

Public Liability Site Risk Assessment – Kojonup Saleyards

August 2018

Shire of Kojonup



REPORT FOR:	Shire of Kojonup	DATE OF INSPECTION:	21 st June 2018
LOCATION:	Kojonup Saleyards Blackwood and Soldier Road, Kojonup	CONFERRED WITH:	Shire of Kojonup Mort Wignall, Manager of Regulatory Services
TYPE OF REPORT:	Public Liability Risk Assessment		
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FOREWORD

This report is based on prevailing conditions at the time of the site visit and information provided by the Shire of Kojonup. It does not imply that no other hazardous conditions exist and no liability shall be assumed by virtue of this advisory report.

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Introduction

Background

The Kojonup Saleyards (the Site) is located on the corner of Blackwood and Soldier Road. The Site is unfenced and bounded by Blackwood Road to the south, Soldier Road to the east, a railway line/reserve to the north and private property to the west.

Within the Site are fenced holding pens, loading ramps and a truck wash facility with an associated water treatment reservoir. Sheep sales are conducted by livestock sales agents approximately 3 times per year, where the truck wash is accessed by users as required and operates via a car holder system. The Shire also permits a local business to store equipment on the northern perimeter of the Site.

The Site is openly accessible and in addition to the arrangements mentioned above, it is suspected there are other unofficial uses of the site, such as the temporary holding of livestock. None of the known usage arrangements is subject to formal agreements with the Shire, and although the Shire receives fees concerning these arrangements, the Shire is not provided with advanced notice of when the Site will be utilised.

In reality, the Site is essentially unmanaged with the Saleyard component receiving minimal use, and when used, the Shire has no involvement and no knowledge of the measures taken by livestock sales agents to ensure the safety of persons on site. The Site receives little attention from the Shire, including no formalised maintenance and inspection regime. It is also unknown if the Site is fit for its current purpose.

The Shire has expressed concerns regarding the potential liability risk exposure the Site presents, along with the safety of persons who access and use the Site in its current form, and how these risks can be managed.

Purpose

At the request of the Shire of Kojonup, the purpose of this Risk Assessment is to identify: hazards; potential risks; liability issues; and provide practical treatment options relative to the Kojonup Saleyards site.

Requirements

The imperative for identifying, assessing, and treating the risks covered by this review are found under Common Law, the Civil Liability Act (WA), Occupiers Liability Act (WA) whereby the organisation that manages and controls the Site has a duty of care to those who enter and use the site. They must do what is reasonably practicable to ensure that foreseeable risks are adequately treated.

Methodology

The methodology used in this site risk review is as follows:

1. **Onsite inspection** of the Kojonup Saleyards.
2. **Discussions** with relevant Shire of Kojonup personnel to validate existing controls and discuss or further research preliminary findings.
3. **Development of draft and final reports** noting potential risks and liability exposures, as well as providing direction for risk treatment options.
4. **Application of the risk management** process to the findings in accordance with ISO AS/NZS 31000:2018, including:
 - a. Risk and control identification;
 - b. Risk analysis and evaluation, using the Shire of Kojonup's Risk Assessment Tables (Appendices);
 - c. Treatment option identification; and
 - d. Comments on treatment options and recommendations (based on most suitable treatments taking into account degree of risk reduction, operational practicality and the cost and ease of implementation and ongoing maintenance).

How to read and use this report

We have identified many areas within the Kojonup Saleyards (the Site) and made some observations about the layout and its physical aspects and characteristics, including fixtures, hazards and controls within the area assessed.

We have then made some comments about liability risk relating these to our observations. We have also identified risks associated with the Shire's current involvement at the Site and provided a risk rating that, when considered as a whole, will assist in understanding relative risk and therefore liability risk.

In our analysis - entitled 'Discussion – Liability and Risk', we have sought to explain the common law liability environment and civil liability legislative framework in Western Australia, particularly relating to the duty of care. We have commented on how public liability applies in the local government context and specific exposures that may be relevant to this type of site and activity.

The Shire should apply the principles outlined in our analysis to our observations of the physical hazards, taking into account our commentary on liability considerations.

As an example, where we comment on the undefined access to the Site, shared by both heavy and conventional vehicles, we also make some remarks about liability considerations. The Shire should apply the principles we have outlined in our analysis. That is those relating to the foreseeability of risk, significance and probability of risk, potential seriousness of harm or injury should it occur, the burden on the Shire in taking precautions to avoid the risk, and the overall social and recreational benefit to the community the Site brings.

By applying these principles to the observations we have made, the Shire will be better placed to make appropriate decisions about mitigating any liability risks by applying the recommended risk treatment options associated with the Kojonup Saleyards site.

Note: Whilst aspects of the report will cross over into some areas that may also pose risks in relation to the safety of a workplace, this report is focused on liability/public liability risk and does not include a specific assessment of occupational hazards and risks.

Observations

The following observations were made on inspection of the Kojonup Saleyards.



The corner of Blackwood Rd and Soldier Rd.

No perimeter fencing is evident.

The gravel carpark can be seen ahead with gravel stockpiles on the edges facing the roadside.

Access to the car park (**indicated**) is off Blackwood road; however, is not well signposted and relatively close to the corner of Soldier Rd.

Additional entrances to the Saleyards are located further west along Blackwood Rd and north along Soldier Rd (off image).

Heavy vehicles appear to access the Saleyards from both Blackwood and Soldier Rd's along with conventional vehicles (e.g. attendees on sale days).

Blackwood Rd is the main access route to the Kojonup town and this section is signposted as 90Kmh.

On the approaches to the Site there is no forewarning of the Saleyards or the possibility of heavy vehicles entering the roadway.

Other heavy vehicles are likely to use this general area to access local industry including the Shire's depot.

Liability consideration

Whilst the Saleyards are mainly utilised by locals who may have self-managed access and negotiation of the Site over time, there may be an increased risk of collision associated with vehicle use in this area, particularly during sale days. There may also be a risk associated with the potential for livestock to stray from the Site and onto the road.



Entrance to the gravel car park from Blackwood Rd.

A small car park sign can be seen to the left of the image (**indicated**) along with the main and only sign identifying the Site as Kojonup Shire Council Saleyards (**indicated**).

Access to the car park is off Blackwood road; however, is not well signposted and relatively close to the corner of Soldier Rd.

Drivers may overshoot the Saleyards entrances on Blackwood Road or brake suddenly and heavily from 90kmh to access the Site.

From this point, it is not clear where persons should go to access the relevant areas of the Saleyards.

It is uncertain if during sales days further measures are implemented to manage pedestrian and traffic flow.

Liability consideration

Whilst the Saleyards are mainly utilised by locals who have self-managed access and negotiation of the Site over time, there may be an increased risk of collision associated with vehicle use in this area, particularly during sale days.

Uninformed visitors may enter the operational areas of the Site and expose themselves to hazards with a risk of injury.



Looking back onto Blackwood from within the saleyards. The second entrance from Blackwood Road can be seen in the distance (**indicated**).

Signage indicating a 10kmh speed limit along with pedestrian symbols face the driver when entering from Blackwood Rd. Further into the Site is small sign indicating truck parking.

The truck parking area along with the truck wash is located to the right of the image.

The gravel car park can also be accessed via the track to the left of image (**indicated**).

Liability consideration

Uninformed visitors may enter the operational areas of the Site and expose themselves to hazards with a risk of injury.



