



MAJU PULU KITA | ADVANCE OUR ISLANDS

Shire of  
Cocos Keeling Islands  
**POLICY MANUAL**  
Last Updated August 2023

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## POLICY MANUAL – INTRODUCTION

### **DEFINITION: Policy: “A course or principle of action”**

Section 2.7 of the *Local Government Act 1995 (WA) (CKI)* prescribes part of the role of a Council is to “determine the local government’s policies”. The Act does not define the term “policy” and hence, for the purpose of the Shire of Cocos (Keeling) Island it shall mean: “A general rule or principles, adopted by the Council to provide clear direction to the Chief Executive Officer on the day-to-day management of the local government.

Policies provide guidance to Council, staff and our community and aim to articulate and communicate Council position on matters affecting the good governance of the Shire and to enable the effective and efficient management of Shire resources. They assist in ensuring sound and equitable decision-making.

Policies are not binding on Council, instead they help avoid ad-hoc decision making. Generally, Policies are living documents that evolve through a process of review and refinement in respond to internal and external environment changes.

For this reason, it is important that a review process is in place.

### **Procedure for Developing, Amending and Reviewing Policies and Procedures**

#### **New Policy and Management Procedure**

Where the *Strategic Community Plan* identifies a need or Council requests a policy, the Chief Executive Officer will prepare a draft policy for Council review at a Councillor workshop.

Where the Administration has identified a need to establish a policy, a proposed policy will be presented for Council review at a Councillor Workshop.

In preparing a draft policy, the Administration will be cognisant of:

- the Statutory Environment.
- the key staff / people involved.
- the impact on internal and external stakeholders.
- any procedures and / or delegations that would be required; and
- budget implications.

Policies will:

- be principles focussed and guide actions.
- be a statement mandating decision making.
- not be procedure.
- not be confused with the term’s “protocol” or “practice”; and
- not be a statement of vision.



## **Policy Amendments**

Any amendment to a policy is to follow the above procedures.

## **Policy Review**

A review of every policy is to be made at least every three years by the Chief Executive Officer and presented to Council for consideration at a Councillor Workshop in each review year with an intent to adopt the updated policies at an Ordinary Meeting of Council. Where required, policies will be reviewed outside of this timeframe.

To ensure in-depth reviews can occur for each policy a rotation of categories will be adopted for review:

2023 – All Policies Reviewed

June 2024 – All Policy Review

Once Council has adopted a new policy, amended, or reviewed a policy, the Governance and Risk Coordinator will ensure that:

- The Policy Manual is updated promptly.
- All relevant staff and stakeholders are advised; and
- The Shire's website is promptly updated.

## CPA1 - Dealing with Family Members Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To set out the Shire's position in relation to dealings with family members, specifically:

- Employment of individuals who are related to another employee or a member of Council (covered by the Equal Opportunities Act 1984 and Section 5.40 of the Local Government Act 1995).
- Provision of services to individuals who are related to an employee or member of Council.
- Procurement of goods or services from individuals who are related to an employee or member of Council.

### SCOPE

The Policy applies to all Employees at the Shire.

### POLICY

Conflict of interest can occur when the private interests of an employee influence, or could be seen to influence, their public duties, or responsibilities. The perception of a conflict can be enough to undermine confidence in the integrity of the employee and the Shire of Cocos (Keeling) Islands.

When dealing with family members, there is a clear potential for an employee's impartiality to be questioned by other staff and the community.

#### **Employment of Family members**

Where a family member of an existing employee or member of Council has applied for a position at the Shire of Cocos (Keeling) Islands, the employee or member of Council will not sit on any selection panel relating to the position and will not attempt to participate in or influence the selection process or decision in any way.

No employee will conduct a performance review of a family member, or take part in any salary promotion, termination or disciplinary discussion or decisions in relation to the family member.

#### **Provision of Services to Family members**

Given the number of people who work for the Shire, and whose families live on the Islands, it is inevitable that situations will arise where the Shire is providing services to a family member of an employee.

Wherever a discretionary power is being exercised, for example when considering a building application, or granting a permit, the Code of Conduct requires the employee to declare their interests and to disqualify themselves from dealing with their family member or close friend.

### **Procurement of goods and Services from family members**

A situation may arise where the Shire is looking to purchase goods or services, and a prospective supplier is a family member of an employee (or, in the case of a business, is owned, run, or managed by an employee's family member).

To avoid any actual perceived conflict of interest, an employee must:

- Disclose that they are related to the prospective supplier.
- Not participate in the recommendation of, the drafting of specifications for, or the decision to purchase the goods or services involved.
- Not submit or authorise a purchase requisition for the goods or service involved.

This does not prevent an entity associated with an employee's family member from being selected for supply of goods or services, where this supply would be the most advantageous to the Shire and the Shire's code of conduct and purchasing policy have been complied with.

## DEFINITIONS

Family Member – as defined in Section 6 of the Family Court Act 1997 (WA) This includes: Wife, husband, father, mother, son, daughter, grandfather, grandmother, stepfather, stepmother, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister, step-brother, step-sister, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, aunt, uncles, niece, nephew, cousin.

This also includes any legally recognized variation to these relationships, such as de facto, adoptive, ex-nuptial relationships, same sex relationships and changes resulting from separation / divorce.

## RELEVANT LEGISLATION/ LOCAL LAW

*Equal opportunities Act 1984*

*Section 5.40 of the Local Government Act 1995*

Office Use Only				
Relevant Delegations				
Council Adoption	Date	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05



Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPA2 - Motor Vehicles on Home Island Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

To encourage road safety and minimise the impact of motorised vehicles on paved roads, through the restriction of passenger vehicles and utilities being imported to Home Island.

### SCOPE

This policy applies to the importation of all passenger vehicles, except emergency vehicles, to Home Island.

