




#### IN THIS ISSUE

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# RISK MATTERS



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to keep members, their staff  
and elected members informed  
on topical risk management  
and insurance issues and LGIS  
programs and services.



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## CEO's Message



**JAMES SHERIDAN**

CEO LGIS

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There's less than eight weeks to go  
before we say goodbye to 2023/24  
and the vast majority of members have  
completed their declarations for the  
2024/25 membership year.

Thank you to all our members for your  
diligence in the renewal declaration  
process. We know it comes at a  
busy time of year and answering all  
the questions can be onerous.  
We appreciate your efforts and member  
feedback has indicated that our  
improvements to the online renewal  
declaration have been well received –  
particularly the collaborative functions  
allowing multiple staff to be involved  
in the process and the ability to import  
data from last year.

We are analysing the information  
you've provided, considering claims  
performance, and negotiating with our  
reinsurance partners to secure terms  
for 2024/25. The range and quality of  
data collected enables the wide-ranging  
exposures of the sector to continue to  
be supported by indemnity providers,  
ensuring the Scheme can appropriately  
respond to members claims.

The Scheme's performance is a  
critical factor in setting membership  
contributions. 2023/24 is predicted  
to finish slightly ahead of budget,  
ensuring the ongoing delivery of  
sustainable long-term protection of the  
sector. The year has not been without  
challenges, especially in workers'  
compensation, but the Scheme's  
prudent fiscal management has ensured  
a good position for the sector.

This edition of Risk Matters we dip  
our toe into a diverse range of issues.  
This feature explores the challenges  
of managing anti-social behaviour  
and celebrates the excellent results  
achieved by the Town of Port Hedland.

With workers' compensation claims  
firmly in focus we've got two articles on  
prevention services – our multi-faceted  
psychological safe programme, and  
benefits of social connection within  
the workplace from our health and  
wellbeing programme.

Our 'Ask an Expert' with People risk  
Consultant Katherine Kempin answers a  
common question from members 'How  
do we manage psychosocial hazards?'.  
Katherine takes us through how to  
apply a risk management approach  
to these hazards to reduce potential  
psychological injury.

We've also been out on the road  
providing members with information  
on the new *Workers Compensation and  
Injury Management Act 2023 (WA)*.  
Over 130 local government officers  
have joined us to learn about the  
ramifications for their local government  
and their Scheme, LGIS.

Cyber threats continue to grow for  
organisations across Australia and  
unfortunately local government is  
not immune. In this edition incident  
response is under the microscope.

We've successfully defended a claim  
on behalf of the Shire of Denmark,  
and we explore the lessons from  
this case. It highlights the  
importance of well implemented  
and documented maintenance and  
management programmes.

We also look at the emerging issues  
surrounding micro-mobility options  
(e.g. e-scooters and e-bikes).  
Members need to consider diverse  
new concerns particularly the need  
for controls to reduce the possibility  
of lithium-ion fires.

We love hearing from members,  
so please send any feedback on  
this edition or questions for  
'Ask an Expert' through to  
Risk Matters editor, Pia Duxbury at  
[pia.duxbury@lgisw.com.au](mailto:pia.duxbury@lgisw.com.au)





# The rising risk of anti-social behaviour

*Across Western Australia local governments create and deliver spaces that welcome everyone – from libraries to recreation centres and playgrounds. These services and facilities foster community connection but unfortunately, they can also witness anti-social behaviour.*



Local governments facilities, services and assets are particularly vulnerable to anti-social behaviour as, by their nature, they are one of the few places in our community that provide areas that are safe, sheltered and allow an individual to stay all day with little to no cost.

## What is anti-social behaviour?

Anti-social behaviour (ASB) is any behaviour that disturbs, annoys, or interferes with a person's ability to go about their lawful business. The term anti-social behaviour incorporates a range of behaviours from minor offense or harmful acts to more serious criminal activity. It is a serious concern for local governments and their communities.

### The most common ASB that members face is:

- ▶ Loitering and obstructing others from using public spaces.
- ▶ People sleeping in public areas.
- ▶ Noisy or rowdy behaviour and intimidation (e.g. shouting, swearing, and fighting).
- ▶ Drunk or disorderly behaviour.
- ▶ Aggressive, threatening, or obscene language or behaviour directed at people (including staff).
- ▶ Graffiti and vandalism.

## The role of local government

When the community is in crisis, it's local government that they turn to for help. Anti-social behaviour is a complex issue and there is a role for all levels of government to provide interventions to tackle this multi-faceted problem.

Local governments (LGAs) must be cautious in their desire to act; making sure that any action falls within their legislative authority and carefully consider the intent and basis of decision making. The hazards and dangers that come to other stakeholders, including law enforcement, in managing ASB, are not the LGAs legal responsibility - it is important that the issues aren't conflated. It's an invidious situation; although members will want to act to protect the community, they must simultaneously ensure that their actions don't expose them to a potential claim of misfeasance by an injured party (notwithstanding that they may be in the process of alleged criminality).

### Definition: Misfeasance

*Misfeasance typically occurs when a public official acts unlawfully, they exceed or misuse their powers, when undertaking a duty or responsibility.*

WA Police (WAPOL) is the State agency that local government most often works with to address anti-social behaviour. Members should carefully consider any liability exposures that may arise from their actions.

There is clear separation of duties and responsibilities – the WAPOL has responsibility for policing and public safety. Whilst LGAs are recommended to work collaboratively with law enforcement, they must always work within the boundaries of their power as set out in the *Local Government Act 1995 (WA)* and associated regulations.

## Complex and interconnected risks of ASB

Misuse of public spaces and amenities, and disregard for community safety may cause significant property, environmental damage, and injury to staff and the public. ASB presents a complex variety of interconnected exposures to LGIS members across liability, property, and workers' compensation.

Noisy, aggressive, rowdy, and intimidating behaviour can contribute to high stress environments for local government workers, impacting a worker's sense of safety. It's difficult to quantify exactly how many claims have been received due to ASB as it can impact a range of claims reasons including exposure to a traumatic event, exposure to workplace or occupational violence, work pressure, and other psychological factors.

From a liability perspective local government has a responsibility to make best endeavours to mitigate the immediate and insidious impacts of ASB on staff and the public who use its facilities. The *Work, Health and Safety Act (WA) 2020* outlines the obligations of a PCBU (person conducting a business or undertaking), or employer/local government, to provide a safe working environment.

In practical terms, the most likely liability risk would be a personal injury claim based on negligence alleged against the member. For example, a claim that alleges a breach of duty of care on the part of the local government for failing to, or inadequately protecting patrons and visitors to a facility against a risk of foreseeable injury. To ensure a good defence the member needs to be able to demonstrate that they have considered the risk and are taking reasonable steps to ensure public safety.

Damage to local government assets is another significant concern. From calendar years 2020 to 2024 LGIS received 1,034 property claims in relation to ASB (Graph 1). Property damage disrupts normal operations, has a financial impact, and puts a strain on already limited resources. If the damage happens to a community asset like a playground, library, or swimming pool, it can have a big impact on the wider community. The impact is even worse when these facilities must be temporarily closed because of ASB.

Vandalism/  
Malicious Damage

Vandalism/Malicious  
Damage

592

Burglary

238

Theft

204

Graph 1: Number of LGIS property claims between 2020-2024 based on ASB activities







## Tackling anti-social behaviour – a risk management approach

ASB is a complex issue and an on-going challenge for governments across all levels. The risk factors and causes of ASB are unique to the individual and community, so the approach used by each local government needs to be tailored to the specific situation. Addressing ASB takes a whole of community and multi-agency approach working across local, state, and federal government as well as not-for-profits.

Local government should take a risk management approach – identifying the hazards, assessing the risk, controlling the risks, and then reviewing the controls. By taking this approach members can demonstrate that the risks of ASB to staff, public and property are taken seriously and that it is turning its ‘mind’ to mitigating the consequences of ASB. Documentation is vital at each step of this process, both from a practical operational perspective and to ensure a strong defence if there is a claim.