The truck wash bay area.

The fenced waste water reuse basin can be seen in the background.

Although the truck wash bay is located to the side of the Saleyards, access to this area is unrestricted.

Two steel walkways are provided at the wash bay allowing at height access to each side of the vehicle when in position. Each walkway has a single barrier on the outer edge.

Each walkway is accessed by its own steel ramp with a barrier on each side.

Whilst water outlets are on each side of the bay, only the left side appeared operational (where the hose is connected).

Loose items and debris were noted around the ramp at the time.

A pile of slurry can be seen to the left of image.

Liability consideration

Uninformed visitors may enter the operational areas of the Site and expose themselves to hazards such as a fall from height with the risk of injury.

A single hose may pose difficulty with accessing both sides of the vehicle and could contribute to the likelihood of injury.



Empty truck wash bay area.

Whilst access ramps contain barriers on both sides edge protection on the walkways is limited to the rear. There is no other fall from height or restraint/tie-off measures.

There is no edge protection on the upper bank of the wash bay.

A run-off and collection point for slurry is located at the rear of the bay (**indicated**).

There is no storage point for the hose.

Liability consideration

Uninformed visitors may enter the operational areas of the Site and expose themselves to hazards such as a fall from height with a risk of injury.

Users may not have sufficient availability of protective measures to mitigate the fall hazard.

A single hose may pose difficulty with accessing both sides of the vehicle and could contribute to the likelihood of an injury.



The run-off and collection point for slurry located at the rear of the wash bay.

The fenced wastewater reuse basin can be seen on the left of the image.

There is no edge protection from the rear of the wash bay to the slurry collection point.

It appears that the barrier on the right hand side of the image has been damaged or removed (**indicated**).

A number of items along with general debris is located next to electrical and pump infrastructure.

Liability consideration

Uninformed visitors may enter the operational areas of the Site and expose themselves to hazards such as a fall from height with a risk of injury.

Users may not have sufficient availability of protective measures to mitigate the fall hazard.

Maintenance efforts may be impacted due to impeded access to infrastructure.



Heading north on Soldier Rd., the entrance to the Saleyards can be seen on the left of the image (**indicated**) and Bliston St (**indicated**) along with the yard of CGS Engineering can be seen on the right.

Bliston St is only slightly offset to the entrance of the Saleyards.

In this area, Soldier Rd is signposted as 60kmh.

Further north along Soldier Rd is a level railway crossing.

No perimeter fencing is evident.

What is assumed to be another gravel parking area is also located on the saleyard site along Soldier Rd.

Heavy vehicles appear to access the Saleyards from the Soldier Rd's entrance along with conventional vehicles (e.g. attendees on sale days).

Other heavy vehicles are likely to use this general area to access local industry including premises on Bliston St.

On the approaches to the Site, there is no forewarning of the Saleyards or the possibility of heavy vehicles entering the roadway.

Liability consideration

Whilst the Saleyards are mainly utilised by locals who may have self-managed access and negotiation of the Site over time, there may be an increased risk of collision associated with vehicle use in this area, particularly during sale days. There may also be a risk associated with the potential for livestock to stray from the Site and onto the road.



Immediately inside the Saleyard entry from Soldier Rd is what appears to be a small unloading ramp.

The entry track proceeds along the fenced holding areas of the Saleyard and to further unloading areas. It is assumed that trucks also use this entry track to access additional unloading bays.

Signage is located either side of the entry track indicating a 10Kmh speed limit and that pedestrians share the area.

The additional on-site gravel parking area along Soldier Rd is located to the left (off-image).

From here it is not clear where persons should go to access the relevant areas of the Saleyards.

It is uncertain if during sales days further measures are implemented to manage pedestrian and traffic flow.

Liability consideration

Whilst the Saleyards are mainly utilised by locals who may have self-managed access and negotiation of the Site over time, there may be an increased risk of collision associated with vehicle use in this area, particularly during sale days.

Uninformed visitors may enter the operational areas of the Site and expose themselves to hazards with a risk of injury.



On the entrance track looking back toward Soldier Rd. Various items of equipment believed to belong to GCS Engineering (GCS) are being stored on the northern side of the Saleyards site. Whilst GCS has the Shire's permission to do so, we understand there is no formalised agreement in place.

This equipment is not isolated and it is uncertain if during sales days further measures are implemented to ensure pedestrians do not enter this area.

Liability consideration

Uninformed visitors may enter the operational areas of the Site and expose themselves to hazards with a risk of injury.



Heading along the entrance track from Soldier Rd.

Two larger loading ramps are located at the western end of the Saleyards. These ramps are steel framed and appear more suited to docking large vehicles than the ramps closer to Soldier Rd. There is evidence of collision damage to these ramps.

The truck wash and fenced waste water reuse basin can be seen in the background.

Old timber lighting infrastructure (**Indicated**) is located in-between the loading ramps. It is uncertain if the lighting is operational and if the use of the area is intended during low lighting conditions.

It is uncertain if during sales days further measures are implemented to manage pedestrian and traffic flow.

Liability consideration

Uninformed visitors may enter the operational areas of the Site and expose themselves to hazards with a risk of injury.

If the area is intended to be used during low lighting conditions inadequate lighting may be inadequate posing a hazard with a risk of injury.



Alongside (northern side) of the entrance track looking back toward Soldier Rd.

The rail line is located down an embankment, less than 25m from the Saleyards holding area. There is no fencing or other measures to restrict access to the rail line in this area.

Various items, including disused railway tracks, old electrical infrastructure poles and scrap metal are being stored between the Saleyards site and the railway line.

It is uncertain if during sales days measures are implemented to ensure pedestrians do not enter the rail reserve area.

Liability consideration

Uninformed visitors may enter the operational areas of the Site and rail reserve areas exposing themselves to hazards with a risk of injury.

There may be requirements to keep the rail reserves clear of items and persons (particularly when the rail lines are operational).



The condition of some trees (particularly over infrastructure and publically accessible areas) is unknown.

Liability consideration

There is a potential risk of tree branch failure resulting in injury and property damage.



Impact damage and rust is evident on ramps.

The internal walls of the ramp are un-sheeted.

Liability consideration

The suitability of these ramps for un/loading is unknown.



Uneven and damaged surfaces are evident on ramps.

Liability consideration

Given the potential hazards the suitability of these ramps for un/loading is unknown.



Damage, sharp protrusions and rust is evident on fencing.

Liability consideration

The condition of some fencing poses a hazard to both persons and livestock with a risk of injury and property damage.



Fallen tree branches, leaf litter, and general debris are accumulating both inside and immediately outside of the fenced area.

Liability consideration

There is a potential risk of tree branch failure, slip and trip hazards resulting in injury and property damage.



Damage, sharp protrusions and rust is evident on fencing.

Liability consideration

The condition of some fencing poses a hazard to both persons and livestock with a risk of injury and property damage.



Covered fence posts are corroded in some areas and there is uncertainty regarding their structural integrity.

Liability consideration

Unsecure fencing may pose a risk of livestock escaping sustaining/causing injury and property damage.



Gates are damaged creating sharp protrusions in what appears to be an access corridor.

Liability consideration

There is a risk of injury to both persons and livestock as a result of contact.