### POLICY

1. The importations of passenger vehicles and utilities for private/non-commercial use to Home Island will not be approved and Council will refuse to issue a motor vehicle registrations licence to passenger vehicles and utilities for private/non-commercial use arriving on Home Island after 1st March 2008.
2. Emergency vehicles are exempt from this restriction.
3. Council will consider requests for the importation of commercial vehicles on Home Island where it can be demonstrated that the use is for bona fide commercial purposes.
4. Vehicles approved for importation to Home Island for commercial purposes cannot be used for private purposes or outside of work hours.

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	19/12/2007	Resolution #	9.1.2
Reviewed/Modified	Date	17/12/2014	Resolution #	132/2014
Reviewed/Modified	Date	8/11/2017	Resolution #	1117/09
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	

## CPA3 - Camping Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This policy aims to:

- facilitate camping as an experience for residents and visitors to the Cocos (Keeling) Islands, for people who enjoy nature-based experiences and are equipped to be self-sufficient, recognising that the Shire of Cocos (Keeling) Islands (the Shire's) camp sites have limited facilities.
- balance making camping available to residents and visitors within the Shire's capacity to provide and maintain core service infrastructure (e.g., toilets, shelters, BBQs); and
- recognise the Islands' capacity to sustain increased numbers, particularly in relation to emergency management and waste disposal.

### SCOPE

This policy applies to:

- residents of, and visitors to, the Cocos (Keeling) Islands.
- all areas defined as the district of the Shire of Cocos (Keeling) Islands, as defined in the *Shire of Cocos (Keeling) Islands Public Places and Local Government Property Local Law*.

### POLICY

#### 1) Camp Site Locations:

- Camping is permitted at Scout Park and Direction Island only.
- Permits must be obtained from the Shire (details below) prior to camping.
- Camping is not permitted in any other area except by written approval by the Chief Executive Officer who may apply discretion for community events and for special occasions.

#### a) Scout Park:

- Three designated camp sites will be marked at Scout Park.
- The stage is not a camping area.
- Each site can accommodate up to four people, with Chief Executive Officer having discretion for larger family groups.

- b) Direction Island:
- i) Five shelters are available as camp sites, the 'main shelter' and the last shelter closest to "The Rip" being reserved for day use only.
  - ii) Each camp site can accommodate up to six people, with Chief Executive Officer having discretion for larger family groups.
- 2) Duration:
- a) Up to 14 days consecutive camping is allowed at both Scout Park and Direction Island.
  - b) A maximum of 21 days camping is allowable in any three-month period.
- 3) Facilities:
- a) The Shire maintains basic facilities to be shared by campers and day visitors. These are consistent with the requirements for nature-based camping and consist of eco (waterless) toilets, wood-fired BBQs, and picnic tables.
  - b) Campers must be prepared to supply their own potable water and firewood.
  - c) The following services and facilities are **NOT** provided at either camp site:
    - drinking water, power, shower, laundry, or kitchen facilities.
  - d) Limited solar lighting is available at Scout Park and Direction Island.
- 4) Emergency Management:
- a) Cyclone season is from 1 November to 31 March. Only resident camping permits will be issued during this period.
  - b) During this time, camping permits will require that people camping during this period are to have prepared a cyclone plan that will include, but is not limited to having:
    - i) a means for maintaining communication with the Shire; and
    - ii) suitable transport and the ability to pay for alternative accommodation if the camp site is closed.
  - c) Camp sites are closed and are to be vacated during cyclones as soon as a Blue Alert is announced.
  - d) The Shire reserves the right to close a camp site in the event of any other emergency.
  - e) Anyone camping on Direction Island must have access to a registered boat or have signed agreement from the owner of a registered boat to provide support service in case of emergency.
  - f) All campers require a VHF Radio for the duration of their camp period.
- 5) Fires:
- a) Solid wood fires are only permitted in fire pits provided.
  - b) Campers must leave the fire pits free of unburnt rubbish and rake around the fire pit when they decamp.

6) Rubbish:

- a) Rubbish bins are not provided at Direction Island.
- b) Campers must remove their own rubbish from Direction Island.
- c) Rubbish bins are provided at Scout Park and emptied weekly. Therefore, campers are encouraged to minimise waste and the use of bins, particularly any items that may cause offensive odours given the high temperatures on Cocos.

7) Bookings:

- a) Bookings can be made up to six months prior to the date and must be paid in full before the booking is confirmed.
- b) Refunds, minus a 25% administration fee, will be paid up to one month prior.
- c) No refunds will be made for bookings cancelled one month or less before the booking.
- d) Bookings are to be made via contacting the Shire's main administration office on Home Island during business hours.
- e) The Shire will communicate availability of camp sites by midday each Friday for weekend impromptu camping.
- f) The Shire has discretion to apply additional conditions to a booking if necessary or appropriate.

8) Unattended camp sites:

- a) Any camp site left unattended for more than 48 hours will be deemed abandoned.
- b) Any equipment may be removed by the Shire and impound fees will be charged.

9) Fees:

- a) Fees are as adopted by Council from time to time in accordance with s.6.16 of the *Local Government Act 1995 (WA) (CKI)*.
- b) Each resident of the Cocos (Keeling) Islands will be provided with a 14-night permit to allow them to camp at Scout Park or Direction Island each financial year. Thereafter, residents can purchase an annual camping permit.

10) Non-compliance:

Non-compliance with this policy results in the camper or campers being liable to the penalties and actions, under the *Public Places and Local Government Property Local Law*.

#### DEFINITIONS

Family – includes spouse, child/adopted child, parent, and parent-in-law, siblings, nieces, and nephews.

Nature-based site – an area for camping with limited services or infrastructure.

Emergency an event declared by a relevant Commonwealth authority or the Shire that puts any person or property at risk (can include but is not limited to cyclones, flooding and inundation, uncontrolled fires).

