



NOTICE OF MEETING

Dear President and Councillors,

I advise that the Ordinary Meeting of Council will be held in the Council Chamber, Home Island on Wednesday, 29 August 2018 commencing at 4.00pm.

Andrea Selvey
Chief Executive Officer

COUNCILLORS PLEASE NOTE:

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations which have not yet been adopted by Council.

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Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the Shire during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (Copyright Act 1968, as amended) and the express permission of the copyright owner(s) should be sought prior to the reproduction.

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1. OPENING/ANNOUNCEMENTS OF VISITORS

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

In accordance with section 5.24(1) (a) of the Local Government Act 1995, time is allocated for questions to be raised by members of the public, as follows:

(1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.

(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Pursuant to regulation 7(4) (a) of the Local Government (Administration) Regulations 1996, questions from the public must relate to a matter affecting the local government.

In accordance with section 5.25 (1) (f) of the Local Government Act 1995 and the Local Government (Administration) Regulations 1996 regulation 11(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of the meeting.

Where a question is taken on notice at the meeting, a summary of the response to the question will be included in the agenda for the following Council meeting.

5. LEAVE OF ABSENCE

The Local Government Act 1995 (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council. Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for leave of absence.

5.1 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Councillor	Date of Leave	Approved by Council
Noor Anthony	25 July-29 August 2018	25 July 2018
Jan Young	29 August-25 October 2018	25 July 2018

5.2 APPLICATION FOR LEAVE OF ABSENCE**6. PETITIONS/DEPUTATIONS/PRESENTATIONS****7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****Recommendation**

That the minutes of the Ordinary Meeting of Council held on 25 July 2018 be confirmed as a TRUE and CORRECT RECORD.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS**9. DECLARATION OF INTERESTS****10. REPORT AND RECOMMENDATIONS OF COMMITTEE**

10.1 FINANCE

10.1/F1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDING 30 JUNE 2018

Report Information

Date: 24 August 2018
 Applicant: Shire of Cocos (Keeling) Islands
 Location: N/A
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Deputy Chief Executive Officer
 Island: Shire wide
 Attachments: Statement of Financial Activity with accompanying notes

AUTHORITY / DISCRETION

Definitions

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Recommendation

That the Financial Statements for the period 1st of July 2017 to 30th of June 2018 be RECEIVED.

Report Purpose

To inform Council of the financial position of the Shire at 30 June 2018 in compliance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996.

Relevant Documents

Available for viewing at the meeting

Nil

Background

The Monthly Financial Statements for the period 1st July 2017 to 30th June 2018 are presented for consideration.

Comment

The Monthly Financial Report is prepared in accordance with the requirements of the Local Government Act 1995 and Local Government (Financial Management) Regulations.

A statement of Financial Activity with accompanying notes is attached for the period 1 July 2017 to 30 June 2018.

Policy and Legislative Implications

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires all Local Governments to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure for the month in question.

Financial Management Regulation 34 also requires this statement to be accompanied by:-

- a. An explanation of the composition of the net current assets, less committal assets and restricted assets;
- b. An explanation of material variances; and
- c. Such supporting information that is relevant to the Local Government

Financial Implications

Nil

Strategic Implications

Nil

Conclusion

That the financial statements for the period 1st of July 2017 to 30th June 2018 be received.

10.1/F2 SCHEDULE OF ACCOUNTS PAID FOR PERIOD 1ST JULY 2018 TO 31TH JULY 2018

Report Information

Date: 24 August 2018
 Applicant: Shire of Cocos (Keeling) Islands
 Location: N/A
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Senior Finance Officer
 Island: Shire wide
 Attachments: Master Card
 Schedule of accounts paid

AUTHORITY / DISCRETION

Definitions

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<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Recommendation

That the list showing all accounts paid between 1/07/18 to 31/07/18, inclusive of Municipal Cheque number 11519 to 11522, Trust Cheque number 70, EFT 5970 to EFT 6017, Direct Debit Superannuation & MasterCard Payments: totaling \$266,377.39 be RECEIVED.