	<p>Miscellaneous items and general debris is located near loading areas and fence lines.</p> <p><u>Liability consideration</u></p> <p>Various items pose a hazard to both persons and livestock with a risk of injury and property damage.</p>		<p>Miscellaneous items and general debris is located near loading areas and fence lines.</p> <p><u>Liability consideration</u></p> <p>Various items pose a hazard to both persons and livestock with a risk of injury and property damage.</p>
	<p>Impact damage is evident to the steel loading ramps. There are no collision mitigation or impact absorbing measures in place.</p> <p><u>Liability consideration</u></p> <p>The continual impact may weaken structures placing them at risk of collapse potentially resulting in injury and property damage.</p>		<p>It is uncertain if the steel loading ramps are appropriately secured.</p> <p><u>Liability consideration</u></p> <p>There may be a risk of movement or toppling (e.g. due to impact) resulting in injury and property damage.</p>



Water available for sheep appears to be limited to single troughs in the larger holding areas.

Available shade for both sheep and visitors is limited.

Liability consideration

There may be a risk of challenge regarding appropriate conditions for the welfare of animals.



Electrical infrastructure associated with the truck wash is unlocked and unprotected from vehicle impact.

Liability consideration

Damaged and accessible electrical infrastructure may pose an electrocution hazard with the risk of injury.

Discussion Liability and Risk

Duty of Care

The Kojonup Saleyards (including the truck wash) site and the associated infrastructure are under the management, care and control of the Shire of Kojonup. A livestock saleyard licence was issued by the Department of Environment and Regulation in 2014, with the Shire as the sole licence holder. Whilst the operation of the Saleyards on sale days may be by livestock sales agents, this only occurs 3 times per year and there is no formalised agreement between the agent and the Shire. The Shire is not consulted prior to the sale days, and therefore has no advanced warning of the event, however it receives a 'per head' yarding fee for each sale sometime post sale. The Shire also permits ongoing access to the truck wash, again for a fee.

In the absence of any contract or lease between the sales agent and the Shire, we are of the view that, by all intents and purposes, the Shire fits the definition of Occupier under the Occupiers Liability Act 1985. Therefore it owes a duty of care to those who enter the site. Section 8 of the *Occupiers Liability Act 1985* WA preserves a higher duty of care on occupiers of land, and it is a well-accepted principle of law that occupiers have the duty to protect users of property from any defect or danger in the physical state or condition of the property – in some circumstances occupiers may even have a duty to control others (i.e. a third party) on the premises where there is a foreseeable risk of harm (although this is unlikely to extend to preventing any criminal conduct).

Whilst a person entering the saleyards may willingly assume risks, in general entrants are entitled to expect that its condition is as safe as reasonable care on the part of the Shire can make it. This means that the Shire can be held liable for lack of care not only of itself and persons for whom it would ordinarily be vicariously liable, but also in some instances for negligence.

The following points derived from the Occupiers Liability Act (OLA) should be considered when assessing the council's duty:

- (a) The gravity and likelihood of the probable injury; and
- (b) The circumstances of entry onto the premises; and
- (c) The nature of the premises; and
- (d) The knowledge which the Shire has or ought to have of persons or property being on the premises; and
- (e) The age of the person entering the premises; and
- (f) The ability of the person entering the premises to appreciate the danger; and
- (g) The burden on the Shire of eliminating the danger or protecting the person entering the premises from the danger as compared to the risk of the danger to the person.

When assessing the duty of care for harm caused within the Civil Liability Act 2002 WA (CLA) the General Principles outline:

A person is not liable for harm caused by that person's fault in failing to take precautions against that harm unless –

- (a) The risk was foreseeable (that is, it is a risk of which the person knew or ought to have known); and
- (b) The risk was not insignificant; and
- (c) In the circumstances, a reasonable person in the person's position would have taken those precautions.

The court will then consider if the response to the risk was a reasonable one, namely, whether a reasonable person would have taken precautions against the risk of harm. This consideration includes examining a number of factors that are essentially similar to the previously mentioned 7 points from the OLA used to determine the duty of care of the occupier. The CLA introduces a further consideration regarding the reasonable response to the risk being: the social utility of the activity that creates the risk of harm. In other words, the benefit the Saleyards provides to the community and if preventing the harm would remove or restrict these benefits.

Public liability

Within the rapidly evolving world of civil and public liability, there is an overbearing need for local governments to establish appropriate risk structures to minimise the personal and corporate liability exposure of its councillors, officers and of the local government entity itself. It is imperative for councils to obtain a comprehensive understanding of the risks and potential liability (personal, professional and corporate) as it applies to council decision-making. It is the systems and processes in place, particularly, the administrative and corporate governance systems and processes within local governments that can effectively operate as the primary line of defence against liability claims.

When viewed from a legal perspective, it is clear that a local government, its councillors and council officers are far from immune from civil liability. However in the grander scheme of matters relating to local government liability, there have been limited cases where either a councillor or council officer has been found *personally* liable. More often than not, it is the entity itself that is found liable.

As it stands, the liability of local governments for negligent acts, errors and omissions is at a stage in its evolution where the local governments can be confident that they will not be found liable if they conduct themselves in a way that is deemed not unreasonable in the context of the situation and circumstances in which it finds itself. This means that the Shire should be

free to exercise management discretion in respect to the sheep saleyard, in such a way that is perceived at the time to be beneficial to the community; however in doing so, a local government must ensure that it acts in a way that is not unreasonable. This is one of the tests laid down in *section 5X of the Civil Liability Act* in respect to policies developed and adopted by local governments. The effect of this is that the liability pendulum, at this moment in time, seems to have swung in favour of local governments who do not act unreasonably in their decision-making process.

The reasons underlying this shift can possibly be explained by:

- local governments promoting better practice and implementing risk management strategies;
- introduction of the Civil Liability Act (as above), which places more responsibility on the individual; and/or
- decisions of the courts that indicate they are adopting a stricter interpretation of negligence cases.

Similarly, the Local Government Act sets a different standard for a councillor or council officer to that of the general public in the context of civil and commercial liability. It stipulates that councillors and/or council officers acting as councillors or as council officers do not subject themselves to personal liability if the matter or thing was done in *good faith*, for the purpose of performing their function under the Local Government Act or any other legislation or duty. Thus far, the courts have tended to interpret the *good faith* test rather liberally and as such it serves to significantly relax the stringent requirements of the doctrine of tort responsibility (such as claims in negligence) that is imposed upon the general public.

However, this does not change the situation for local governments which may be liable for land use and development, regardless of any assistance or advice they may receive in respect risks of their facilities. Local governments may be liable in common law for negligence or for nuisance, or under the *Civil Liability Act 2002* for negligence or breach of statutory

duty. The general view is that whilst the Shire need not strictly follow advice, there is the possibility that where advice is directly on point in respect to a particular danger, failure to follow such advice may indeed be presumed unreasonable on the part of the Shire.

The Shire may decide to benchmark the operation and management of its facility, perhaps against similar facilities operating elsewhere in Western Australia. With this in mind we visited the Katanning Saleyards operated by the Shire of Katanning. Whilst the Katanning Saleyards is a much larger and more modern facility with on-site management, we have carried out basic observations of this site as a means of general comparison. Comments regarding our observations are in the [Observations Katanning Saleyards](#) section of this report.