Resident – a person who has a permanent residence (i.e., owns, leases, or has a fixed rental agreement in an approved residential structure) on the Cocos (Keeling) Islands.

Adult – any person over the age of 18 years old.

Impound fees – fee set by the Council as part of the *Annual Schedule of Fees and Charges*.

#### RELEVANT LEGISLATION/LOCAL LAW

*Caravan Parks and Camping Grounds Regulations 1997 (WA) (CKI)*

*Local Government Act 1995 (WA) (CKI) s.3.37 and s3.39, authority and power to remove and impound goods.*

*Shire of Cocos (Keeling) Islands Public Places and Local Government Property Local Law 2020*

#### RELATED DOCUMENTS

*Shire of Cocos (Keeling) Annual Schedule of Fees and Charges*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	11/11/ 2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	

## CPC1 - Approval of leave for Chief Executive Officer and Acting Chief Executive Officer Policy

### RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To provide authority for approval of Chief Executive Officer leave and to confirm Award and Employment Contract provisions in relation to staff acting as Chief Executive Officer.

### SCOPE

This policy applies to the Chief Executive Officer position for periods of Annual Leave, Long Service Leave and extended Sick Leave for periods exceeding five consecutive days but not exceeding eight consecutive weeks.

### POLICY

The Shire President, or in their absence, the Deputy Shire President, is authorised to sign leave forms for the Chief Executive Officer for periods not exceeding eight weeks.

The CEO will appoint, in writing, a designated Senior Employee to act in the position of CEO for a term less than 5 weeks. The CEO will notify Council (via internal memo) of the period and the Senior Employee that is acting in the position.

If the Chief Executive Officer and all designated senior employees are unavailable, a relief Chief Executive Officer can be sourced externally.

Remuneration of the Acting Chief Executive Officer will be at the acting employees' ordinary rate of pay plus 20%.

If it is intended or expected that the period of leave is more than eight consecutive weeks, then that extended period of leave must only be taken with the approval of Council.

### DEFINITIONS

Nil

### RELEVANT LEGISLATION/ LOCAL LAW

*Section 5.36 of the Local Government Act 1995 (WA) (CKI)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	unknown	Resolution #	unknown
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	3/01/2018	Resolution #	118/06
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	



## CPC2 - After Hours Use of Shire Vehicles Policy

RESPONSIBLE OFFICER

Manager Infrastructure

### OBJECTIVE

To ensure effective controls are in place for Shire of Cocos (Keeling) Island (Shire) passenger vehicles that are used for private non-Shire work related purposes.

### SCOPE

This policy applies to all employees and Councillors who use a Shire vehicle for private, non-Shire work-related purposes.

Vehicles that are allocated to employees under contract are covered under contract conditions and are therefore not considered under this policy.

### POLICY

West Island and Home Island located Shire vehicles are available to resident employees and Councillors outside of work hours for the transport of themselves and their immediately family only between Rumah Baru Jetty and the West Island settlement and the jetty and kampong area of Home Island. Where it is appropriate to do so, pooling of vehicles is encouraged. Bookings are to be made through the Shire Administration Officer, prior to use and are subject to operational needs.

The Chief Executive Officer may approve use of Shire vehicles for private use that is other than for transport between the Rumah Baru Jetty and West Island Settlement. (ie. Minor weekend private use)

No Shire vehicle (except for vehicles allocated to employees under contract) is to be used for any other private non-work-related purposes without the prior approval of the Chief Executive Officer.

The following conditions of use apply:

- It is the responsibility of the employee or Councillor to ensure they hold a valid and relevant driver's license. A copy of which must be lodged with the Shire prior to use of Shire vehicles.
- All Shire vehicles are always designated non-smoking and vaping. The employee approved to use the Shire vehicle is also responsible for ensuring passengers do not smoke or vape in the Shire vehicle.
- Any person that is convicted of any offence(s) under the *Road Traffic Act 1974 (WA) (CKI)* following an accident in a Council vehicle will be required to pay the full cost of all associated repairs.

- Any damage to any Shire vehicle that is incurred by any person that has been found to not have been given prior approval will be required to pay the full cost of all associated repairs.
- Any damage to any Shire vehicle that is incurred by the driver due to negligence or fault of the driver, then the full cost of associated repairs will be required to be paid by the driver.
- Vehicles must be returned in a clean and tidy manner.

Any employee found to be in breach of this policy could face disciplinary and / or legal action leading up to and including termination of employment.

Any Councillor found to be in breach of this policy could be reported to the Standards Panel under the *Local Government (Model Code of Conduct) Regulations 2021 (WA) (CKI)*.

## DEFINITIONS

Councillor – a person elected under the *Local Government Act 1995 (WA) (CKI)* as a member of the council of the local government and includes the president of the local government.

Employee – any person engaged by the Shire on a permanent, fixed-term or casual basis, either full time or part time.

Immediate family – spouse, child/adopted child, parent, and parent-in-law, sibling.

## RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995 (WA) (CKI)*

*Local Government (Model Code of Conduct) Regulations 2021 (WA) (CKI)*

*Road Traffic Act 1974 (WA) (CKI)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	27/04/2016	Resolution #	10.4/A2
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	

## CPC3 - Designated Senior Employees Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To identify positions Council has designated as being for senior employees.