A risk assessment will identify hot spot areas, times of the year when ASB increases, and key triggers. This will help to prioritise strategies to mitigate and prevent the risk of ASB activities.

There is no silver bullet, or easy fix to ASB and this article’s intent is not to address the reasons for ASB. However, there are strategies that local governments can use to reduce the impact of ASB on their facilities, staff and the people who use the facilities.

### First steps – develop a policy

At the outset local governments should determine their overarching approach to ASB. If ASB is assessed to pose a serious risk to staff safety, assets, and facility users then it may be worth considering a dedicated ASB policy. Ideally this policy would articulate the local governments strategy and related operating procedures, outlining its approach to managing the impacts and risks associated with ASB at their sites.

The next step is reviewing local laws and their role in mitigating the adverse consequences of ASB. Careful consideration should be given to their practical application and when it would be appropriate for staff to implement the laws. Staff need to be trained so that they know when it is safe to apply local laws versus when the situation could escalate, become dangerous, and require police attendance.

## Design out crime principles

Many LGIS members will already be familiar with design out crime (DOC) or crime prevention through environmental design (CPTED) principles. It’s often more cost effective to integrate DOC concepts during the development process, however where ASB is a significant issue in existing spaces and facilities then consideration of these strategies and potential retrofitting of assets may be warranted.

### Surveillance and sight lines

Area surveillance aims to create a perception of increased risk of detection for perpetrators of criminal activity and a feeling of increased safety and security for legitimate users. Are any areas covered or poorly lit, providing a hidden space for potential ASB activity?

For example, consider a situation where the rear library exit is hidden from view by vegetation and large dump bins. Library staff use this exit to return to their vehicles. The path for staff to their vehicles isn’t clear, there is no line of sight from the exit to the car park, and the access road can’t be seen from the exit. Passing foot traffic using the nearby shops can’t see the area, the staff or anybody else in the area. These factors combine to provide cover for ASB making it a location for alcohol consumption and public urination. Staff don’t feel safe using this exit.

In this situation some remedies could be to:

- ▶ Increase maintenance of the vegetation, making sure that it is pruned to ensure sight lines.
- ▶ Review the position and location of the dump bins.
- ▶ Considering retrofitting sensor lights to improve visibility at night.
- ▶ If there is a plan to fit CCTV to existing assets, this location could be considered.



## Access control

This strategy aims to reduce or deny offenders access to areas and reduce opportunities for escape whilst guiding legitimate users through the environment.

In publicly accessible locations or buildings such as parks or libraries, it can be difficult to implement design features that deny offender access to a potential target without compromising reasonable access to legitimate use. However, there are opportunities to restrict access to infrequently used areas that are obscured from both natural and camera observation and potentially vulnerable. For example, this might include restricting access to external clubroom entrances at sporting grounds.



*Where possible limit access to areas in public facilities. This could include storerooms, staff areas or meeting rooms which are only available for hire.*

## Territorial reinforcement

The use of physical features to express ownership and control of the environment can, to some degree, assist with the identification of intruders. In public facilities, judging the legitimacy of a person being in a particular area can be difficult unless the person clearly has no place being there e.g. outside of operating hours/trespass.

Depending on the facility, measures such as boundary fencing can eliminate unwanted entry. Combined with gates or other forms of defined access this can also create access control points.

## Target hardening

The placement of physical security measures such as bars, locks and barriers may reduce the incidence of unwanted access and damage to a building. However, target hardening may also have a negative impact on aesthetics and can add to a perceived feeling of fear of crime at the location. It can be challenging to balance the need to create a welcoming community space while adding protections. This is generally reserved as a last resort.

## Management and maintenance

A maintained area creates the perception of a well-managed environment that can reduce the fear of crime and encourage legitimate use and behaviour.

Appropriate management of an area to help reduce ASB includes aspects such as maintaining the continuity of lighting; managing vegetation to prevent obstruction to lines of sight; and promptly removing indicators of crime such as graffiti. There is a growing element of offenders utilising social media platforms to brag about criminal acts. The removal of graffiti and other indicators of crime early may also reduce the motivation of these offender(s) by eliminating the potential for notoriety.

Where locations have been noted as ASB 'hot spots' priority should be given to maintenance requests in addition to the regular management program. If we go back to our previous example of the library rear exit, where a sensor light has been installed and it fails, then it should be fixed as a priority.



*Well maintained areas ensure clear sightlines and encourage legitimate use*



## CCTV and security

CCTV, alarms and dedicated security may require significant investment (depending on scope), but for those local governments who have identified serious hazards associated with ASB, it's an investment that may be warranted. When considering these options, it's important to consider not just the initial investment but the ongoing commitment of resources.

Questions to consider include:

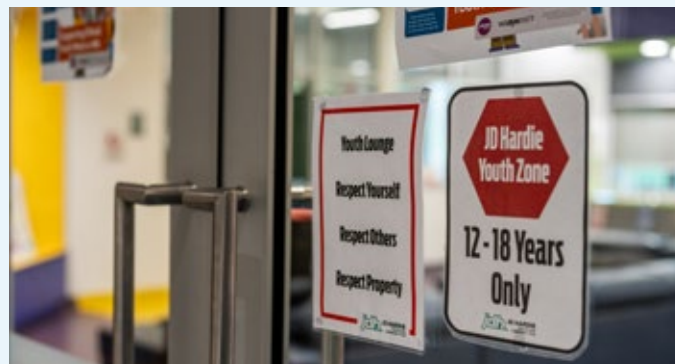
- ▶ Will CCTV be checked? If so, when?
- ▶ How will CCTV footage be kept? What are the protocols for deleting CCTV footage?
- ▶ Is there a maintenance and management plan for CCTV?
- ▶ Who has access to CCTV and responsibility for managing footage? Has a policy been developed?
- ▶ Will alarms be monitored by an external provider? Is monitoring 24/7?
- ▶ If an external provider is used what contracts are in place that clearly spell out the relationship and commitments?
- ▶ Who will respond to intruder alarms? This should be a security response, not staff. Security escorting management staff is an alternative or if damage is evident on security response, staff may have to attend and inspect when the area is secure.
- ▶ Is there a duress alarm verification process? For example, a localised alert to existing staffed areas of the facility and to the external monitoring provider to contact the facility and dependant on response, escalate to attendance by security or Police.
- ▶ Is there consistency of; device types/models; and general language used across facilities?
- ▶ Have staff been properly trained in using security devices and their protocols? Will there be unique language and code for different facilities, e.g. area/zone codes, can be communicated in emergency procedures for the particular facility.

## Terms of entry and use

Displaying terms of entry signage is a powerful tool and provides a consistent message to all facility users. Clearly articulating what may be the expected behaviours, unacceptable behaviours, and potential consequences (e.g., eviction or Police will be contacted) presents a first line of communication regarding the local government's operational intentions for the facility/s. This also provides facility staff a physical benchmark (something to point to) when attempting to manage ASB.

Terms and conditions of entry can also be reinforced through links to each facility were displayed on the local government's website. Terms of use could also be linked to community-messaging program that communicates a zero-tolerance approach to violence and ASB at facilities.

As a potential deterrent, conditions should also reflect that the entrant's actions are recorded and monitored where CCTV is at the facility.



*Clear terms of entry signage empower staff and help to create social norms of acceptable behaviour at the facility*

## Emergency planning – when ASB escalates

In the unfortunate event that ASB escalates it's vital that local government staff know how to manage the situation. All facilities should have a document or plan for managing emergencies and all staff must be trained in their execution.

Emergency plans should be tailored to each facility and provide guidance on how a situation should be handled. The plan could also consider the seriousness of scenarios for example personal threat, armed offender, armed intrusion, armed hold up, workplace violence, and aggressive customers.

## Staff training

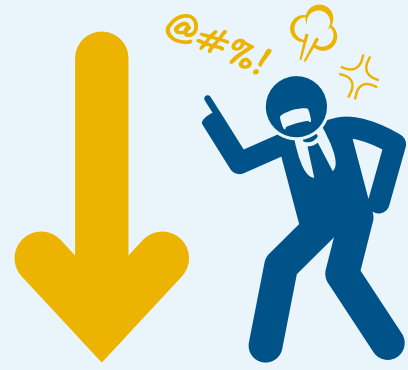
Appropriately and regularly training to staff is crucial in local governments response to ASB. For many people knowing what to do in a situation will make them feel safer and more confident in the workplace.

