until 20 to 30 years after initial exposure.

A total ban on asbestos came into effect in Australia on 31 December 2003. It is illegal to make it, use it or import it from another country. Workers must not handle asbestos unless they have been trained and hold a licence that is current and appropriate for the type of work being done.

The Shire of Morawa has many older buildings which contain asbestos. Some Shire staff housing facilities contain asbestos. The Shire's landfill site located on Jones Lake Road has an asbestos pit where asbestos is to be buried following strict guidelines and protocols.

Finally, there are privately owned houses and dwellings, especially within the townsite, which are very likely to have asbestos components in it. The Shire's obligation is to ensure public safety and in some cases the Shire gains ownership of a property and then becomes responsible for the management and costs of asbestos that resides on the land. An example of this is the Old Morawa Hospital which is vested in the Shire and known to have asbestos in building. The level of asbestos is being determined through an independent audit and the results will be reported to Council via the Audit and Risk Management Committee when available.

LEVEL OF SIGNIFICANCE

High – It is mandatory to have an Asbestos Register readily available to be consulted by external stakeholders in case of utilising or altering, repairing or conducting maintenance to any Shire facility containing asbestos.

CONSULTATION

Executive Management Team
(Consultant) Environmental Health Officer
Asbestos Certified Shire employee

LEGISLATION AND POLICY CONSIDERATIONS

Given the high levels of perceived risk that come with asbestos, many different Acts, Regulations, Guidelines and Rules apply. The lists below are non-exhaustive and should be considered a guide only.

On a State Government level, we have identified the following Acts and Regulations.

- *Residential Tenancy Act 1987*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Waterfront Workers (Compensation for Asbestos Related Diseases) Act 1986*
- *Environmental Protection (Rural Landfill) Regulations 2002*
- *Health (Asbestos) Regulations 1992*
- *Occupational Safety and Health Act 1984*
- *Occupational Safety and Health Regulations 1996*
- *Environmental Protection Act 1986*
- *Environmental Protection (Rural Landfill) Regulations 2002*

From a Commonwealth perspective, the following

- *Work Health and Safety (How to Manage and Control Asbestos in the Workplace) Code of Practice 2015*
- *Work Health and Safety (How to Safely Remove Asbestos) Code of Practice 2015*
- *Asbestos Safety and Eradication Agency Act 2013*

On a local basis:

- Council's policy *CORP02 Asbestos Policy*

STRATEGIC AND SUSTAINABILITY IMPLICATIONS***Shire of Morawa Community Strategic Plan 2018-2028 (Desktop Review June 2020)***

Outcome 3.3 Retain a safe environment.

Outcome 4.3 A local government that is respected, professional and accountable.

FINANCIAL AND RESOURCES IMPLICATIONS

Non-compliance with rules, regulation and other guidelines may expose staff, contractors or users to asbestos. Considerable payment settlements have been awarded to people who suffered health issues due to asbestos related work and non-compliant employers or owners of dwellings.

In its 2020/2021 budget, Council has allocated \$35,000 to be used in cases where the Shire has contracted statutory responsibility for privately owned dwellings which are suspected to contain asbestos. The Shire also allocated \$5,000 in its 2020/2021 budget for LGIS to conduct the asbestos assessment for the old hospital site.

RISK MANAGEMENT CONSIDERATIONS

High – working with asbestos or in asbestos rich environments may cause health related issues which may only materialise years into the future.

Anyone working with asbestos should be certified to do so and disposing of asbestos is a process subject to strict protocols.

CONCLUSION

Asbestos containing materials are a high risk and should be treated as such. The Shire owns or has responsibility for multiple buildings, houses, dwellings and other infrastructure containing asbestos and adequate plans and protocols should be implemented to inform all users of the potential dangers and risks.

ATTACHMENTS

Attachment 1 – 10.1.1 Shire of Morawa Asbestos Register update 2020

10.1.2 Western Australian Auditor General's Report Regulation of Consumer Food Safety by Local Government Entities

Author: Consultant Environmental Health Officer

Authorising Officer: Executive Manager Corporate and Community Services

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION

200903 Moved: Cr Carslake Seconded: Cr Coaker

That with respect to the Western Australian Auditor General's Report Regulation of Consumer Food Safety by Local Government Entities, the Audit and Risk Management Committee recommends to Council as follows:

1. To note the Report.

CARRIED BY SIMPLE MAJORITY 5/0

PURPOSE

Local government entities (LG entities) are responsible for regulating food businesses in their local area. They ensure food businesses comply with the *Food Act 2008* and the Australia New Zealand Food Standards Code through a range of compliance activities such as food business inspections and enforcement actions. When food businesses are effectively regulated, the public can be more confident that the food they consume is safe. LG entities have environmental health officers (EHOs) to conduct food business registrations and inspections.

DETAIL

The Office of the Auditor General undertook an Audit to assess whether local LG entities effectively regulate consumer food safety in food businesses in their local area. The Audit titled: "*Regulation of Consumer Food Safety by Local Government Entities*" (Audit Report) focused on inspection and enforcement processes at a metropolitan and a regional LG entity.

The Audit Report focussed on the regulation of consumer food safety at two LG entities with a large number of food businesses such as restaurants, cafes and bars in their area. The audit found many inspections were overdue, recordkeeping was poor, and follow-up and enforcement was not always completed or consistent. These weaknesses increase the risk that unsafe food practices are not rectified, and the public consumes hazardous food.