Straying Livestock

Under the *Road Traffic Code 2000 WA*, it is an offence for a person in charge of stock to allow that stock to stray onto a road. There are defences to such a complaint where all reasonable precautions were taken to prevent the stock from straying onto the road. Whilst the penalty (1 Penalty Unit) is relatively minor, where there is a claimable loss the financial risk exposure in relation to civil liability is far greater.

In Western Australia the current position in relation to the liability for loss caused by an animal straying onto the highway is determined according to the law of negligence. When determining negligence, the court considers a number of factors specific to the issue, as outlined in the *Highway (Liability for Straying Animals) Act 1983 (WA)*.

For example this includes factors such as:

- (a) The general nature of the locality in which the relevant part of that highway is situated
- (b) The nature and amount of traffic using that highway

- (c) The extent to which users of that highway would expect to encounter animals on that highway and could be expected to guard against the risk associated with their presence
- (d) The common practice in the locality in relation to –
 - i. fencing and the taking of other measures to prevent animals from straying on to highways in that locality; and
 - ii. the taking of measures to warn users of that highway the likely presence thereon;
 and
- (e) the costs of fencing, or of the taking of these measures, referred to.

According to the *Highways (Liability for Straying Animals) Regulations 2016*, the maximum recoverable damages is \$4 000 000 (as at 30 June 2017).

It is also worth noting that the *Local Government (Miscellaneous Provisions) Act 1960 WA* regards cattle straying in a street or other public place as an offence. Where the owner of the cattle cannot be found the person in charge of the cattle is regarded as the owner.

As the access and use of the saleyards are largely unmanaged, we cannot say with certainty there would not be any situations where the Shire may be regarded as the body in control of livestock in that yard. Considering the factors a court might consider to determine negligence for stray animals, what we can say is that the Shire does have liability exposures in that:

- There is no fencing or other containment measures around the perimeter of the saleyards.
- There is no maintenance or inspection of the fencing within existing holding pens and this assessment has raised uncertainty regarding the condition and integrity of this fencing.
- One of the saleyard boundaries is along a main road (Blackwood Road) heading to the town site with a 90kmh posted speed limit.

- The saleyards are relatively close to the town site.
- Persons driving near the Saleyards (using Blackwood road in particular) would not expect to encounter animals on the road and therefore have to safeguard against that risk
- There is no forewarning of the potential presence of animals when entering in the area.

Animal Welfare

The Shire should be cognisant that the Site is and remains fit for purpose, and that there should be due diligence regarding the use of the Site to ensure that the appropriate animal welfare standards are being met.

The Animal Welfare (General) Regulations 2003 WA makes references to 3 codes of practice, published by the Department of Local Government in 2003, that may be of relevance to the Shire of Kojonup concerning the Saleyards.

- Code of Practice for Animals at Saleyards in Western Australia¹
- Code of Practice for Sheep in Western Australia²
- Code of Practice for the Transportation of Sheep in Western Australia³

¹ [Code of Practice for animals at saleyards in Western Australia – Saleyards the Department of Local Government and Regional Development WA 2003](#)

² [Code of Practice for Sheep in Western Australia, the Department of Local Government and Regional Development WA 2003](#)

The Code of Practice for animals at saleyards provides general guidance in relation to livestock saleyards including management; stock handling facilities; loading and unloading; special consideration of species; and humane destruction. It was based on the Australian Model Code of Practice for the Welfare of Animals – Animals at Saleyards which has since been replaced by the Australian Animal Welfare Standards and Guidelines for Saleyards and Depots.

Under the Australian Welfare Standards Strategy, all the existing Model Codes of Practice for the Welfare of Animals have undergone review. Animal Health Australia was charged with facilitating the development of nationally consistent standards and guidelines for livestock. Specific welfare standards and guidelines have also been developed for sheep⁴.

According to Animal Health Australia “the Australian Animal Welfare Standards and Guidelines for Sheep were agreed by State and Territory Governments in 2016 and are being regulated into law by most State and Territory governments. The Cattle and Sheep Standards have not been regulated in Western Australia to date. A bill to amend the Animal Welfare Act 2002 was submitted to the State Parliament at the end of 2017 and will be discussed in 2018. The purpose of this amendment is to give legal scope to regulate the national animal welfare standards and guidelines, including cattle, sheep, and transport of livestock.”⁵

Whilst the welfare of animals at the Saleyards may largely be a reputational risk exposure to the Shire, it is uncertain what a review of legislation will bring in the way of enforcement of standards.

³ [Code of Practice for the Transportation of Sheep in Western Australia, the Department of Local Government and Regional Development WA 2003](#)

⁴ [Australian Animal Welfare Standards and Guidelines for Sheep Edition One, Version One January 2016 Animal Health Australia](#)

⁵ <http://www.animalwelfarestandards.net.au/sheep/> (accessed on 26 September 2018)

The Australian Animal Welfare Standards and Guidelines for Sheep's objective is that facilities and equipment are appropriate to minimise the risk to the welfare of sheep.

The standard is then "A person in charge must take reasonable actions in the construction, maintenance and operation of facilities and equipment to ensure the welfare of sheep."⁶

The Guidelines to assist in achieving the standard include:

- Facility construction or modification should take into account:
 - sheep behaviour
 - topography (location and drainage)
 - flood and fire risk
 - climate
 - purpose/length of confinement
 - space
 - feed and water space requirements
 - shade/shelter
 - surface materials
 - cleaning and waste disposal.
- Shade should be considered in hot weather for outdoor pens where sheep are penned for extended periods.
- Floor surfaces should be nonslip, nonabrasive and free-draining. Concrete is only recommended for high-traffic areas.
- Facilities should be free from protrusions and obstacles that may cause injury.

⁶ S4. 1 of the Australia Animal Welfare Standards and Guidelines for Sheep (January 2016)

- Facilities and equipment for restraining sheep should only be used:
 - for the minimum time necessary
 - with the minimum restraint necessary.

The Australian Animal Welfare Standards and Guidelines specific to saleyards⁷ provides for obligations on the operator of the saleyards that are similar to these outlined above to ensure the welfare of livestock. There are also recommendations regarding suitable watering facilities and feeding facilities (where required) along with adequate provisions for maintenance of the facility through:

- Regular assessments to ensure facilities are operationally safe for livestock and staff.
- Regular yard cleaning undertaken as required to ensure non-slip surfaces are maintained and to ensure pen surfaces drain freely.
- Filling boggy areas with gravel or woodchips if a more permanent means of eliminating such conditions cannot be undertaken.

The Shire should become familiar with the relevant codes, guidelines and standards. The Shire should also stay informed about any developments in this area of legislation and to give any proposed changes due consideration when making any future decision regarding the Site.

⁷ [Australian Animal Welfare Standards and Guidelines Livestock at Saleyards and Depots \(Saleyards Welfare Standards\) Edition One, Version One February 2018](#)

Site Risk Information

	Context	Risk	Causes	Existing Controls	Consequence Category	Consequence	Likelihood	Level of Risk	Treatment Options
1.	Kojonup Saleyard.	Legal challenge from entrants to location – breach of duty of care (Other than livestock sales days).	<p>Injury, harm, damage and loss resulting from access or use of the location. For example:</p> <ul style="list-style-type: none"> Collision as a result of vehicles entering/exiting the Site. Straying livestock. Unrestricted entry into operational areas of the Site (truck wash, waste water reuse basin, loading/unloading areas, rail line). Inadequate maintenance of site and infrastructure. Damage to third party equipment/property stored on site. <p>Insufficient risk information available to entrants. Design of infrastructure potentially unfit for purpose. Shared access (heavy vehicles, visitor vehicles, pedestrians).</p>	Some on-site signage (parking, speed limit, pedestrians). Fenced waste water reuse basin).	Financial Health Reputation Operation	Extreme (5) Extreme (5) Critical (4) Major (3)	Rare (E) Rare (E) Rare (E) Rare (E)	High (H)	Refer to the 'Treatment Options' section.