Training needs to recognise that different staff roles may have various levels of engagement with the community and therefore may vary with their levels of exposure to ASB. Training should consider the unique environment in which the local government's facilities run. For example:

- ▶ In some areas children are responsible for ASB and responding to their behaviour will require a different approach to an adult. There may be underlying social, mental health and trauma issues that will influence or direct their behaviour.
- ▶ Substance abuse may be an underlying cause of behaviour.
- ▶ A local cultural understanding and awareness may be necessary.

It should be noted that ASB training is quite different to 'handling difficult customers' and should be tailored to the specific issues of the area and facility.

# 83% drop in ASB when Port Hedland tackles anti-social behaviour



## Background:

For several years the Town of Port Hedland, and in particular the South Hedland area was adversely impacted by anti-social behaviour. In 2021, the Town experienced a significant and sustained increase in ASB. There were several distressing incidents in and around four sites – the South Hedland Aquatic Centre, JD Hardie Youth centre, Wanangkura Stadium, and the library. Incidents included acts of property damage, vandalism, stealing, verbal abuse, aggression and intimidation, violence directed at staff and the public, spitting, urinating, and defecating in public, hooning and dangerous driving, drunk and disorderly behaviour and fighting.

Sandra Brockwell, Senior WHS Advisor at the Town of Port Hedland commented that they were faced with a growing number of instances of anti-social behaviour at four community facilities. This was a physical and psychosocial hazard to staff and the community as well as causing thousands of dollars' worth of damage to Town infrastructure.

The prevalence of ASB undermined the Town's wider environmental, social and governance objectives by disturbing and damaging local amenities, creating tension and unrest within the community. It challenged the Town to devise appropriate and proportionate responses that balanced their reputation and obligation to safeguard the welfare of employees, integrity of assets and safety of the public using the Town's facilities.

## Identifying the problem

The ASB had a detrimental effect on staff, critical assets, and public use of those assets. In particular, the Town's executive leadership team had grave concerns about the effect on staff safety and morale, the costs of repairing and replacing property that was damaged, and the potential for the Town to incur a liability resulting from a foreseeable risk of injury to the public.

## Adopting risk management approach

To address the issue, the Town of Port Hedland engaged consultants, who conducted a comprehensive analysis of the Town's current risk management arrangements and assessed the approach and consequences of ASB on staff, assets, and the public. Their objective was to make recommendations aimed at decreasing the risks associated with ASB at the town's four main facilities.

An independent and detailed physical risk assessment and inspection was conducted at four sites – South Hedland Aquatic Centre, JD Hardie Youth Centre, Wanangkura Stadium, and the library. These inspections took place during high-risk periods when the facilities were open and closed for business.



"The consultants visited the facilities and interviewed staff, stakeholders including the police and the Town's security service provider as well as attending the community safety meeting. The result was a comprehensive report with 62 recommendations, which are being progressively implemented. The Town has reduced incidences of anti-social behaviour at their facilities from a high of 18 over the two-week Xmas period in 2021 to just three over the same two-week period in 2022," said Lee Furness, Director Infrastructure Services at Town of Port Headland."

*Lee Furness, Director Infrastructure Services at Town of Port Headland.*

## Recommendations

The Town was provided with 63 general and specific recommendations for the four facilities, these included:

- ▶ Develop an overarching strategy and related operating procedures outlining its approach to managing the impacts and risks associated with ASB at the four sites.
- ▶ Consider the application of DOC principles to existing facilities and consider retrofitting if needed.
- ▶ Emergency procedures to include ASB and develop consistent response and language.
- ▶ Internal and external stakeholders' engagement including community and youth groups.
- ▶ Ongoing monitoring and review of applied to controls to determine if they're working or can be improved.

## The outcome

The Town demonstrated outstanding leadership, recognising that a whole of organisation approach was required. The executive and strategic leadership teams, along with WHS advisors, worked together to progressively consider and implement the recommendations. As a result, the Town achieved comprehensive improvements in anti-social behaviour incidents and psychological hazards.

Their work in reducing the impact of ASB and psychosocial hazards was also recognised by WorkSafe WA with the Town winning the 'Best intervention to address psychosocial hazards' award at the 2023 awards.





*The Town of Port Hedland were winners at the Work Health and Safety Excellence Awards 2023, taking out the Best intervention to address a psychosocial hazard in the workplace category for their work to reduce anti-social behaviour.*

### Comparative data from incidents during the Christmas period further highlights the success of the Town's interventions:

Time period	Number of incidents
16 Dec 2020 – 1 Jan 2021	18
16 Dec 2021 – 1 Jan 2022	16
16 Dec 2022 – 1 Jan 2023	3

In addition to their efforts in addressing ASB, the Town of Port Hedland offers mental health first aid (MHFA) training and an employee assistance program (EAP) to support workers and promote mental wellbeing. MHFA training empowers personnel with the skills and knowledge to help individuals suffering from mental illnesses, enabling tough conversations that could prevent suicide and save lives. Two-day mental health first aid courses have been delivered to various staff members, including directors, managers, supervisors, rangers, WHS advisors, and health and safety representatives.

The Town's EAP provides valuable direct access to specialist mental health and wellbeing support for employees and their family members through dedicated 24/7 helplines.

Furthermore, the Town of Port Hedland is committed to the ongoing collection and reporting of incorrectly disposed needles and syringes in the community. They utilise staff and reporting pathways to manage reports and ensure safe disposal, contributing to a reduction in dangerous litter in the community. The Town also monitors and reports volatile substance use (VSU) products, collaborating with the Pilbara Community Alcohol and Drug Service (PCADS) to gauge VSU in the community and respond with reduction initiatives.

Continuous education and training are provided to staff members to ensure they possess the necessary knowledge and skills to carry out these tasks safely. This collaboration involves partnering with WA Country Health Services and PCADS.

### More information

For support in addressing ASB contact the LGIS Risk Team at [admin@lgiswa.com.au](mailto:admin@lgiswa.com.au) 

# Mentally healthy work places with LGIS' psychological safe program



## Proactive and responsive services to identify and manage psychosocial hazards in local government workplaces.

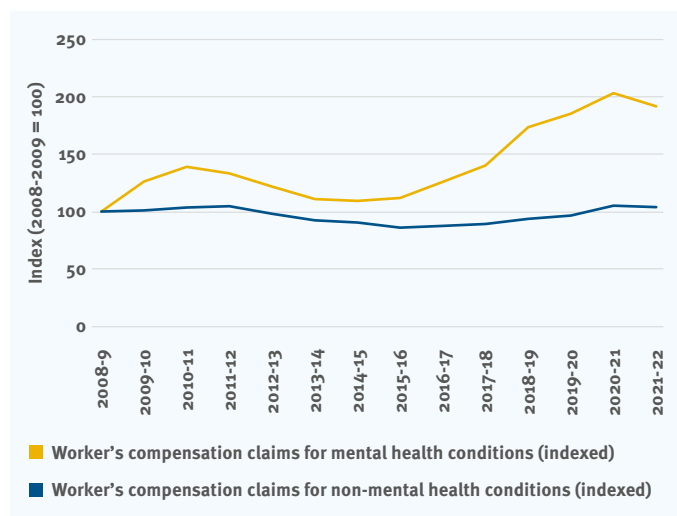
Psychological safety and mental health in the workplace is in the spotlight for local governments. It's been a couple of years since the *WA Work Health and Safety (WHS) Act (2020)* was introduced and lifted the profile of psychological safety.

Although local governments, as PCBU's (person conducting a business or undertaking), have always had a duty of care to provide a safe workplace and take all reasonable steps to manage physical and psychological hazards, the Act now explicitly talks about psychological safety.