Report Purpose

To inform Council of funds disbursed for the period 1st July 2018 – 31st July 2018

Relevant Documents

Available for viewing at the meeting

Nil

Background

A list of accounts paid between 1st and 31st July 2018 is attached.

Comment

The schedule of accounts paid is submitted in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996.

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Conclusion

That council receives the list stating all accounts paid for July 2018.

10.1/F3 ADOPTION OF 2018/2019 MUNICIPAL FUND BUDGET AND RELEVANT DOCUMENTS

Report Information

Date: 24 August 2018
 Applicant: Shire of Cocos (Keeling) Islands
 Location: N/A
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Deputy Chief Executive Officer
 Island: Shire wide
 Attachments: 2018/2019 Statutory Budget
 2018/2019 Schedule of Fees & Charges
 Capex 18.19 Final
 Plant Replacement Program 18.19

Authority / Discretion

Definitions

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<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Recommendations

1. MUNICIPAL FUND BUDGET FOR 2018/2019

That Council **ADOPTS** the 2018/2019 Municipal Fund Budget for the Shire of Cocos (Keeling) Islands which includes the following:

- Statement of Comprehensive Income by Nature or Type showing a net result for the year of (\$1,326,594) on page 2

- Statement of Comprehensive Income by Program showing a net result for the year of (\$1,326,594) on page 4
- Statement of Cash Flows on page 6
- Rate Setting Statement showing amount to be raised from rates of \$400,102 on page 7
- Notes to and Forming Part of the Budget on pages 8 to 21
- Transfers to / from Reserve Accounts as detailed on page 17

N.B. ABSOLUTE MAJORITY REQUIRED

2. GENERAL RATE AND MINIMUM PAYMENTS

That Council IMPOSES the 2018/2019 general rates and minimum payments as follow:-

RATING CATEGORY	PROPOSED RATE IN \$	PROPOSED MINIMUM RATE
GRV General Developed	.1106	\$690
GRV Undeveloped	.2185	\$805
GRV Business	.1158	\$690
GRV Holiday Accommodation	.1623	\$690

N.B. ABSOLUTE MAJORITY REQUIRED

3. PAYMENT OPTIONS

That Council ADOPTS the following payment options for the payment of rates & domestic refuse charge:

a. One Instalment

Payment in full by 17th of October 2018

b. Four Instalments

1st quarterly instalment due date 17th of October 2018

2nd quarterly instalment due date 2nd of January 2019

3rd quarterly instalment due date 27th of February 2019

4th quarterly instalment due date 24th of April 2019

N.B ABSOLUTE MAJORITY REQUIRED

4. INSTALMENT ADMINISTRATION FEE

That Council ADOPTS an instalment administration charge where the owner has elected to pay rates (and service charges) by way of an instalment option of \$5 for each instalment after the initial instalment is paid.

N.B ABSOLUTE MAJORITY REQUIRED

5. INSTALMENT INTEREST CHARGES

That Council **ADOPTS** an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.

N.B ABSOLUTE MAJORITY REQUIRED

6. LATE PAYMENT PENALTY INTEREST

That Council **ADOPTS** an interest rate of 11% per annum

N.B ABSOLUTE MAJORITY REQUIRED

7. 2018/2019 SCHEDULE OF FEES AND CHARGES

That Council **ADOPTS** the 2018/2019 Schedule of Fees and Charges

N.B ABSOLUTE MAJORITY REQUIRED

8. MATERIAL VARIANCE REPORTING FOR 2018/2019

That Council **ADOPTS** the level for reporting material variances in monthly financial statements in 2018/2019 as 10% or \$20,000 whichever is the greater.

Report Purpose

To consider and adopt the 2018/2019 Municipal Budget and supporting schedules in accordance with Section 6.2(1) of the Local Government Act 1995. The report includes the setting of municipal fund rates, adoption of fees and charges and other matters arising from the budget papers.

Relevant Documents

Available for viewing at the meeting

Nil

Background

The 2018/2019 municipal budget is being presented to Council for adoption.