The findings highlight the importance of a fair and equitable regulatory framework which focusses on the areas of highest risk to consumer safety.

The Audit Report found:

- Nearly 30% of high and medium risk food business inspections were overdue;
- Record management shortcomings have reduced LG entities' ability to effectively regulate food businesses; and
- LG entities did not always follow-up food safety issues consistently and enforce compliance.

The Audit Report recommend that LG entities should:

- “1. *ensure food business inspections are prioritised and carried out according to their risk classification.*
2. *ensure changes to inspection frequencies are only made based on a documented assessment of compliance history or other urgent requirement.*
3. *improve recordkeeping for food business inspections and compliance reporting to:*
 - a) *better understand inspection and compliance history;*
 - b) *identify compliance issues and follow-up activities; and*
 - c) *respond to emerging food safety issues.*
4. *develop procedures and staff guidance to ensure non-compliant food businesses are followed up and Standards enforced in a consistent and timely manner.*
5. *work with the Department of Health in the development and implementation of new electronic food safety inspection and recordkeeping systems”.*

The following are responses to the Audit Report in relation to the Shire of Morawa.

1. *ensure food business inspections are prioritised and carried out according to their risk classification*

Comment:

All Shire food premises have been allocated a level of risk and the minimum frequency of inspections undertaken by the EHO is based on those risk considerations. All food premises in the Shire have been inspected to the level required.

2. *ensure changes to inspection frequencies are only made based on a documented assessment of compliance history or other urgent requirement*

Comment:

There have been no changes to the minimum frequency of inspections undertaken by the EHO.

3. *improve recordkeeping for food business inspections and compliance reporting to:*

- a) *better understand inspection and compliance history;*
- b) *identify compliance issues and follow-up activities; and*
- c) *respond to emerging food safety issues.*

Comment:

Current record keeping includes electronic inspection sheets which record any non-compliance and action taken (currently no non-compliances). Should premises be the subject of non-compliance, they would be sent formal correspondence advising of required works. This correspondence would be recorded in both 'hard copy' and on the Shire's electronic records system.

With regards emerging food safety issues, the EHO avails himself of the regular food safety updates from the Department of Health and participates in an ongoing state-wide EHO forum where matters pertaining to food are raised and addressed on an ongoing basis.

d) develop procedures and staff guidance to ensure non-compliant food businesses are followed up and Standards enforced in a consistent and timely manner.

Comment:

EHO conducts own follow-ups as required and all premises are dealt with in a consistent manner.

1. work with the Department of Health in the development and implementation of new electronic food safety inspection and recordkeeping systems.

Comment:

The use of iAuditor allows the electronic collection of inspection data and photographs for a range of activities including food premises inspection. The EHO has implemented the use of the program's templates for the Shire's food premises. In addition, the Shire is in compliance as follows:

- None of the Shire's high and medium (and low) risk food business inspections are overdue;
- There are no record management shortcomings that reduce the Shire's ability to effectively regulate food businesses
- The Shire does not have problems with the follow-up of food safety issues and the enforcement of compliance for its food premises.

Other Inspections

It can also be reported that, aside from some of the Shire's public buildings which were programmed for during the COVID period (i.e. April/May 2020), all other statutory inspections (i.e. lodging houses, public buildings, school and child care facilities etc) for the 2019/2020 period were conducted on schedule and found to be in compliance. Those inspections missed during the first half of the year have been reprogrammed and will be conducted in Q4 2020.

LEVEL OF SIGNIFICANCE

High – Educating food businesses on safe food handling practices is an important part of the regulatory regime, and it was also pleasing to see examples of LG entities providing support to food businesses where there is a lack of knowledge, or where there is repeated noncompliance. However, it is also up to food businesses to make sure their staff understand and implement safe food handling practices. Ultimately, it makes good business sense to maintain clean premises and comply with food safety standards to avoid any reputational damage from serving food that makes people ill.

CONSULTATION

Executive Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Food Act 2008

Food Regulations 2009

Shire of Morawa Community Strategic Plan 2018-2028 (Desktop Review June 2020)

Outcome 3.3 Retain a safe environment.

3.3.3 Develop a Public Health Plan

It is noted that a draft Public Health Plan is currently being prepared and is anticipated that a draft will be provided to Council for consideration within the next 3-4 months.

Outcome 4.3 A local government that is respected, professional and accountable.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial or resources implications associated with this Item.

RISK MANAGEMENT CONSIDERATIONS

High – The programs and regime of inspections undertaken by the Shire of Morawa EHO are in place to significantly reduce the chance of the community being at put at risk.

CONCLUSION

EHOs assess each new food business and assign it with either a high, medium or low risk classification. This classification determines how often businesses are inspected. LG entities charge annual fees to recover the costs of these regulatory activities. EHOs also carry out other duties such as investigating noise complaints, hazardous waste assessments and event approvals.

ATTACHMENT

Attachment 1 – 10.1.2 “Regulation of Consumer Food Safety by Local Government Entities”

Item 11 Motions of Which Previous Notice Has Been Given

Nil

Item 12 New Business of an Urgent Nature

Nil

Item 13 Closure

There being no further business, the Presiding Member declared the meeting closed at 5.21pm.