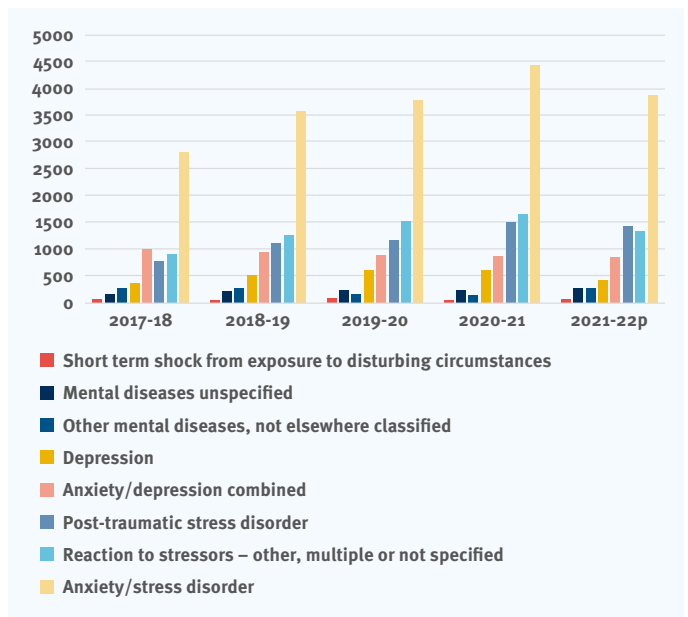
LGIS provides a suite of services to support members at all points of their risk management journey when it comes to psychological safety. Fundamentally the LGIS programs is designed to help members to create an environment where employees feel safe, share their concerns, and seek support when facing psychological challenges. It emphasises fostering a culture of respect, professionalism, empathy, and open communication.

## Psychological injury trends

Nationally anxiety/stress disorders accounted for 45.8% of psychological injury claims according to Safe Work Australia's, 'Psychological health and safety in the workplace' report (February 2024). Stress, anxiety, depression, conflict, and burnout have become more prevalent.



Number of serious claims for mental health conditions and non-mental health conditions, NDS (2008-09 to 2021-22p)



Number of serious claims for mental health conditions, NDS (2017-18 to 2021-22p)

Source: Safe Work Australia National Dataset for Compensation-based Statistics.






From a local government perspective the past few years have seen a steep increase in the cost of workers' compensation claims. Psychological injuries, which are on average 45% more expensive per claim than musculoskeletal injuries, are on the rise and are now the second most common claim type.

Across the financial years 2019-2023, LGIS received 237 psychological injury claims with a value over \$14 million and average cost of \$59,296 per claim. The number one cause of claims is work-related harassment/bullying followed by work pressure.





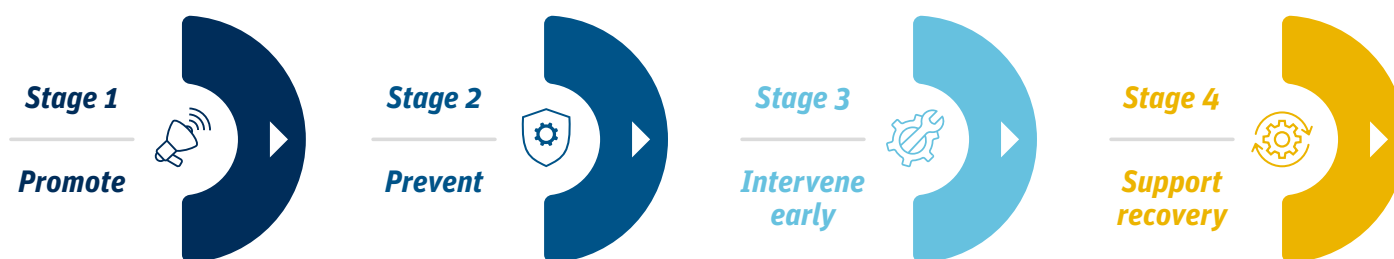
## Local government psychological claims by mechanism and average cost

Work-related harassment/bullying	Work pressure	Other psychological factors	Exposure to workplace or occupational violence	Exposure to traumatic event
				
149	50	24	3	11
\$59,018	\$70,327	\$48,702	\$80,186	\$30,333

## LGIS' psychologically safe program

The program helps members to adopt tertiary, secondary and primary interventions that target all levels within an organisation – individual, leadership, team, and organisation wide.

The program is divided into four main stages:



### Promote

The first step is to build employees capacity to understand mental health issues, develop their own resilience and contribute to mentally health workplaces. By openly talking about and promoting mental health local governments can reduce stigma and build resilience.

### Prevent

Unlike physical hazards, which are present for specific roles, mental health risks exist in every industry and job. The prevention part of the program includes workshops to develop individuals and teams understanding of local government's duty of care requirements, dealing with difficult behaviours and identifying and managing psychosocial hazards.

### Intervene early

Supporting and accommodating employees at the early stages of a mental health issue helps lessen recovery time and reduces their time away from work. Members should consider offering an EAP service to address employees' personal and work-related concerns. LGIS offers three types of intervention services – counselling for workplace issues, mediation to address potentially toxic workplace relationships, and people leader self-harm prevention resources.

### Support recovery

Supporting workers post-injury is critical in influencing successful return-to-work/stay-at-work processes. Along with leadership support and communication with the worker, alignment to an injury management process, and provision of a critical incident debriefing opportunity helps in the recovery. LGIS provides critical incident debriefing when a major incident occurs that impacts workers, and advice/consultancy services during 'high-risk' times.

### More information

For more information on how LGIS' psychologically safe program can support you in creating a mentally healthy workplace contact the People Risk Team at [emma.horsefield@lgiswv.com.au](mailto:emma.horsefield@lgiswv.com.au)



# Cyber threat grows, as profits from crime double in 2023



*Time for local governments to invest in, and review their incident response plan.*

2023 set a new global record with cybercriminals making a staggering \$1.1 billion from ransomware attacks, surpassing the previous year’s total of \$567 million (Chainalysis).

While ransomware payment volume dropped in 2022, the bigger picture from 2019 to 2023 shows that ransomware is becoming a bigger problem. It’s important to note that productivity losses and repair expenses resulting from these attacks aren’t accounted for in these trends.

The Australian Signals Directorate (ASD), Annual Cyber Threat Report 2022/23 provides an Australian context for these global trends. The cybercrime landscape in Australia is changing with a growing prevalence and impact of ransomware attacks. The ASD responded to 127 extortion-related incidents, out of which 118 involved ransomware or other forms of system, file, or account restrictions. Additionally, the ASD notified 158 entities of ransomware activity on their networks, representing a seven percent (7%) increase compared to the previous year.

In the same period the ASD’s Report Cyber received nearly 94,000 reports of cybercrime, reflecting a 23% increase compared to the previous financial year. Overall, the cost of cybercrime to businesses increased by 14% compared to the previous financial year.



### Be prepared with an incident response plan

With cybercrime on the rise, incident response plans are crucial to minimise the impact of cyber-attacks. By being prepared and proactive, members can better protect themselves against ransomware threats and mitigate potential financial and reputational damages.

## Pre-incident response

Internal policies and ransomware playbook	How will you handle a ransomware incident? Think about it before you’re in a cyber crisis. Consider the factors that influence your decision to pay or not. Develop a playbook to guide decisions and response to a cryptocurrency ransom demand.
Know your options	Recognise that as a victim of ransomware you will have three basic approaches to recovery – restore from backup, attempt to break the encryption, and pay the ransom and follow the threat actor’s instructions.
Regulatory implications and potential sanctions	Get external experts - cyber and legal counsel – to provide advice on the potential legal implications of paying a ransom demand to a cyber threat actor, taking into consideration the affected data categories such as personal information, card information, and others.
Impact on cyber protection	Understand your cyber protection regarding paying ransoms, as well as other resulting losses from a ransomware incident. Discuss this with you LGIS account manager.
External expertise	Know how you will use external expertise during a cyber incident. During cyber-attack, time is of the essence, so you should plan how to use external experts in advance. Establish relationships with external experts and understand how to leverage their support to ensure an efficient and effective response to cyber incidents.
Ransom payment	Understand the basics of cryptocurrency. Determine whether your legal counsel or cyber forensics provider will be responsible for managing any potential cryptocurrency transactions on your behalf.