### POLICY

Council designates the following positions as being for senior employees as per section 5.37(1) of the *Local Government Act 1995 (WA) (CKI)*:

- Chief Executive Officer
- Manager Finance and Corporate Services
- Manager Infrastructure
- Manager of Governance, Risk and Planning

### RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995 (WA) (CKI)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	2023	Resolution #	

## CPC4 - Complaints Handling and Public Interest Disclosures Policy – To Be Reviewed

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

The Shire of Cocos (Keeling) Islands (Shire) is committed to excellence in customer service and makes no exception to this principle during the receipt of feedback and complaints. The Shire sees the complaints process as an opportunity for continuous improvement and willingly engages with customers in this regard. The purpose of this Policy is to provide a framework to guide the Shire in its management and handling of complaints and provides guidance to the management and handling of vexatious complaints. It is important that Shire staff manage customers and complainants' expectations and outlines boundaries to the way in which the Shire will provide its service where unreasonable behaviour and expectations are evident. Importantly, the Shire also has a duty of care as an employer to ensure that staff are not applying a disproportionate amount of time and resources to an issue or person as this may cause unnecessary stress and distraction from regular duties.

### SCOPE

This Policy applies to all Elected Members, employees and consultants or contractors engaged to provide services to the Shire and complaints relating to the Shire and its services, including complaints about:

- decisions made by employees of the Shire.
- the conduct of elected members, employees, and contractors of the Shire; and
- practices, policies, and procedures of the Shire.

This policy does not apply to a complaint concerning the result of an election or with the way in which an election was conducted and does not apply to the following matters or complaints, which are managed through other processes including:

- A report of a minor breach or serious breach under the *Local Government Act 1995 (WA)*(CKI)
- Allegations of corruption or serious misconduct
- Alleged privacy breaches
- Complaints about matters for which there is a process of review or appeal, or objection prescribed by legislation
- Complaints that are claims against Council for personal injury or property damage

### POLICY

#### 1. Complaints Handling

The Shire is committed to providing quality customer service. Complaints are to be managed as follows:

- promptly.
- in a consistent manner.
- without bias; and
- in a manner that promotes procedural fairness and principles of natural justice.
- in accordance with legislative requirements as well as the Ombudsman's Guidelines on Complaint Handling.

The Shire will accept complaints in writing via the Complaints Form located on the Shire's website, email,

letter, or in person by completing the Complaints Form.

A customer may nominate another person to assist or make a complaint on their behalf. The customer must provide written permission for another person to act on their behalf.

At a minimum, the following information is to be supplied to effectively process the complaint:

- Name and address
- Contact details
- Complaint details (when and where the issue has occurred)
- Date of occurrence of complaint

Anonymous complaints will not be investigated or responded to unless the criteria specified at 2. is met.

The Shire will endeavour to resolve complaints at the first point of contact. Complaints made in writing are to be acknowledged by the Shire within five business days of receipt.

A complainant is to be notified if their complaint cannot be resolved within ten business days, either with a final solution or, if the nature of the complaint requires a longer period to resolve, with an interim response outlining the reason for the delay, further action to be taken and anticipated timeframe that a full response will be provided. Where appropriate or requested, the decision made, or action taken with respect to the matter complained is to be communicated to the complainant as soon as practicable. In establishing the order in which complaints will be attended to, consideration will be given to the urgency of each complaint in terms of public safety implications, seriousness, frequency of occurrence, severity, and the need for immediate action.

## **2. Anonymous Complaints**

An anonymous customer complaint will only be investigated where reasonable and sufficient information is provided and which, in the opinion of Shire staff, constitutes:

- A breach of statutory provisions.
- A breach of an approval, licence or permit.
- A matter for which the city is obligated to act, prescribed in the *Local Government Act 1995 (WA)* (CKI), Corruption and Crime Commission Act 2003 or under any other written law.
- A matter which if not attended to could reasonably constitute a risk to the public health and safety of persons, animals, local government buildings and property or the environment; and
- A matter which is deemed to be capable of investigation and resolution without assistance from the complainant.

## **3. Complaints regarding Employees**

Complaints relating to employees regarding the provision of a service or product should be addressed to the Chief Executive Officer. Allegations may also be referred to the Shire's Public Interest Disclosure Officer (refer to the Public Interest Disclosure Act – (PID Act)).

A complaint against an employee is considered confidential under the *Freedom of Information Act 1992* and the complainant will not be advised of the outcome, unless required by law.

## **4. Complaints against the Chief Executive Officer**

Any complaint against the Chief Executive Officer will be referred to the Shire President, who will determine the most appropriate means of investigation and resolution. The procedures and timescales for any such

complaint may fall outside the normal standard, and should this be the case, this would be formally advised to the complainant.

#### **5. Complaints regarding Elected Members**

Complaints relating to an Elected Member committing a minor breach (such as breach of a rule of conduct), are to be sent to the Shire's complaints officer (being the CEO and any other person designated by the CEO as a complaints officer pursuant to s.5.102 of the Act). Such complaints are to be referred to the Local Government Standards Panel. A breach by an Elected Member of the Shire's code of conduct is not a minor breach. The person complained about must be a current serving elected member of a local government at the time the complaint is made.

Complaints relating to an Elected Member committing a serious breach of the *Local Government Act 1995 (WA)(CKI)* should be forwarded to the Department of Local Government, Sport and Cultural Industries. Allegations of both a serious and minor breach may also be referred to the Shire's Public Interest Disclosure Officer (refer to the Public Interest Disclosure Act – (PID Act)).

#### **6. Allegations of serious misconduct – Corruption and Crime Commission**

Allegations concerning criminal, corrupt or seriously improper conduct will be dealt with independent of the Shire's complaint handling process. In the first instance they will be referred directly to the Chief Executive Officer and / or Shire President for determination including whether there are reasonable grounds for notification to the Crime and Corruption Commission or the Police. Under Section 28 of the *Corruption and Crime Commission Act 2003* (CCC), the President and/or the CEO has a duty to notify the CCC of suspected misconduct by elected members, the CEO, or other employees. Elected members may also report misconduct by the President, other elected members, the CEO or other employees and the CEO or other employees may report misconduct by any elected member or employee. Further information is available from the Commissions website.