Comment

The format for Adoption of 2018/2019 Budget is as follows;

1. Adoption of Municipal fund budget for 2018/2019
2. Adoption of General Rates and Minimum Payments
3. Adoption of Payment Options
4. Adoption of Instalment Administration Fee
5. Adoption of Instalment Interest Charges

6. Adoption of Late Payment Penalty Interest
7. Adoption of 2018/2019 Schedule of Fees and Charges
8. Adoption of Material Variance Reporting

Policy and Legislative Implications

Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996 state that every Local Government is to prepare and adopt an annual budget.

Sections 6.32, 6.34, 6.35, 6.37 and 6.38 of the Local Government Act 1995 and Regulation 54 of the Local Government (Financial Management) Regulations 1996 provide Council with the power to impose rates and service charges.

Sections 6.45 and 6.50 of the Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996 provide Council with the power to adopt options for payments of rates or service charges.

Regulation 68 of the Local Government (Financial Management) Regulations 1996 provides Council with the power to impose interest on payment by instalment.

Sections 6.13 and 6.51 of the Local Government Act 1995 and Regulation 19(A) and 70 of the Local Government (Financial Management) Regulations 1996 provide Council with the power to impose interest on overdue amounts owing to the Shire.

Section 6.49 of the Local Government Act 1995 provides Council with the power to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

Section 6.16 of the Local Government Act 1995 provides Council with the power to impose fees and charges.

Section 6.11 of the Local Government Act 1995 and Regulations 17 and 27(h) of the Local Government (Financial Management) Regulations 1996 provide Council with the power to establish and maintain reserve accounts.

Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality require the Council to adopt a percentage or value to be used in statements of financial activity for reporting material variances.

Financial Implications

The annual budget provides the Shire with the approval to undertake all of its planned activities in the 2018/2019 financial year.

Strategic Implications

Outcome 2.1 of the Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 - 2026 – Appropriate, well maintained community facilities.

Conclusion

The report submits the Shire's 2018/2019 Annual Budget for adoption as required under Section 6.2 of the *Local Government Act 1995*.

10.2 LEASES

Nil.

10.3 PLANNING/BUILDING

10.3/PB1 RETROSPECTIVE DEVELOPMENT APPROVAL APPLICATION - HASH HOUSE HARRIERS COCOS ISLANDS SOUTH END WEST ISLAND BOAT RAMP LIGHT POLE

Report Information

Date: 23 August 2018
 Applicant: Hash House Harriers – Cocos Islands
 Location: Part Lot 100 West Island
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Deputy Chief Executive Officer
 Island: West Island
 Attachments: Application Development Approval – Hash House Harriers Cocos Islands West Island Boat Ramp

Authority / Discretion

Definitions

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<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Recommendation

That the Council approves the retrospective Development Approval application subject to;

1. The applicant providing adequate information regarding construction materials to satisfy the Council that the facility complies with the Building Code of Australia and any other relevant standard.

ADVICE NOTE

The applicant is advised that the local government will not be responsible for the on-going maintenance of the facility.

Report Purpose

For Council to consider the application for retrospective Development Approval by Hash House Harriers Cocos Island for the construction of a light pole near the South End boat ramp on West Island.

Relevant Documents

Available for viewing at the meeting

Nil

Background

The Hash House Harriers have submitted an Application for Development Approval (DA) for the construction of a light pole near the South End boat ramp on West Island. The purpose of the light is to facilitate the use of the jetty after dark. The light pole will be solar powered thus avoiding the need for connection to the grid.

Comment

LOCATION

The subject land is located on part of Lot 100 on West Island of the Cocos (Keeling) Islands Shire. The location is immediately South of the Island's yacht club.

Figure 1 provides a location plan to demonstrate the relationship of the subject land to the West Island and the airport runway – seen on the on the left side of the figure.

FIGURE 1 – LOCATION PLAN



Source: Department of Planning, Heritage and Lands, Shire, Planwest

LAND DESCRIPTION

According to Landgate information, the subject land forms part of Lot 100 Plan 018500 on Air Force Road. This lot appears to cover the whole of the West Island, with this portion measuring nearly 30 hectares.