## Post-incident response

<b>Minimise exposure</b>	Choose the most appropriate containment strategy based on the specific incident case. For example, one effective strategy is to isolate the ransomware infection by turning off servers and computers throughout the enterprise. Additionally, consider disabling LAN and Wi-Fi connections or blocking network traffic to prevent further spread.
<b>Contact your protection expert</b>	Local government members should contact Chubb's incident response hotline and LGIS or, if available, contact your existing IT service provider with cyber response capabilities.
<b>Gather evidence</b>	Collect and preserve relevant information that can help in understanding the nature of the incident, identifying the source of the attack, and supporting any legal or investigative actions that may be necessary.
<b>Follow your internal and external guidance</b>	If you have an incident response plan within your workplace, follow one. If your local government has a pre-existing contract with a cyber forensics' provider, consider separate contract arrangements if that provider is to support the ransomware incident.
<b>Evaluate your options</b>	Evaluate your options based on the incident category and the impact on your system. Consider which solution is best for recovering your system. Do you have a clean backup available? Do you have a secondary recovery system in place? Are you able to restore the system and data?
<b>Execution on the ransom payment</b>	Based on your options to restore the system and data, the final decision on whether to pay should be made through careful internal deliberation after sufficient legal advice and cyber forensic technical analysis. If you decide to pay the ransom, confirm with LGIS before making the payment to check if the payment is covered.

### Update internal guidance

Make sure to document what you've learned from the attack, how it happened, and the steps you need to take to prevent it from happening again. Look at your ransomware policy and make any necessary updates. Don't forget to also update your IT disaster recovery plan.

### Bring in external expertise

Engage a cyber defence service provider to perform an 'indicators of compromise' assessment of the entire network. Find and eliminate any remaining malware or associated files or artefacts. Consider using a provider other than the forensics company that supported the response. While discovery and eradication of indicators of compromise is part of the response effort, an independent and comprehensive post-incident assessment will provide additional confidence that ransomware has been eliminated.

### Identify lessons learnt and weaknesses

Address network and system vulnerabilities or gaps identified during the forensic analysis to prevent a repeat attack. Conduct an after-action review and lessons learned (AAR-LL) session with all who were involved in the incident. Capture information on what went well and what did not go well and identify corrective actions to improve the response process for future ransomware events. For each gap or weakness, identify a senior manager or executive to be accountable for the completion of corrective actions.


### Review backup strategy

Review and refresh the data backup strategy, incorporating accepted best practices and lessons learned in the ransomware event. This may require re-architecting the data backup system if it falls short of data security needs.

## Cyber risk program

LGIS recognises the support our members need in this highly complex and technical area, so in 2022/23 we launched our cyber pilot program. The risk program, currently in its second phase, aims to develop guidelines to explain ASD Essential 8 requirements and the implementation steps to achieve compliance with these requirements to the greatest extent possible. In addition to the ASD 8 guide, LGIS will also release an Incident Management Guide to assist members build their own protocols.

Members also have access to Chubb's incident and claims management expertise. The 24/7 hotline is supported by Clyde and Co. who can assist in triage and management of a cyber incident including legal advice, contractor selection and ransomware negotiations.

To have a chat about your cyber risk practices and how to manage them, please get in touch with your LGIS account manager. 

# Denmark's win highlights personal responsibility



***A recent case involving the Shire of Denmark and a tourist turned on whether pea gravel at the bottom of some stairs was an obvious risk and what is the extent of a local government's duty of care in relation to obvious risks.***

This case is also a reminder for members to have a strong system in place for inspecting and maintaining premises, as well as addressing any complaints. Good record-keeping practices are crucial to defending a claim and demonstrating that reasonable steps are made to meet your duty of care.

## The incident

A woman in her 60s slipped on a sloped gravel landing area at the base of stairs, which were maintained by the Shire of Denmark. As a result, she suffered a dislocated and fractured ankle and held the Shire liable for the injury and loss suffered.

The plaintiff claimed for damages arising from personal injuries suffered by her, which occurred while she was descending access steps leading to Black Hole Rock in the Shire of Denmark.

She claimed that her injuries were caused by the negligence and/or breach of duty of care of the Shire to maintain these stairs. The claimant alleged that the Shire of Denmark was negligent as it did not reduce the foreseeable risk of slipping on the sloping gravel area.

She argued that the Shire breached their duty of care by:

- ▶ not installing signage warning users of the risk of slipping on the gravel;
- ▶ allowing gravel to be in the landing area;
- ▶ failing to take adequate precautions to inspect and maintain the stairs; and
- ▶ exposing her to a danger that was reasonably foreseeable.

## LGIS findings

LGIS decided to take the matter to court. During the investigation, it was discovered that the Shire:

- ▶ Was not responsible for the initial construction of the stairs.
- ▶ The Shire conducted regular inspections of the staircase and addressed any maintenance needs. Additionally, it was noted that should anything appear to need repair or attention, ranger services would report this back immediately to the Shire.
- ▶ Kept all historical records which would have identified any previous reports of slips, falls and other injuries from this staircase and noted that since 2010 when this system was implemented, they had received no such reports.







## The outcome

The judge found the Shire was not negligent in circumstances where:

- ▶ The precautions alleged by the claimant that should have been taken by the Shire (inspect for pea gravel daily, prevent pea gravel on landing) were not reasonable or practicable and would've been entirely inconsistent with the natural beauty of the area and the purpose for which access to Black Hole Rock has been provided.
- ▶ The burden of taking such precautions would outweigh the relatively low risk of harm to a person taking reasonable care for their own safety in stepping down from the last step onto the gravel stones on the landing area.
- ▶ The actions taken by the Shire in terms of regular and documented inspection and maintenance mitigated against an adverse finding.
- ▶ The risk of slipping on the gravel on the sloping landing area was obvious to a reasonable person. Consequently, there was no duty on the Shire to warn users of this obvious risk.

Therefore, a reasonable person in the Shire's position would not have taken further precautions against the risk that a person might slip on the gravel at the base of the stairs.

The judge was quite clear that there is no duty upon local government to take precautions against obvious risks in remote, natural areas as the burden to take these precautions greatly outweigh the little risk of harm they pose.

## Lessons from the case:

Although LGIS were able to successfully defend the Shire in this particular claim, there are important lessons to be learned from the judgment in order to enhance the protection of local governments in similar situations.

- ▶ **Regarding obvious risks**, it is not necessary for members of the public to be warned about risks that are readily apparent. However, it is crucial to effectively manage risks that may not be obvious to the public in order to provide adequate warning or protection against potential injury or damage.
- ▶ **In terms of record keeping**, it is essential for local governments to ensure that all activities, including inspections and maintenance, are thoroughly documented. These records should be easily accessible and relevant, and it is important for employees to be trained on proper work processes and incident reporting procedures. This will help facilitate effective management and oversight of operations.

For more information on how LGIS can support members in identifying and managing their liability exposures contact the Liability Risk team. ▼







# Social wellbeing for a healthy and happy workforce

*The relationships we build at work play a crucial role in our overall wellbeing. Social connections in the workplace can boost mental wellbeing, job contentment, and productivity of employees.*



The concept of social connection refers to feeling that you belong to a group and generally feel close to other people. Scientific evidence strongly suggests that this is a core psychological need, essential to feeling satisfied with your life. Given that many people spend nearly eight hours a day at work, it's vital that staff have a sense of belonging in the workplace.

## The benefits of social connection in the workplace

### Reduce stress

Creating a supportive and inclusive workplace culture, can help reduce stress levels and promote mental wellbeing among their staff. When employees feel supported and connected to their colleagues, they are more likely to have a sense of belonging and experience lower levels of anxiety and depression.

### Boost teamwork and collaboration

When employees have positive relationships with their colleagues, they are more likely to communicate effectively, share knowledge, and work together towards common goals. This leads to improved teamwork, innovation, and better problem-solving capabilities within the organisation.