#### **7. The Public Disclosure Act 2003 ('Whistle Blowers Legislation')**

The PID Act is designed to facilitate the disclosure of allegations or complaints about persons who are public officers, government officials, or public authorities and their contractors. This legislation specifically covers improper conduct, corruption, irregular or unauthorised use of public resources, conduct involving a substantial and specific risk of injury to public health, Council property, prejudice to public safety, public property or harm to the environment. Before making a disclosure, it is important that you are aware of the rights and responsibilities imposed on you and others under the Act. Enquiries regarding the Shire and the Public Interest Disclosure Act 2003 can be directed to one of the Shire's Public Interest Disclosure Officers.

#### **8. Complaints to the Ombudsman and Third-Party Agencies**

The Ombudsman can investigate complaints about most Western Australian public authorities, including local governments.

Generally, the Ombudsman will investigate actions or decisions where the decision maker has been accused of or found to have:

- Acted outside their legal authority.
- Not followed policy or applied its policy inconsistently.
- Did not consider all the relevant information or considered irrelevant information.
- Unreasonably delayed deciding or informing the complainant of the decision; or
- Failed to notify the complainant of the decision or did not provide reasons for a decision.
- Decision maker had acted in a bias or prejudicial manner



## 9. Privacy and Confidentiality

Personal information concerning a complainant will not be made publicly available (including to any parties identified in a complaint) except to the extent required by law or with the express consent of the complainant. Customers have the right to expect that their privacy will be respected when making a complaint or having a complaint investigated. Personal information related to the complaint will be kept confidential in accordance with the *Freedom of Information Act 1992 (WA)(CKI)*. All complaints are treated confidentially, unless required by law or the complainant provides their permission to release information.

## 10. Dispute Resolution

If unsatisfied with the way the complaint has been dealt with, written correspondence is to be addressed to the Chief Executive Officer. If not satisfied with the Chief Executive Officers' response, concerns may be raised with either the Western Australian Ombudsman or the Department of Local Government, Sport and Cultural Industries.

## 11. Veracious Complaints Handling

Every endeavour will be made to deal with complaints however the Shire may refuse to investigate a complaint if the complainant behaves in a vexatious, actively hostile manner or the complaint is considered to be trivial, frivolous or where there is a consistent complaint of trivial and/or frivolous matters.

### Dealing with unreasonable complainant conduct

Unreasonable customer conduct is any behaviour by a current or former customer which, because of its nature or frequency raises substantial health, safety, resource or equity issues for Elected Members, employees, volunteers, contractors or other service users and customers. Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on Shire staff, services, time and/or resources. Unreasonable customer conduct is not limited to spoken interactions. It can occur over the internet, in a public location, in an image or in writing. If the conduct is unacceptable and arises during, or as a direct result of, the provision of services by the Shire it can legitimately be characterised as unreasonable customer conduct.

The Shire has a zero-tolerance policy towards any harm, abuse or threats directed towards its staff. Any conduct of this kind will be dealt with under this policy and in accordance the Shire's duty of care and occupational health and safety responsibilities. Where the Chief Executive Officer deems that a customer is habitual or obsessive, and taking up a disproportionate amount of time, their conduct may be deemed unreasonable complainant conduct and a restriction of service be applied to them.

This restriction may comprise of one or various options from the following list:

- Only take calls at specific times on specific days
- Only have one point of contact for the complainant and direct all calls to this person\*
- Limit all communication with the city to written communication via a single point of contact
- Require the complainant to make an appointment with a staff member to raise concerns
- Block calls from a specific number
- Ignore emails without responding as to why (but putting the emails into the Shire's EDRMS with a file note 'no response required')
- Only respond to future correspondence that provides significant new information about the complaint or raises a new issue that the Shire believes warrant fresh action
- Hang up on the customer after first warning them that the call is about to be terminated

*\*To avoid staff 'burn out' by the sole contact officer, his/her supervisor will provide them with regular support and guidance as and when required.*

#### **Notification and appeal of unreasonable customer conduct**

If a complainant is advised of restriction of service, the rationale and decision is to be documented and the customer is to be advised in writing of the reasons for the decision, what restrictions apply and for what period. All relevant staff will be notified when unreasonable customer conduct has resulted in formal communication to a customer to place limitations on their communication with the Shire.

Elected Members will be notified and encouraged to support the process to ensure consistency across the Shire. Customers' who fail to adhere to the imposed limitations and continue to contact the Shire outside of the defined requirement, should be reminded of the Shire's decision outlined in their correspondence and contact should be politely ceased. Should the customer wish to challenge or appeal the imposed limitations, they will be directed to the Ombudsman Office of Western Australia or other appropriate government agency. It is important to remember that the restriction service is only relevant to the items listed on the restriction of service letter. If new issues are raised, these should be responded to as per Shire protocol. Customers with restricted provision are to be reviewed on an annual basis.

#### **Recording Complaints**

All correspondence relating to a customer complaint must be recorded within the Shire's business systems. Information recorded must be factual, accurate and current as per the *State Records Act 2000 (WA)(CKI)*.

*Shire of Cocos (Keeling) Islands Code of Conduct for Council Members, Committee Members and Candidates*

*Shire of Cocos (Keeling) Islands Code of Conduct for Council Members, Committee Members & Staff Local Government (Model Code of Conduct) Regulations 2021 (WA) (CKI)*

### DEFINITIONS

Complainant - means a person, organisation, or its representative, making a complaint (and may include staff, Elected Members and/or the Chief Executive Officer).

Complaint - means an expression of dissatisfaction made to or about an organisation, related to:

- products and/or services; or
- staff, Elected Members and/or the Chief Executive Officer.