	Context	Risk	Causes	Existing Controls	Consequence Category	Consequence	Likelihood	Level of Risk	Treatment Options
2.	Kojonup Saleyards	Legal challenge from entrants to location – breach of duty of care (Livestock sales days).	<p>Injury, harm, damage and loss resulting from access or use of the location. For example:</p> <ul style="list-style-type: none"> Collision as a result of vehicles entering/exiting the Site. Straying livestock. Unauthorised entry into operational areas of the Site (truck wash, waste water reuse basin, loading/unloading areas, rail line). Inadequate maintenance of site and infrastructure. Damage to third party equipment/property stored on site. <p>Lack of appropriate formalised use agreements.</p> <p>Uncertainty regarding user responsibilities on site.</p> <p>Lack of appropriate public safety controls and workplace safety controls.</p> <p>Design of site and associated infrastructure unfit for purpose.</p> <p>Insufficient risk information available to entrants.</p> <p>Shared access (heavy vehicles, visitor vehicles, pedestrians).</p>	Some on-site signage (parking, speed limit, pedestrians). Fenced waste water reuse basin).	Financial Health Reputation Operation	Extreme (5) Extreme (5) Critical (4) Major (3)	Unlikely (D) Unlikely (D) Unlikely (D) Unlikely (D)	Extreme (E)	Refer to the 'Treatment Options' section

	Context	Risk	Causes	Existing Controls	Consequence Category	Consequence	Likelihood	Level of Risk	Treatment Options
3.	Kojonup Saleyards.	Challenge regarding welfare/treatment of livestock at the facility.	<p>Injury or harm of livestock resulting from access or use of the location. For example:</p> <ul style="list-style-type: none"> Inadequate maintenance of site resulting in damaged or defective infrastructure (loading facilities, fencing/gates etc.). Site regarded as unfit for purpose (insufficient shade/shelter, access to water). Site being used for unintended purposes (other than temporary/short term holding of livestock). Insufficient measures to manage animals requiring veterinary attention. Insufficient measures to manage biosecurity. 	<p>Provision of water in some holding areas. Limited shade on boundaries. Truck wash facilities on site.</p> <p><i>Given the lack of communication between the Shire and livestock sales agents, it is unknown what measures livestock sales agents may have in place to address some of these matters. For the purpose of this risk it is assumed there are none.</i></p>	<p>Financial</p> <p>Reputation</p> <p>Operation</p> <p>Compliance</p>	<p>Insignificant (1)</p> <p>Major (3)</p> <p>Major (3)</p> <p>Minor (2)</p>	<p>Unlikely (D)</p> <p>Unlikely (D)</p> <p>Unlikely (D)</p> <p>Unlikely (D)</p>	<p>Medium (M)</p>	<p>Refer to the 'Treatment Options' section.</p> <p><i>It should be noted there is some uncertainty in this area of risk with potential changes to legislation that could result in greater obligations and consequences related to livestock welfare.</i></p>

	Context	Risk	Causes	Existing Controls	Consequence Category	Consequence	Likelihood	Level of Risk	Treatment Options
4.	Kojonup Saleyards	Legal challenge from road users at location – breach of duty of care.	<p>Injury, harm, damage and loss resulting from livestock escaping holding areas and straying onto the road due to lack of appropriate controls. For example:</p> <ul style="list-style-type: none"> No fencing or other perimeter containment measures. Limited clear lines of sight. High speed area. No warning of approaching entry, potential for livestock in the area. <p>Injury, harm, damage and loss resulting from road collision with vehicles entering or exiting the saleyards due to lack of appropriate controls. For example:</p> <ul style="list-style-type: none"> Limited clear lines of sight. High speed area. No warning of approaching entry, heavy vehicles. Unclear entry/exit points. 	Fenced holding pens.	<p>Financial</p> <p>Health</p> <p>Reputation</p> <p>Operation</p>	<p>Extreme (5)</p> <p>Extreme (5)</p> <p>Critical (4)</p> <p>Major (3)</p>	<p>Unlikely (D)</p> <p>Unlikely (D)</p> <p>Unlikely (D)</p> <p>Unlikely (D)</p>	Extreme (E)	Refer to the 'Treatment Options' section

Treatment Options

There are no specific Australian Standards in relation to the design of sheep saleyards. However the Australian Livestock Markets Association (ALMA) has produced the Australian Model Code of Practice for Livestock Saleyards and Lairages. ALMA is the peak body for the saleyard and lairage industry and membership to ALMA provides access this document.

This Code of Practice provides guidance in the following areas:

- Structural Requirements
- Operational Requirements
- Saleyards Operators Responsibilities
- Buyers Responsibilities
- Biosecurity and Emergency Animal Disease

Current ALMA's members in WA include Muchea Livestock Centre (cattle and sheep); Mount Barker Regional Saleyards (cattle); and the Katanning Saleyards (sheep). The Katanning Saleyards is the only ALMA member sheep saleyard in WA operated by a local government. Whilst the Katanning Saleyards is a much larger and more modern facility with on-site management, we have carried out basic observations of this site for general comparison. We have also provided an example of signage from the Muchea Livestock Centre.

Based on our observations of the Kojonup Saleyards we have provided a range of practical treatment options to assist with managing the identified risks to an acceptable level for the Shire of Kojonup. The risk treatment options are supported by observations made in the prior section of this report. The key risk treatment areas have been categorised into the following headings:

- Access
- Operational areas

- Signage
- Maintenance and inspection
- Agreements

In addition to the following recommendations concerning liability risk, we advise the Shire to consider membership with ALMA and obtain access to the Australian Model Code of Practice for Livestock Saleyards and Lairages along with ALMA's advice on how to best apply this code to this scale of facility.

Access

Roadside

Consider alternative or modified vehicle access. Heavy vehicle access to the Site should be separated from conventional vehicle access. For example heavy vehicles to access from Blackwood Rd and conventional vehicles access from Soldier Rd.

Alternatively further controls can be placed to manage existing access (and complement improved/changed access) such as filtered lane entry to the Site from Blackwood Rd with advanced warning signage (trucks/heavy vehicles ahead) along with lowering the speed limit on Blackwood Rd on the approaches to this area.

The relevant authorities such as Main Roads and appropriate standards would need to be consulted on the suitability of any proposed changes.

Internal

Separate internal access roads for heavy vehicles (e.g. accessing loading areas and the truck wash) from public access. For example: heavy vehicles to access the truck wash and loading areas without interfering with conventional vehicles that are accessing the car park and pedestrians moving to the viewing areas. Refer to the example in Appendix 2 of an [Alternative Access Layout](#) for the Kojonup Saleyards.

Clearly indicate the publically accessible livestock viewing areas, as opposed to the areas where access is not authorised. Defined and safe pedestrian routes should be provided from the car park to the viewing areas.