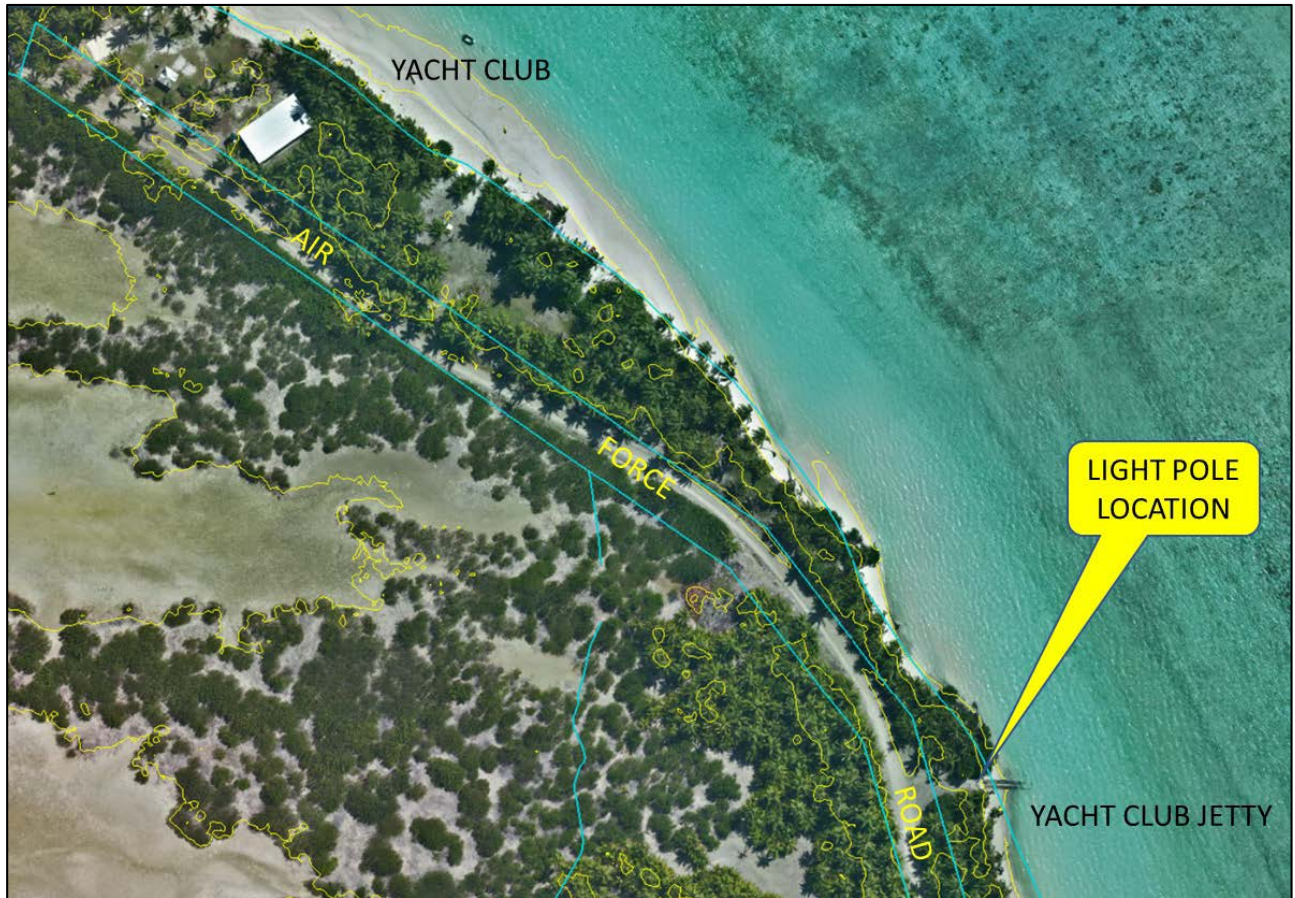
As the Council controls all non-private land in the Shire, the Chief Executive Officer has signed the Development Approval application form on behalf of the owner.

EXISTING AND SURROUNDING LAND USE

The existing use of the land is mostly natural with beaches and palm trees dominating. This portion of the land area is used for the South End boat ramp.

Figure 2 provides an aerial photograph of this area showing the proximity of the existing south end boat ramp to the yacht club shed.