A complaint is not:

- An initial service request to the Shire
- A request for information from the Shire
- The lodging of an appeal in accordance with statutory process
- A submission relating to a regulatory function
- A petition
- The reporting of a civil dispute between two individual parties



Vexatious - means a complaint or complaints brought solely to harass or subdue. Complaints may take the form of repetitive, burdensome, or unwarranted communication with one or more Shire employees over matters that are considered resolved or responded to in previous communication with the complainant.

Ombudsman - means the Parliamentary Commissioner for Administrative Investigations.

#### RELEVANT LEGISLATION/LOCAL LAW

*Shire of Cocos (Keeling) Islands Code of Conduct for Council Members, Committee Members and Candidates*

*Shire of Cocos (Keeling) Islands Code of Conduct for Employees*

*Local Government Act 1995 (WA) (CKI)*

*Local Government (Administration) Regulations 1996 (WA) (CKI)*

*Local Government (Model Code of Conduct) Regulations 2021 (WA) (CKI)*

*Freedom of Information Act 2003 (WA) (CKI)*

*Crime and Corruption Act 2003 (WA) (CKI)*

*State Records Act 2000 (WA) (CKI)*

*Public Disclosure Act 2003 (WA) (CKI)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	Date	8/11/2017	Resolution #	1117/09
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	08/08/2020	Resolution #	
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	

## CPC5 - Community Funding Program

RESPONSIBLE OFFICER

Community Development Coordinator

### OBJECTIVE

This policy seeks to ensure a fair, equitable and transparent process for Council funding of community projects, programs, and initiatives.

### SCOPE

The Shire of Cocos (Keeling) Islands (the Shire) is committed to supporting incorporated not-for-profit organisations/associations located within the Shire by providing grants of up to \$2,000 to assist with the delivery of projects that address identified community needs. Projects should benefit the Cocos community and align with the Shire's *Strategic Plan* goals. In exceptional circumstances, applications outside the scope of this policy may be considered by the Committee and recommended to Council if there is evidence of direct and significant benefit to the Cocos community.

### POLICY

#### Eligibility

Applicants must satisfy the below eligibility criteria. Applications will only be considered if:

- The applicant organisation is a community-based incorporated not-for-profit organisation/association located within the district of the Shire of Cocos (Keeling) Islands. Unincorporated groups should find a suitable organisation to auspice them by prior arrangement with the Shire.
- The project will take place within the Shire of Cocos (Keeling) Islands.
- The applicant organisation has no outstanding debts with the Shire.
- The applicant organisation has completed and properly acquitted any project for which funding was previously received.
- The applicant organisation undertakes the project for the benefit of the wider community.
- The applicant organisation submits their application on the prescribed form, with a full budget showing proposed expenditure with two quotes where possible.
- Applications must be lodged within the timeframe specified. Late applications will not be accepted.
- The applicant organisation must demonstrate the other avenues of funding tried, e.g., their own fundraising, other grants, or the Shire's rubbish collection fundraising program.
- The applicant organisation contributes 25% co-funding either through cash or in-kind or a combination of both. (Note: volunteer work in organisation and / or labour will be calculated as a contribution of \$25.00 per hour.)
- The Applicant organisation has completed one clean up event in a financial year as part of

the Shire's Adopt-a-Spot program.

### **Ineligibility**

Applications will not be considered if:

- The applicant organisation is another tier of government or if the grant would directly benefit another tier of government.
- The applicant organisation is funded by other tiers of government, or if the grant would directly benefit an organisation funded by another tier of government.
- The applicant organisation has an outstanding grant that has not been acquitted properly.
- The application is for a program or event that has already been delivered (e.g., retrospective funding).
- The Applicant organisation is not registered under the Shire's Adopt-a-Spot program.

### **Assessment**

Applications will be assessed for compliance by Shire officers. Non-compliant applications will be marked as such.

All applications (compliant and non-compliant) will be provided to a Community Funding Program Committee consisting of three Councillors. The Community Development Coordinator will provide administrative support to this Committee.

The Committee will make recommendations to the Chief Executive Officer who will make Community Funding Program payments under delegated authority.

### **Dispute resolution**

Where the Community Funding Program Committee is unable to arrive at a decision, or the Chief Executive Officer feels the Committee's recommendation is outside the scope of this policy, the matter will be presented to Council.

### **Funding agreements**

All successful applicants will be provided with a funding agreement which will outline milestones for payments, how the Shire should be acknowledged and acquittal requirements.

## **DEFINITIONS**

Councillor – a person elected under the *Local Government Act 1995 (WA) (CKI)* as a member of the council of the local government and includes the president of the local government.

Volunteer - a person who willingly gives their time for the common good without financial gain.

## RELATED DOCUMENTS

*Shire of Cocos (Keeling) Islands Strategic Community Plan 2016-2026*

Office Use Only				
Relevant Delegations	Delegation number 2.1.10 - <i>Payments from the municipal or Trust funds</i>			
Council Adoption	Date	25/08/2020	Resolution #	10.4.2
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	

## CPC6 - Home Island Housing Policy - Currently in review

RESPONSIBLE OFFICER

Chief Executive Officer

This is a policy of Council in its capacity as Trustee of the 1979 and 1984 Land Trusts.

### OBJECTIVE

To inform Trustee decision making regarding the provision, allocation and management of housing on Home Island.

### SCOPE

This policy applies to Councillors and Shire employees when providing, allocating and managing housing owned by the Land Trust.

### POLICY

The Kampong houses on Home Island are to be occupied by Home Island residents currently living in the district. The houses are for a long-term tenancy with weekly rental charges made payable to the Shire of Cocos (Keeling) Islands (the Shire).