Provide traffic management (including parking management) on sales days. This may depend on any changes to the Site and anticipated attendee numbers on the sales days.

Operational areas

Fencing and separation

In an ideal situation, the Site would be fenced with lockable entry points. This would serve multiple purposes including:

- Restrict unwanted access (e.g. to operational areas such as the truck wash and loading areas).
- Prevent livestock escaping the Site and straying onto roads (would likely require grates over entry and exit points).
- Give the Shire greater control over use of the Site.
- Limit entry from the Site to the adjacent rail corridor.

As a minimum, consideration should be given to separating the truck wash and loading areas of the Site with fencing to limit access to those who are there on legitimate business.

The Shire would need to consider how access could be practically managed, for example: truck wash pass card/fob holders issued with keys (it may be possible to configure the truck wash pass card to also operate an electronic gate lock); keys available at the nearby depot; open access to truck wash during set times; areas opened for unloading / loading around sales days.

Truck Wash

If the Shire were considering a redesign or replacement of the truck wash, ideally this would provide access from ground level (refer observations Katanning Saleyards) to eliminate the existing fall from height hazard. In the current configuration of the saleyard site it would probably be more practical for the truck wash to be aligned north south as opposed to east west. This would more options to segregate heavy vehicles from the saleyard and additional room for these vehicles to manoeuvre without interference.

If the Shire maintains the current design and configuration, consideration should be given to the following:

- Reinstating hoses to both sides of the truck wash.
- Overhead hose support/storage (festoon trolley type hose management arrangement).
- Provide a fall restraint/tie-off system on the walkways.
- Edge protection to:
 - Upper banks of the wash bay.
 - At the rear of the wash bay and along the slurry collection point.
- Usage instructions on truck wash control box.

Whilst the above has been provided based on observations and from a general safety perspective, prior to implementing these treatments, the Shire should consider the likelihood of additional works triggering requirements to align with current design standards. For example: AS 1657:2018 : Fixed platforms, walkways, stairways and ladders - Design, construction and installation.

It is uncertain if the current design met the standards in place at the time of construction. Ultimately the Shire may wish to consult engineers regarding design compliance of both existing design, and designs required to bring the wash bay infrastructure up to standard.

Signage

Provide appropriate signage indicating:

- Heavy vehicles entering and the potential to encounter livestock on road approaches to site. The need for livestock warning signage may be influenced by the decision to fence the Site or not.
- Entry points from roadway, Blackwood Rd and Soldier Rd (refer example roadside signage in [Observations Katanning Saleyards](#)). It would also be advisable to indicate where access is dedicated to trucks to prevent incorrect entry.
- On entry to site on dedicated track for loading and unloading areas
 - Truck parking areas.
 - Truck wash.
 - Truck wash information and instructions located at truck wash bay.
 - Car parking for visitors, buyers, sellers and agents.
- General signage relating to site (at car park and in vicinity of entry to public viewing areas. For example:
 - Welcome to.
 - Hours of operation (this can be adjustable – closed, livestock sale _am to _pm).
 - Warnings and restrictions regarding access (e.g. site contains hazards and no unauthorised access).
 - If there is a need to permit child access, then requirements regarding supervision of children (allowable ages; requirements for supervision; no allowance in unauthorised and operational areas).
 - Wearing of suitable clothing including enclosed footwear.

- Contact details of Shire and livestock agent.
- Clear delineation of areas where the public are permitted and those where the public are not (e.g. via diagram of site).
- Warning regarding the unpredictability of animals and to avoid possible injury by ensuring all body parts stay behind barriers and within accessible areas such as lanes, footpaths and walkways at all times. Refer signage example, [Appendix 4, Muchea Livestock Centre](#).

Also consider placement of individual hazard warnings:

- At regular intervals along barriers located where walkways adjoin sheep pens regarding keeping body parts behind barriers.
- In areas where access is by authorised persons only.

The relevant authorities such as Main Roads along with current standards will need to be consulted on the suitability of road signage prior implementation.

Maintenance and inspection

A documented inspection and maintenance plan should be developed for the Site seeking to comply with current industry standards. This should include scheduled inspections and preventative maintenance along with triggers for further inspection prior to sales days; on reports of damage; and following extreme weather events where damage is possible.

In addition to the above, a number of maintenance items requiring attention have been identified throughout the observations section of this report including removal of unused infrastructure, (such as inoperative lighting and poles), loose items and in general good housekeeping of the Site.

User agreements

The saleyard is essentially an unmanaged facility; therefore more reliance is placed on the livestock sales agent and other users to ensure appropriate use of the Site.

As there are no formalised agreements regarding use of the Site the potential exists for ambiguity and therefore dispute over each party's responsibilities in relation to the Saleyards. To add to this the Shire is missing the opportunity to balance the risks and ultimately limit its own liability.

The Shire will need to discuss with the livestock agents; CBS Engineering; truck wash users and any other users of the Saleyards site about the Shire's requirement to enter into a formalised agreement regarding their use of the Site.

Livestock sales agent

The agreement may include coverage of the following areas:

- Both the Shire's obligations and the Livestock Sales Agent's (the Agent) obligations.
- Advanced notification of site use.
- Pre-sales day inspection and reporting of site condition (including any defects requiring rectification by the Shire).
- Confirmation that appropriate insurances are in place.
- Suitable clauses indemnifying the Shire in relation to claims, damage and loss due to the Agent's negligence.
- Assurances of that appropriate measure are in place for the use of the Site, including but not limited to:
 - Occupational safety and health requirements.
 - Public safety measures.

- Traffic management (where required).
- Animal welfare (including transport, handling and selling of livestock).
- Transport chain of responsibility requirements.
- Public health (toilets and other amenities).
- Biosecurity requirements.

Discussions with the livestock sales agent may also provide the opportunity to explore management options. For example:

- Taking over complete management and operation of the Site.
- Management of the saleyards only, leaving the truck wash in the hands of the Shire.
- Funding/ co-funding a Saleyard Manager position.

GCS Engineering (GCS)

The agreement may include coverage of the following areas:

- Both the Shire's obligations and the GCS' obligations.
- Confirmation that appropriate insurances are in place.
- Suitable clauses indemnifying the Shire in relation to claims, damage and loss arising from storage of the equipment or GCS's access to the Site.
- Storage location; term of storage; and type equipment stored on-site.
- Advanced notification to the Shire relating to access or movement of equipment on-site (e.g. not to clash with Saleyard operations and in particular sale days).

Truck Wash Users

The agreement may include coverage of the following areas:

- Both the Shire's obligations and the users' obligations.
- Instructions regarding use of the facility.
- User responsibility for access keys/cards.
- Fee for use arrangements.
- Confirmation that appropriate insurances are in place.





- Suitable clauses:

- Indemnifying the Shire in relation to claims, damage and loss due to the user's negligence.
- Waiving the Shire's liability in relation to any damage injury caused due to the use of the facility.
- Requirement for the user to report and be responsible for any damage caused to the facility.

It would be advisable for the Shire to consult with its legal advisors regarding the drafting of an appropriately worded agreement for each circumstance.