FIGURE 2 – AERIAL PHOTOGRAPH



Source: Google Earth, Planwest

PROPOSAL

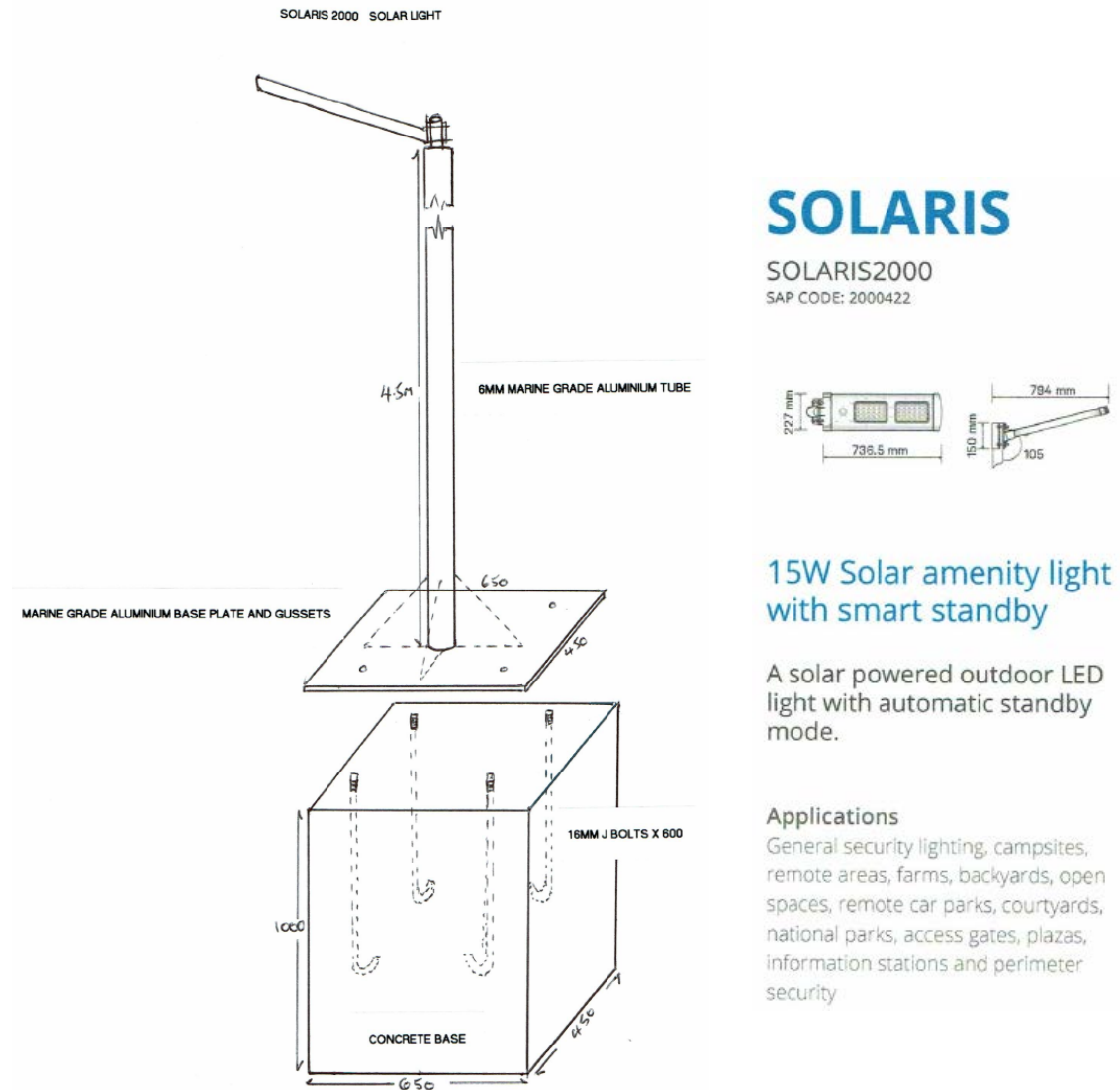
DEVELOPMENT AND USE

The proposed development consists of a solar LED light mounted on a 4.5 metre aluminium tube. The tube is to be secured on a concrete base

The light itself will be about 800mm on an angle of 105 degrees from the vertical. The internal battery has the capacity to run for 3 nights from full charge and will emit 15 watts.