### Reduce internal conflict

An environment of dignity, respect, and civility in the workplace fosters a sense of connection and support among individuals. Additionally, it plays a significant role in mitigating psychosocial risks like bullying, sexual harassment, and unhealthy conflict.

### Improve employee engagement and job satisfaction

Social connections at work can provide a sense of purpose and fulfilment, leading to higher levels of job satisfaction. Employees who are satisfied with their work are more likely to stay with the organisation, reducing attrition rates and the associated costs of recruitment and training.

### Improve overall health and wellbeing

Social connection has been shown to have a positive impact on physical health, reducing the risk of chronic diseases and promoting a healthier lifestyle. By creating a supportive and inclusive work environment, members can encourage their staff to engage in healthy behaviours, such as exercise, healthy eating, and stress management. This, in turn, leads to reduced absenteeism, lower healthcare costs, and improved overall wellbeing.

Promoting social wellbeing initiatives in the workplace is essential for creating a healthy and happy workforce.

## Looking for ideas to improve social connection?

The LGIS Health and Wellbeing Program is encouraging members to get involved in the Cancer Council's 'Australia's Biggest Morning Tea' in May and June. It's a great opportunity to foster social connection and contribute to a cause. Working together towards a cause is an excellent way of building connection across an organisation.

We also have a range of services and resources to support members in developing social connection initiatives. For more information, please get in touch with our WorkCare Services Manager, James Larkin on 0419 355 943 or email [health@lgiswa.com.au](mailto:health@lgiswa.com.au)





## ASK AN EXPERT

**KATHERINE KEMPIN**

Senior People Risk Consultant at LGIS

Katherine is Senior People Risk Consultant at LGIS and provides a variety of professional health and safety advice and support services to local governments in Western Australia. Her role involves liaising with members on work health and safety matters to identify areas of concern and tailor functional solutions for effective risk management, legislative compliance and ultimately harm prevention

## “What are psychosocial hazards and how can local governments manage them in the workplace?”

**The Work Health and Safety Act 2020 (WA) explicitly addresses psychological injury and the management of the psychosocial hazards that may cause them. For many members these are unfamiliar terms and concepts and LGIS has received plenty of questions about them.**

Put simply psychosocial hazards are anything in the workplace that may cause psychological harm. Examples of psychosocial hazards include:

- ▶ Excessive work demands
- ▶ Unhealthy workplace relationships
- ▶ Excessive emotional demands
- ▶ Low job control
- ▶ Poor organisational justice
- ▶ Poor recognition and reward

### How to get started – managing psychosocial hazards.

The first step is to adopt a risk management approach (RMA) – it's the same technique used for physical hazards. An RMA is a tool to identify and address the causal factors and systematic issues that may exist in the workplace. It can be done at individual, team, and organisational levels.

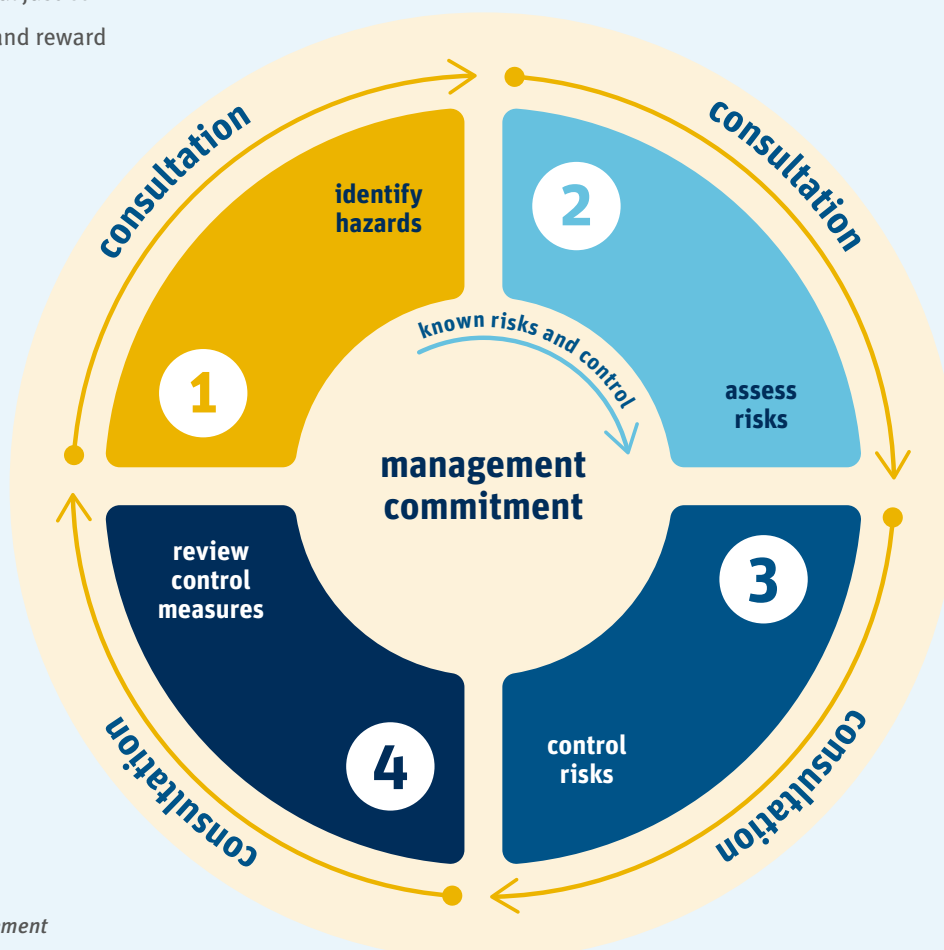
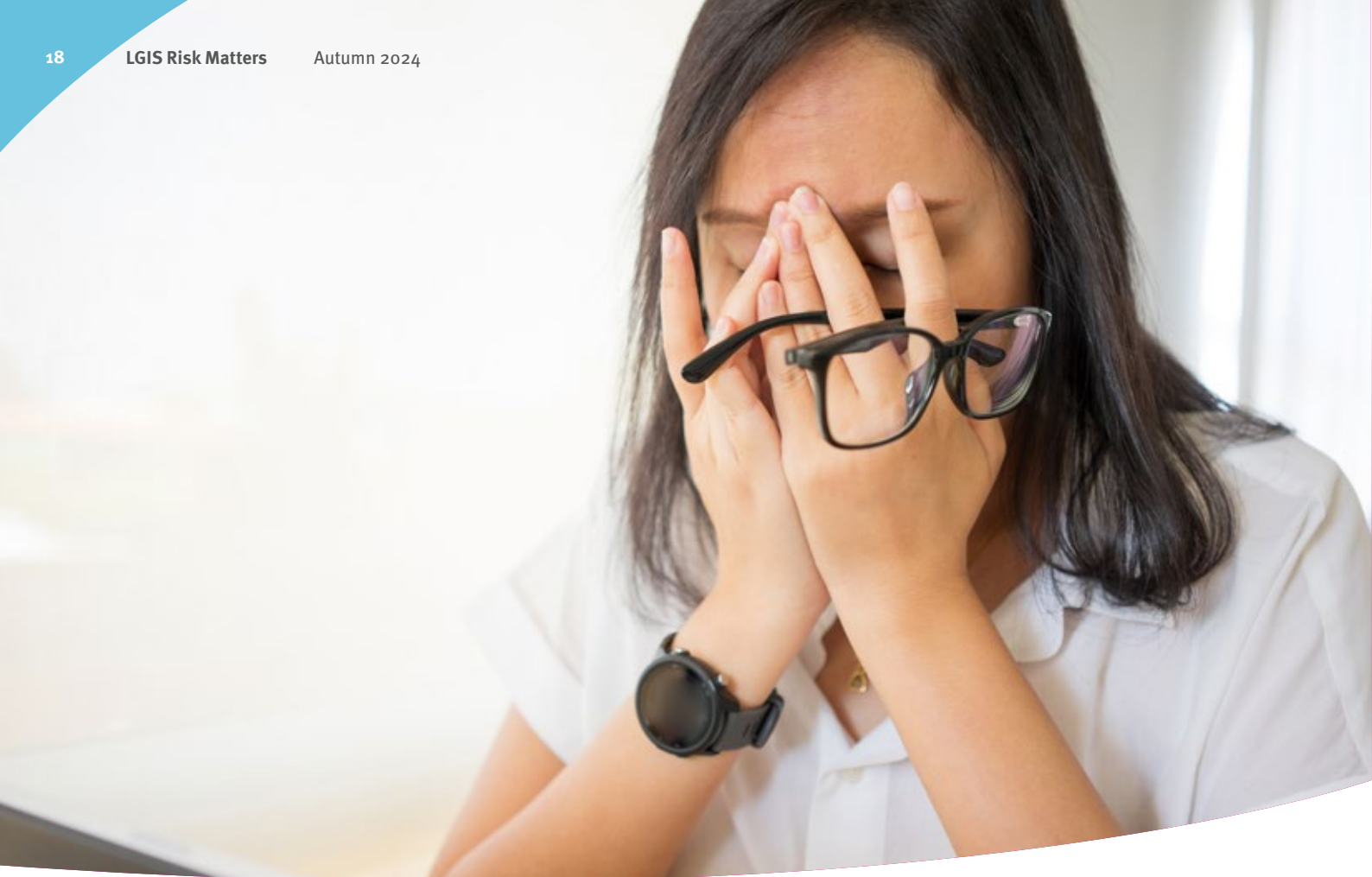