Observations Katanning Saleyards

	<p>Roadside signage indicates the presence of the saleyards.</p>		<p>The gated entry point is wide, well defined, and contains signage with operational information.</p> <p>A grid is located across the entrance to prevent escape of potentially stray livestock.</p>
	<p>The perimeter of the facility is fenced with chain-link fencing and barbed wire.</p>		<p>The main entry road branches: to the left for unloading; to the right for angled truck parking; and straight ahead to access the visitor car park entry; additional loading ramps, truck wash and other operational areas.</p>

	<p>The unloading area to the left of entry contains instructional signage regarding vehicle manoeuvring.</p> <p>There is ample room for large vehicles.</p>		<p>Angled truck parking appears to be forward entry only with exit required down a one way slip road to the rear of the property.</p> <p>The visitor car park single point of entry/exit can be seen to the left.</p>
	<p>The visitor car park is well defined and separated from heavy vehicles.</p> <p>Defined pedestrian access leads to the sales offices, amenities and viewing areas.</p>		<p>Relevant information is posted alongside sales agents offices.</p> <p>Toilets are provided for visitors.</p>

	<p>Defined pedestrian access routes to viewing areas are provided for visitors.</p> <p>The entire livestock holding area is under shelter.</p>		<p>Warning and information signage is displayed at access points.</p>
	<p>Accessible areas are wide with the ground appearing even and free of trip hazards.</p>		<p>No accessible areas are signed and gated.</p> <p>These holding areas also appeared to have watering facilities available (indicated).</p>



All livestock holding areas are under shelter and water troughs are available at multiple locations.



Loading platforms located to the rear of the yards equipped with height adjustment to suit differing vehicles.

Sheeted walls may reduce animal stress due distraction and entrapment.

Overhead lighting is provided.

Animal welfare reminders are posted.



The docking point of the loading ramp contains a timber protector. The structure appears to be well secured into the ground. Separate handler walkways are located alongside the ramp.



The truck wash appears wide enough to service multiple vehicles.

There are no elevated platforms to access vehicles.

Although no hoses could be seen, multiple water outlets were available.

Overhead lighting is provided.

Slurry appears to run off to the treatment areas on the right of image.

Conclusion

In summary, three primary potential liability risks have been flagged resulting from observations at the Kojonup Saleyards. All risks involve a potential legal challenge based on the allegation that the Shire might have breached the duty of care it owes to persons at the location. Given the lack of any formalised agreements for the use of the Site, and the Shire's behaviours regarding the Site to date, it is likely that the Shire would be seen to owe a duty of care to persons at and around the Site.

Each risk is varied by either the risk transpiring on a livestock sale day or not, and whether the wronged party is on the saleyard site or a road user in that immediate location. A further risk related to the welfare or treatment of livestock was identified. Although having mainly reputational consequences for the Shire, this risk is considered relevant to any future use of the facility.

This report advises that there are a number of different treatment options areas for the risks that have been identified, including:

- Direction for obtaining best practice guidance regarding design and animal welfare.
- Access (roadside and internal).
- Operational areas (fencing and separation, truck wash area).
- Signage (roadway, entry, general site information, access and navigation, hazard and warnings).
- Maintenance and inspection (formalised, scheduled and reactive, matters requiring attention – from observations).
- User agreements (livestock sales agent, GCS Engineering, Truck Wash users).

As part of the assessment we also visited the Katanning Saleyards operated by the Shire of Katanning. Whilst the Katanning Saleyards is a much larger and more modern facility with on-site management, we have listed some observations of this site as a means of general comparison

and as a guide to the design of other local government operated sheep saleyards.

It is recognised that to implement the provided treatment options to manage liability risk along with any other measures required to bring the facility up to the suitable standards will require significant allocation of resources and time. This may simply be impractical for the Shire to achieve, particularly in the short term. Ultimately, the Shire should carry out a cost benefit analysis also taking into account:

- The Saleyards relatively low use (reportedly 3 times per year).
- The availability of a modern regional saleyard in Katanning approximately 40km's away with weekly sheep sales and the ability to yard 26,000 sheep in one sale.
- The revenue generated by the truck wash.
- The cost of ongoing maintenance.
- The benefit to the community.
- The availability of external sources of funding.

The decision to do nothing is not a recommended approach. This is partly due to the fact it would be difficult for the Shire to demonstrate it is unaware of the potential risks the Site poses, as the Shire has received previous advice regarding the condition of the Site and has demonstrated it is concerned enough to have commissioned this report.

Assuming that the Shire's duty of care does apply the steps which the Shire should take to discharge its duty of care to entrants of the Site will depend on what a reasonable local government would do in the Shire's circumstances. In turn, this will depend on the previously mentioned factors that are often utilised by a court to determine if a response to the risk is a reasonable one. Therefore the Shire's decision making regarding a reasonable response to the risk can be guided by considering the same factors, being:

- the probability that the harm would occur even if care was not taken (e.g. the likelihood of the risk of harm eventuating);
- the likely seriousness of the harm (e.g. the severity or consequence);
- the burden of taking precautions to avoid the risk of harm (e.g. the difficulty in taking measures to prevent the harm; in taking these measures would the Shire face a disproportionate impact on resources; and are there competing priorities for these resources);
- the social utility of the activity that creates the risk of harm (e.g. the benefits the Site provides to the community and would preventing the harm remove or restrict these benefits).

Irrespective of which course of action the Shire chooses to pursue it is imperative from a professional and general liability risk perspective that in formulating their decision, and in considering the observations and recommendations outlined in this report, the Shire accurately document its reasons for the chosen course of action as this may be the best and only evidence available to protect the Shire should a claim arise further down the line.

It is also important that the Shire monitors the effectiveness of all implemented risk controls, and review levels of risk with any changes to the situation. For example, ensuring controls remain effective by assessing from a design perspective, in that they appropriately mitigate the risks, and from an operational point of view, in that they still perform consistently as intended.

Appendix 1 – Shire of Kojonup Risk Assessment Tables

Likelihood

LEVEL	DESCRIPTION	EXAMPLES	FREQUENCY
A	Almost Certain	Expected to occur in most circumstances	More than once per year.
B	Likely	Will probably occur in most circumstances	At least once per year.
C	Possible	Should occur at some time	At least once in three years.
D	Unlikely	Could occur at some time	At least once in ten years.
E	Rare	May occur, only in exceptional circumstances	Less than once in fifteen years.