An extract from the application sketch is shown in **Figure 3** overleaf.

FIGURE 3 – EXTRACT FROM APPLICATION



Source: Hash House Harriers

ACCESS

Access to the facility will only be maintained from Air Force Road and will not impact any other operation or facility.

Policy and Legislative Implications

SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING STRATEGY

The Council has not yet adopted a Local Planning Strategy.

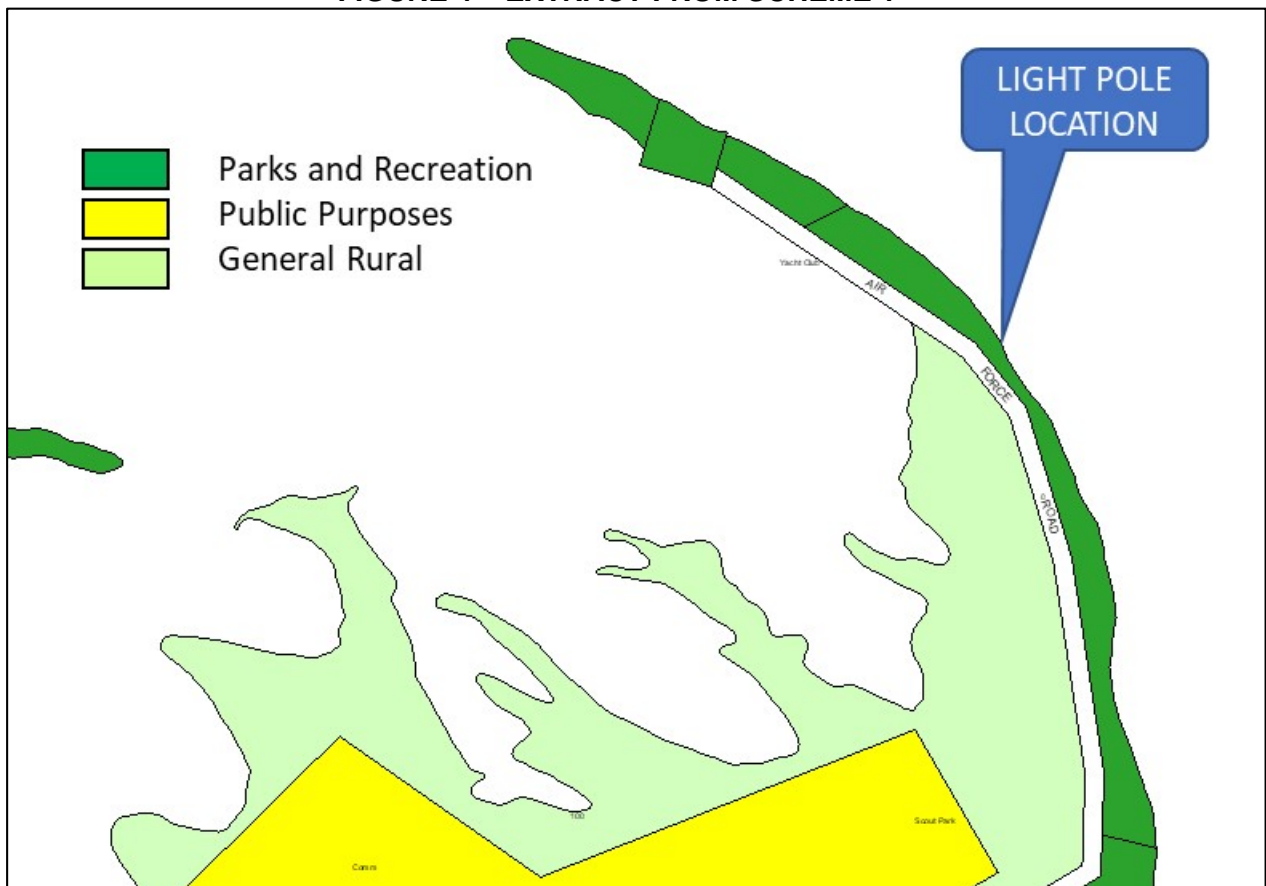
SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO 1

The Council has recently completed an omnibus amendment to the Scheme and is currently considering its options for reviewing the Scheme.