#### 1. Housing allocations

- a) Any applicant with an outstanding debt with the Shire will not be considered for a house until the debt is cleared in full.
- b) Applicants living with family members who have outstanding rent in excess of \$1000 will not be considered for housing. However, Council will, on request, transfer the house into their name without the debt which will remain the responsibility of the previous tenant. The original tenant upon written request to the Shire may be able to transfer their house to their child/adopted child living in the same house at the time.
- c) A person is to be a resident of the Cocos (Keeling) Islands for a minimum of three years before being considered for a rental house.
- d) Houses will be allocated in accordance with:
  - i. the date the application is received (noting that no verbal request will be accepted); and
  - ii. assessment against a set of criteria.
- e) Council will consider extenuating circumstances where the next person on the house waiting list is happy to defer accepting a house in favour of the following person on the list for personal reason and consider not demoting those persons on the list. This will be considered

on a case-by-case basis and the criteria will be that more people are housed by the decision than otherwise might have happened.

## **2. Rent charges**

- a) All rates and charges shall be in accordance with the adopted budget for the current financial year (refer to budget notes for detail).
- b) House rental charges vary depending on the number of bedrooms per dwelling and rent is on a weekly basis.

## **3. Housing transfer**

- a) A tenant will be able to sub-let a house to any of their relatives for a period not longer than six months. A notification to the Shire must be made within 30 days prior to departure. A transfer will not be accepted until the tenants pay all outstanding debt. Under reasonable circumstances the Shire will, consider an extension to a six month period.
- b) If the tenant decides not to return, Council will allocate the house in accordance with the waiting list.
- c) A bond of \$500 will be required. If the original tenant does not return from the mainland within six months, the bond will be forfeited, the relatives evicted, and the house given to a person on the waiting list.
- d) Outgoing tenants will be responsible for the cost of necessary repairs apart from normal wear and tear.
- e) Extensions will be assessed and if they do not comply, will be demolished at the outgoing tenant's cost, unless the incoming tenant requests that the extensions be retained. If requested by the incoming tenant that extensions be retained, and if they are to be rectified to the appropriate standard, rectifications will be at the cost of the incoming tenant.

## **4. Housing Request**

- a) All housing requests must be lodged at the Shire Office where a register for "House Requests" is kept.
- b) All applications for a house are to be registered in the "House Request" book.
- c) Requests should be in written form and verbal requests will not be accepted.
- d) Applications will be listed in order of the application date.

## **5. House Maintenance**

Council will provide for the maintenance of its properties in accordance with the statutory requirements, relevant law, and *Building Code of Australia*.

## DEFINITIONS

**Councillor** – a person elected under the *Local Government Act 1995 (WA) (CKI)* as a member of the council of the local government and includes the president of the local government.

**Employee** – person engaged by the Shire on a permanent, fixed-term or casual basis, either full time or part time.

## RELEVANT LEGISLATION/LOCAL LAW

*Building Code of Australia*

*Cocos (Keeling) Islands 1979 Land Trust Deed*

*Cocos (Keeling) Islands 1984 Land Trust Deed*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	25/9/1997	Resolution #	6.1.1
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPC7 - Higher Duties Policy

### RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

The purpose of this policy is to ensure Higher Duties are awarded in a fair, equitable and reasonable manner and in accordance with the appropriate award or agreement.

### SCOPE

This policy applies to all staff of the Shire of Cocos (Keeling) Islands. The Chief Executive Officer will upon recommendation approve all higher duties.

### POLICY

Higher Duties are awarded to compensate employees for performing duties classified higher than those in their appointed position.

This policy applies whenever a vacancy or absence occurs that the Chief Executive Officer required another employee to perform the whole, or a component of the daily duties of the vacant position, for a stated period.

An employee is not automatically entitled to higher duties.

The following standards and requirements apply:

- Higher Duties are to be paid in accordance with the Local Government Industry Award 2020 and only at the specific direction of the Chief Executive Officer. For Acting Senior Employees this can differ as not covered by the Award. Note that details of Acting employees not covered by the Award outlined separately in the Policy. (i.e., Acting CEO).
- Extra duties should not be confused with Higher Duties.
- The selection of an employee for Higher Duties is to be based on their qualifications, and/or experience. Where two or more employees have the same credentials, the awarding of Higher Duties should be rotated in a fair, equitable and reasonable, manner.
- Subject to policy provisions, where an employee is directed to perform duties of a position classified higher than that of their appointed position, the employee will be,
- paid not less than the base salary for the higher position for the whole period that they are acting in that capacity.



- Employees should not be directed to perform duties of a higher position until such time as the higher position has been or will be vacant for one (1) or more days. Where the higher position is one that performs a singular service to the public or organisation (e.g.: IT Officer), the one-day provision may not be applicable, as determined by the Chief Executive Officer.
- Higher Duties are not payable when duties are not performed due to the permanent incumbent taking a leave of one (1) working days or less. Managers should use their discretion to submit Higher Duties for the approval of the Chief Executive Officer in the event of one (1) or more days of leave being taken.
  - If the incumbent of the higher position is paid at an above Award rate or receives
  - an over award payment, the acting incumbent should only be compensated at the
  - appropriate base rate. In the event of an employee performing the higher duties of
  - an incumbent who has a negotiated salary, the Manager should use their discretion to recommend an appropriate hourly rate.
- An employee directed or appointed to relieve in a higher-level position where the employee is not required to perform the substantive functions of the role shall be, paid a percentage of the base rate of the higher position, as approved by the Manager or Chief Executive Officer. A review of the duties of the higher position should determine the percentage to be paid.
- Where an employee acts in the position of Manager, remuneration will be at the acting employees' ordinary rate of pay plus 25%.
- Consideration will also be given where an employee has acted in the position on a number of occasions previously and the current remuneration of the employee undertaking the higher position.
- Where a manager is acting in the role of Chief Executive Officer, refer to Chief Executive Officer Leave Policy for remuneration rates.
- The following conditions will apply to all employees:
  - Higher Duties will not be paid when the relieving employee is absent on a public holiday.
  - Annual leave will only be paid at the higher rate if the person is acting in the position for longer than 3 months and is acting both before and after the period of leave.
  - Overtime will be paid at the higher duty rate only if associated with the higher position function.
  - An employee, whilst acting in a Higher Duties Position cannot act in a position which is higher than the one that they are currently acting in.