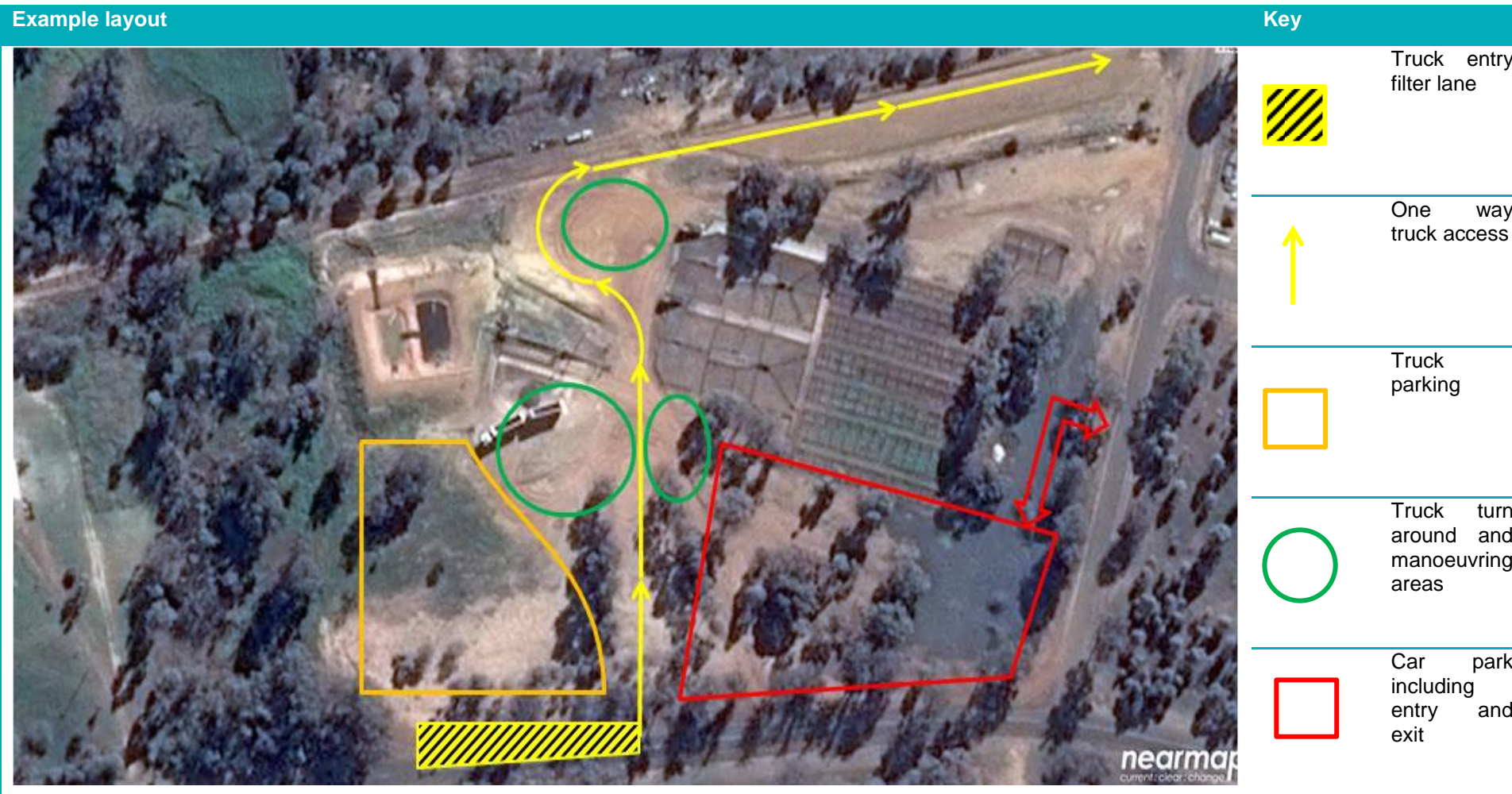
Consequences

DESCRIPTION	FINANCIAL	HEALTH	REPUTATION	OPERATION	ENVIRONMEN	COMPLIANCE	PROJECT
Insianificant	<Less than \$10,000	No injuries or illness	Unsubstantiated, low impact, low profile or "no news" item	Little impact	Little impact	Minor breach of policy, or process requiring approval or variance	Small variation to cost , timelines, scope or quality of objectives and required outcomes
Minor	\$10,000 – 100,000	First Aid treatment	Substantiated, low impact, low news item	Inconvenient delays	Minor damage or	Breach of policy, process or legislative requirement requiring attention of minimal damage control	5-10% increase in time or cost or variation to scope or objective requiring managers approval
Maio	\$100,000- \$500,000	Medical treatment	Substantiated, public embarrassment, moderate impact, moderate news profile	Significant delays to major	Environmental damage requiring restitution or internal cleanup	Breach requiring internal investigation, treatment or moderate damage control	10 -20 % increase in time or cost or variation to scope or objective requiring Senior Management approval
Critical	\$500,000 - \$1million	Extensive injuries or disabilities	Substantiated, organisational embarrassment, high impact news profile, third party actions	Non-achievement of major deliverables	Minor Breach of legislation / significant contamination damage requiring third party	Breach resulting in external investigation or third party actions resulting in tangible loss and some damage to reputation	20 — 50 % increase in time or cost or significant variation to scope or objective requiring restructure of project and Senior Management or Council approval
Extreme	>More than \$1 million	Death or permanent disabilities	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Non-achievement of major deliverables	Major breach of legislation or extensive contamination and environmental damage requiring third party intervention	Breach resulting in external investigation or third party actions resulting in significant tangible loss and damage to reputation	>50% increase in cost or timeline, or inability to meet project objectives requiring the project to be abandoned or redeveloped.

Risk Matrix

Consequence Likelihood	Insignificant 1	Minor 2	Major 3	Critical 4	Extreme 5
Almost Certain A	H	H	E	E	E
Likely B	M	H	H	E	E
Possible C	L	M	H	E	E
Unlikely D	L	L	M	H	E
Rare E	L	L	M	H	H

Appendix 2 – Alternative Access Layout Kojonup Saleyards



Appendix 3 – Katanning Saleyards

Site layout



Appendix 4 – Muchea Livestock Centre

Example entry signage

WAMIA SITE PLAN



PUBLIC ACCESS AREA

SALES YARD
OFFICE UPPER FLOOR ONLY

Sheep Sale
(Access by buyer lane ways only)

Veal Sale
(Access by buyer lane ways only)

Cattle Sale
(Access by public/buyer lane ways only)

- All other areas are restricted to authorised personnel only.

1. Sheep Receivals

2. Sheep Drafts

3. Sheep Loadout

4. Cattle Receivals

5. Cattle Loadout

6. Cattle Transit

7. Cattle Drafts



WESTERN AUSTRALIAN MEAT
INDUSTRY AUTHORITY

MUCHEA LIVESTOCK CENTRE CONDITIONS OF ENTRY

The Western Australian Meat Industry Authority (WAMIA) is legally responsible for the Management of Muchea Livestock Centre. Entry to and use of Muchea Livestock Centre is subject to conditions of WAMIA.

**YOU ARE NOW ENTERING THE MAIN OPERATING AREA OF THE MUCHEA LIVESTOCK CENTRE
PLEASE NOTE THE FOLLOWING CONDITIONS**

All persons entering the Centre must comply with any directions or request for information given by WAMIA Staff or its contractors.

THIS IS A SMOKE FREE SITE; SMOKING OUTSIDE OF THE DESIGNATED AREAS IS NOT PERMITTED.

Public access is only permitted to the "SALE" area. In the cattle section this comprises of the public overhead walkways and buyers laneways and in the sheep section the buyers lane ways. Only accredited persons are permitted in to restricted areas of the centre, these areas are identified and sign posted.

Children under the age of 14 are not permitted in the "SALE" area unless supervised by an adult at ALL times. No children are permitted in restricted areas.

The consumption of alcohol or use of non prescribed drugs on the Centre site is prohibited.

Appropriate **CLOSED IN** foot wear must be worn at ALL times.

Only those people authorized in writing by WAMIA can use cameras or recording equipment in the saleyards precinct.

Centre users are asked to use the facilities in an appropriate manner and dispose of rubbish in the bins provided. Toilet facilities must be used if required.

Disorderly Behavior or the display of obscene material is prohibited.

Interference with WAMIA property is prohibited.

WAMIA accepts no liability in negligence, control or otherwise for any incident or event that may occur to persons or property as a result of entry to the Muchea Livestock Centre.

WAMIA contact number 08 9274 7533

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