DIAGRAM: Risk management approach process



## Step 1 – Identify

This step has three elements – preparation, data, and consultation. Preparation could consider who needs to participate, confidentiality and any reference material that may be needed. The data element may look at the information that's already available, incident reports, complaints, absenteeism rates, turnover, survey results, direct observation, workplace change and previous assessments. The last part, consultation, incorporates focus groups, staff surveys or individual interviews.

## Step 2 – Assess the risk

Once the hazards have been identified it's time to assess them. What is the likelihood and severity of injury/harm occurring due to the identified hazard/risk? This is where a risk matrix tool will help identify whether there is a low to extreme risk and the potential consequences from insignificant to catastrophic.

Be prepared to answer questions like who might be impacted by the risk/hazard, what is causing the hazard, what is the duration and frequency of exposure and how urgently is an action required.

## Step 3 – Control risks (hierarchy of control)

Now that you've worked out which risks are most serious and have the potential to cause the most harm it's time to look at implementing controls. The hierarchy of controls model provides guidance on the three levels of control. In a perfect world all hazards will be eliminated, and every effort should be made to do this if it is reasonably practicable to do so. Where this is not possible then controls should be implemented to reduce the harm the hazard may cause if workers were to be exposed to it.

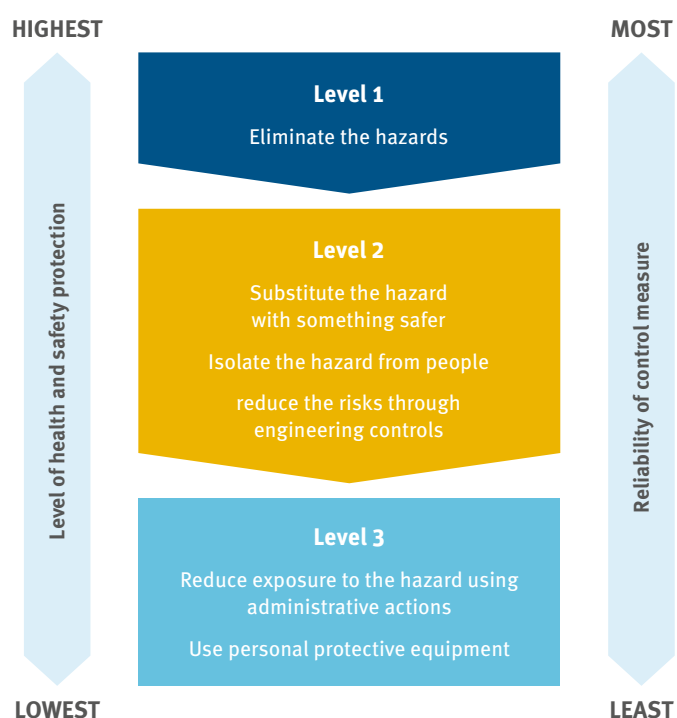


DIAGRAM: Hierarchy of controls

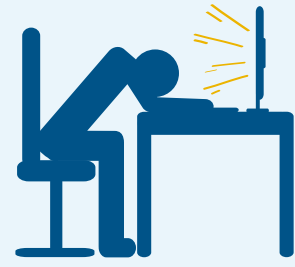
## Step 4 – Review the control measures

The last step is one that's often forgotten, but it's equally important as the other three. Often a control may be implemented and have unintended consequences or even cause new hazards. Identify which controls are working, and which ones need to be improved due to not being as effective as possible.



# Case study – a stressed finance team

**Let's apply a risk management approach to this case study.**



*The workers in the finance department at the Shire of Westralia, are responsible for managing the financial operations and budgets of various departments and programs.*

*Lately, the department has faced several challenges – a long term employee with lots of knowledge has retired and the Shire is struggling to find a replacement, and the Office of the Auditor General (OAG) will be auditing them in three months.*

*The workers must meet strict deadlines and ensure accuracy in financial reporting. There are few resources and support, limited training opportunities, and outdated technology.*

*Workers often find themselves working long hours and experiencing high levels of stress to keep up with the demands of their roles.*

## Step 1: Identify

The Safety Officer works with the Deputy CEO, and reviews WorkSafe WA's regulations on psychosocial hazards and calls the LGIS People Risk Team for advice on how to get started. They ensure confidentiality and decide to do one-on-one interviews with members of the finance team, look at complaints, review role descriptions, study leave rates, and consider recent changes in the workplace.

Through this process they identify the following hazards:

- ▶ High/excessive job demands
- ▶ Low levels of control, that is staff feel like they don't have a lot of say around how/when they do their work
- ▶ Inadequate support both emotionally and practically
- ▶ Poor organisational change management, lack of support and planning with the retirement of long-serving staff member.

## Step 2: Assess the risk

The first hazard they assess is 'high/excessive work demands'. They use a risk matrix to determine the severity of the risk. It's decided that since staff are already reporting high work demands that the likelihood is 'almost certain'. Staff have said that they've been feeling like this for about four weeks and that the OAG audit will increase the workload. The consequence is ranked as 'Moderate' – indicating that staff may experience stress which could impact their overall wellbeing both physical and psychological. Ultimately, this a 'High' risk hazard.

## Step 3: Control the risk

It's a priority to address this psychosocial hazard given its risk rating. The Safety Officer and Deputy CEO consider a variety of organisational and risk minimisation controls. They decide that they will:

### Organisational controls

- ▶ Review job design so that workload is manageable and evenly distributed.
- ▶ Review job design so that tasks are realistically achievable
- ▶ Plan to provide adequate resources

### Risk minimisation control measures

- ▶ Promote self-care and positive mental health practices during peak periods
- ▶ Provide workers with sufficient breaks and self-care time
- ▶ Encourage them to use leave entitlements after high-demand periods
- ▶ Talk to workers and explore how the risk can be reduced or work delivery improved to avoid overload.
- ▶ Notice signs that workers are struggling and intervene early. This could include EAP counselling, changing the tasks the person must complete...etc.
- ▶ Training and develop workers to increase efficiencies and competencies.

## Step 4: Review the control measures

The Safety Officer and Deputy CEO agree to review the control measures in two months. They aim to immediately implement some measures to reduce overload and then implement more longer-term controls such as training to develop efficiency and competencies.