EXISTING ZONING

The subject land is designated as a local scheme reserve for ‘Parks and Recreation’ in the existing Scheme. **Figure 4** shows an extract from the existing Scheme map showing the adjoining properties on the east side of Air Force Road also designated for ‘Parks and Recreation’.

FIGURE 4 – EXTRACT FROM SCHEME 1



Source: DPLH, Planwest

OTHER SCHEME PROVISIONS

There are no other Scheme provisions that impact this proposal.

DEVELOPMENT APPROVAL

Clause 2.1.2 of the Scheme says that

A person or body shall not use or commence or carry out development on land or within a waterway reserved under this Scheme without first applying for and obtaining development approval of the local government. In determining an application for development approval the local government shall have regard to:

- (a) the matters set out in Part 9 of the deemed provisions.*
- (b) the ultimate purpose intended for the reserve.*

Financial Implications

Nil

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 -2026 Outcome 2.1.1
Maximise usage of current facilities.

Conclusion

The development proposed is consistent with the ultimate purpose of the land, is of a minor nature and does not impact the amenity of any surrounding area.

10.4 ADMINISTRATION

10.4/A1 DRAFT DRUG AND ALCOHOL POLICY

Report Information

Date: 23 August 2018
 Applicant: Shire of Cocos (Keeling) Islands
 Location: N/A
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: Draft Shire of Cocos (Keeling) Islands Drug and Alcohol Policy.

Authority / Discretion

Definitions

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	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

Recommendation

That Council, by Simple Majority, pursuant to s.2.7 of the *Local Government Act 1995*, RESOLVES to adopt the Shire of Cocos (Keeling) Islands Drug and Alcohol Policy.

Report Purpose

To present a draft Drug and Alcohol Policy for Council consideration with a recommendation that Council adopts the policy as presented.

Relevant Documents

Available for viewing at the meeting

Nil

Background

Maintaining a safe working environment for employees and to ensure service delivery is carried out in a risk-free and professional manner is of paramount importance to the Shire. Drug and alcohol abuse is one area of risk to any organisation and therefore drug and alcohol testing is now a standard practice in all tiers of government and in the private sector.

Comment

A sound policy framework is required prior to implementing drug and alcohol testing to ensure all stakeholders (employees, contactors, sub-contractors, volunteers etc.) are fully aware of the Shire's position on drug and alcohol use within the workplace and the ramifications of actions contrary to that position.

The draft policy that is presented to Council recognises that it is important to develop a workplace culture, through awareness and training where employees are prepared to encourage each other to be safe and fit for work.

All employees shall be familiarised with this Policy and the Drug and Alcohol Procedure upon commencement of employment and annually thereafter.

The draft policy has been discussed with the Shire's insurer, LGIS. While it is not mandatory to adopt a drug and alcohol policy for insurance purposes, it is certainly recommended by LGIS as part of an overall commitment to OSH and LGIS will offer advice in implementing the policy.

Policy and Legislative Implications

Australian/New Zealand Standard AS/NZS 4308:2008

Australian Standard 4760-2006.

Australian Standard AS 3547-1997

Financial Implications

Implementing this policy via period random drug and alcohol tests is estimated to cost \$2150 per annum (\$50per test). Funding to cover the operational cost of implementing this policy has been included in the 2018/19 budget.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 -2026 Outcome 4.1.2 Continue to improve organisational planning.

Conclusion

The officer's recommendation is that Council adopts the Drug and Alcohol as presented to provide a formal written structure for implementing drug and alcohol testing. It should be noted that all policies are reviewed regularly and presented to Council following each review for further consideration. Therefore any adjustments or refining of the policy will occur as required once the policy is implemented and tested in the working environment.

11. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL

13. MATTERS BEHIND CLOSED DOORS

A report is confidential under Section 5.23 (2) of the Local Government Act 1995.

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following—
- (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,

14. CLOSURE OF BUSINESS