**For more information on how to adopt a risk management approach, please get in touch with our People Risk Manager, Emma Horsefield at [emma.horsefield@lgiswa.com.au](mailto:emma.horsefield@lgiswa.com.au) or 0407 957 932.**



## ASK AN EXPERT



### UDAM WICKREMARATNE

*Portfolio Manager - Liability and Property*

Udam has nearly 20 years' experience in insurance and risk management. Since joining LGIS, he has worked with WA local governments specialising in risk management and has served as account manager to a number of Scheme members. Udam now manages the Property and Liability portfolios of your Scheme. In this role, Udam is responsible for coverage, claims strategy, pricing and (re)insurance purchased by the Scheme to protect members.

## “The use of e-scooters and bikes is on the rise. How can local governments manage the growing risk of their assets being exposed to a lithium-ion battery fire?”



*Members have been asking ‘How do we manage the use and charging of e-scooter and bikes (micro-mobility)?’. Charging stations and facilities have already been made available by some members while others are considering the potential benefits.*

Micro-mobility options are powered by lithium-ion batteries which pose a serious safety risk for people and property alike if not stored, maintained, and recycled/disposed of properly.

In March this year, Australia record the first fatality from a lithium-ion (Li-ion) battery house fire; and by April 2024 there had been 1,000 lithium-ion battery fires nationally in the past 15 months. As the pace of e-mobility devices speeds up so does the risk of associated fires, so it's vital that asset managers act now to reduce the hazard. From a WA perspective the Department of Fire and Emergency Services reported a doubling of lithium-ion battery fires in 2023.

A glimpse of the future can be seen in the UK which is far ahead of WA and Australia with e-mobility usage. In 2023, the London Fire Brigade attended an Li-ion fire incident every two days (on average). From 2020 to 2023 e-mobility usage exploded in the UK leading to a corresponding 300% increase in fires from the same devices.

### Managing the risks – a practical approach

LGIS recommends that all members read the London Fire Brigade's 'Safety Guidance Note GN103: charging and storage for electric power personal vehicles. It covers premises management, safe charging, and storage. This advice should be considered in addition to the guide LGIS previously provided to members on the risks of EV charging stations and location selection.

Members should educate their staff, visitors, and users of their premises about the risks involved to promote responsible use.

### Safe charging and storage recommendations

- ▶ Locate storage and charging facilities so that a fire cannot obstruct escape from the building.
- ▶ Ensure ground-level entry is available, so firefighters can get direct access from the fire engine parking location, and providing premises information and signage.
- ▶ Basement charging and storage may need upgraded smoke control and sprinkler systems.
- ▶ Install an automatically openable vent linked to the fire detector and water-based fire suppression if not already in place.
- ▶ Ensure a means of raising the fire alarm is in place along with smoke detectors.
- ▶ Ensure external isolation of electrical power for the storage/charging room is provided and clearly signposted.
- ▶ Consider the implications of possible high-temperature fires on the building structure.
- ▶ Consider how water run-off and contaminated water will be handled as fighting Li-ion fires often involves considerable amounts of water.
- ▶ Consider additional issues including the location of gas intake pipes.







## Managing premises

- ▶ Consider policies restricting e-cycle and e-scooter battery charging on the premises, but not restricting access or storage. This may be a particularly appropriate approach where these devices are less likely to be parked overnight and are more likely to be stored in a lower-risk parking facility during working hours if employees are using them for commuting purposes.
- ▶ General policies restricting the storage of e-cycles, e-scooters and similar items in common areas, stairwells and other fire escape routes should be fully implemented and monitored.
- ▶ If secure and safe cycle storage and charging provisions exist, users should be strongly encouraged to leave batteries in place on e-cycles and charge them there, rather than removing the battery and charging at their desks or common areas.
- ▶ If there is shared access to the storage and charging area, staff/ visitors may be concerned about theft of batteries and/ or chargers, even if the cycle itself can be securely locked. This might lead them to remove batteries and charge them elsewhere. One solution to address this would be to provide secure battery charging lockers in or near the storage area (with a mains socket in each locker). Any such lockers should be specifically designed for e-cycle/e-scooter battery charging, be clearly labelled and installation should ideally include automatic ventilation to the outside.
- ▶ It should be made clear that damaged lithium batteries are a particularly high fire risk and should not be brought onto the premises.
- ▶ In most cases, e-cycles have more than adequate range for commuting journeys without requiring regular charging at the workplace.

## Recycling and disposal of lithium-ion batteries

The Australian Competition and Consumer Commission (ACCC) estimates that Australian households will have an average 33 items with lithium-ion batteries by 2026. Batteries disposed of in kerbside bins can cause fires in collection trucks, at recycling facilities or in landfill. According to the Australian Council of Recycling (ACOR), at least three Li-ion fires in recycling streams every day, but the real number of blazes is suspected to be much higher.

LGIS claims are full of examples of damage caused to waste trucks and near-misses arising from emergency load disposal, known in the industry as 'hot loads'. Members should fit automatic fire suppression in vehicles and build emergency response guides for all operators.

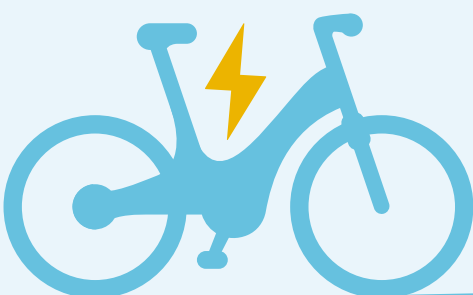
In 2022, a recycling facility in the Australian Capital Territory (ACT) was destroyed with an estimated \$20M worth of damage, which may not include the additional costs of alternative processing or landfill gate fees. Members need to focus on physical premises controls; developing a standard for handling, including appropriate collection stations.

Through the national Battery Product Stewardship Scheme (B-cycle) there are increased options for the community to recycle batteries, such as at Coles, Woolworths, Aldi, Bunnings and OfficeWorks. These collection points, in addition to local government collection sites, aim to minimise collection risk.

The coming electronic waste (e-waste) landfill ban may increase public awareness of correct battery disposal; not in kerbside bins. Collection facilities for e-waste or batteries should consider the storage and placement of them within their landfill/transfer station. The Department of Water and Environmental Regulation (DWER) license should also be reviewed to make sure batteries are included. In the same way that highly flammable items are carefully managed, members need to consider the real risk of spontaneous combustion and spread of fire.

Even a small Li-ion fire can engulf an entire room in two to three minutes. These fires tend to escalate quickly and are very difficult to extinguish; they present a high risk of property damage or injuries – consider this risk in a landfill setting with combustibles and nearby vegetation.

**For more information on managing motor fleet risk contact the LGIS Risk Team.** [▼](#)





# Where we've been

## New workers compensation act roadshow – West Leederville, Albany and Rockingham

LGIS, together with WorkCover WA and legal partners Mills Oakley and Moray & Agnew have delivered four sector specific information sessions on the new *Workers Compensation and Injury Management Act (2023) WA*. Over 130 local government officers have attended these events learning about the biggest changes to workers' compensation in 43 years. The sessions have covered key areas including liability decisions and provisional payments, psychological injury provisions, increased medical expenses/entitlements, tougher settlement process, and a focus on return to work.

A big thank you to the City of Albany, City of Rockingham, City of Stirling, and Shire of Dandaragan for hosting these sessions.

Register for the next sessions:

- ▶ Shire of Dandaragan Tuesday, 21 May 2024
- ▶ Zoom webinar Friday, 7 June 2024

Visit the LGIS events page (Resources > Events) at [www.lgiswa.com.au](http://www.lgiswa.com.au) ▼







The first session on Friday 9 February, 2024 featured speakers (left to right) Carrisa Chung, Portfolio Manager WorkCare, LGIS; Chris White, CEO WorkCover WA; James Sheridan CEO, LGIS; Mark Civitella, Partner Mills Oakley; and Rebecca Harris, General Manager Regulatory Services, WorkCover WA



## Save the Date

**2024 LGIS Local Government Golf Tournament**  
Thursday 22 and Friday 23 August

Hosted by the Shire of Wandering  
at the Wandering Golf Club

Register your interest at:  
[reception@wandering.wa.gov.au](mailto:reception@wandering.wa.gov.au)





[lgiswa.com.au](http://lgiswa.com.au)

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