- In accordance with Equal Opportunity legislation, no employee shall receive less favourable treatment on the grounds of sex, marital status, pregnancy, race, age, gender history, family responsibilities, religious or political conviction or disability when Higher Duties are awarded.

## DEFINITIONS

Employees – all full time and part time employees.

Higher Duties means remuneration paid to an employee for performing duties classified higher than their appointed position.

## RELEVANT LEGISLATION/LOCAL LAW

Local Government Industry Award 2020

Office Use Only				
Relevant Delegations				
Council Adoption	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	

## CPC8 - Risk Management Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### INTENT

The Shire of Cocos (Keeling) Islands is committed to organisation-wide risk management principles, systems and processes that ensure consistent, efficient, and effective assessment of risk in all planning, decision making and operational processes.

### SCOPE

This policy is applicable across the entire Shire of Cocos (Keeling) Islands organisation.

### DEFINITIONS

Risk - AS/NZS ISO 31000:2009 defines risk as “the effect of uncertainty on objectives.”

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative, or a deviation from the expected. An objective may be financial, related to health and safety, or defined in other terms.

Risk Management - The application of coordinated activities to direct and control an organisation with regard to risk.

### PRINCIPLES – FRAMEWORK - PROCESS

The Shire of Cocos (Keeling) Islands considers risk management to be an essential management function in its operations. It recognises that the risk management responsibility for managing specific risks lies with the person who has the responsibility for the function, service or activity that gives rise to that risk.

Council is committed to the principles, framework, and process of managing risk as outlined in AS/NZS ISO 31000:2009.

The Shire of Cocos (Keeling) Islands will manage risks continuously using a process involving the identification, analysis, evaluation, treatment, monitoring, and review of risks. It will be applied to decision making through all levels of the organisation in relation to planning or executing any function, service, or activity.

In particular it will be applied to:

- Strategic planning
- Expenditure of large amounts of money

- New strategies and procedures
- Management of projects, tenders, and proposals
- Introducing significant change, and
- The management of sensitive issues.

#### Risk Management Objectives

- The achievement of organisational goals and objectives
- The ongoing health and safety of all employees at the workplace
- Ensuring public safety within the Council's jurisdiction is not compromised
- Limited loss or damage to property and other assets
- Limited interruption to business continuity
- Positive public perception of the Shire
- Application of equal opportunity principle in the workforce and the community.

#### Responsibilities

- Executives, managers, and supervisors have the responsibility and accountability for ensuring that all staff manage the risks within their own work areas. Risks should be anticipated, and reasonable protective measures taken.
- All managers will encourage openness and honesty in the reporting and escalation of risks.
- All staff will be encouraged to alert management to the risks that exist within their area, without fear of recrimination.
- All staff will, after appropriate training, adopt the principles of risk management and comply with all policies, procedures and practices relating to risk management.
- All staff and employees will, as required, conduct risk assessments during the performance of their daily duties.
- The level of sophistication of the risk assessment will be commensurate with the scope of the task and the associated level of risk identified.
- Failure by staff to observe reasonable directions from supervisors regarding the management of risks and/or failure of staff to take reasonable care in identifying and treating risks in the workplace may result in disciplinary action.
- It is the responsibility of every department to observe and implement this policy in accordance with procedures and initiatives that are developed by management.
- Council is committed morally and financially to the concept and resourcing of risk management.

#### Monitor and Review

The Organisation will implement a robust reporting and recording system that will be regularly monitored to ensure closeout of risks and identification of ongoing issues and trends.

Risk management key performance indicators, relating to both organisational and personal performance will be developed, implemented, and monitored, by the Shire.

## FRAMEWORK – PROCESS – SUPPORTING INFORMATION

### Identifying Risks

The following definitions may assist in identifying risk:

- Risk:** The effect of uncertainty on objectives (may be positive, negative or a deviation from what is expected). \*AS/NZS/ISO 31000. Level of Risk is measured by its consequence and likelihood.
- Consequence:** The outcome of an event or change in circumstances affecting the achievement of objectives.
- Likelihood:** The chance of something happening.
- A Hazard:** An object or activity which may cause a risk.  
(Now referred to as a 'risk source') - Interaction with the risk source is required to create a risk

### Levels of Risk

Risks can be identified at different levels depending on what activity is being assessed.

**Strategic Level Risks** - Are associated with achieving the organisation's long-term objectives. These risks can be of an internal or external nature. They are usually owned and managed by Council and/or the Executive Team.

In the context of Integrated Planning and Reporting, Strategic Level Risks may include:

- Risks associated with achieving the objectives of the Strategic Community Plan
  - Effective engagement with the community
  - Equity in involvement
  - Transparency of process
  - Integration of informing strategies
  - Organisational acceptance of Strategic Community Plan.
- Risks associated with delivering the Corporate Business Plan:
  - Impact of new assets or changes to services
  - Aligning service delivery to meet organisational objectives
  - Resourcing and sustainability
  - Alignment of local government structure and operations to support achievement of objectives.

## Operational Level Risks

Are associated with developing or delivering the operational plans, functions, or activities of the local government. These risks have day to day impacts on the organisation. These risks are owned and managed by the person who has responsibility for the activity or function to the level of their delegated authority or capability.

In the context of Integrated Planning and Reporting, Operational Level Risks may include:

- Risks associated with the development or delivery of the Long-Term Financial Plan:
  - Organisational capacity
  - Operational costs
  - Integration of other informing strategies, service delivery plans and project plans.
- Risks associated with the development or delivery of the Asset Management Plan:
  - Registration of assets
  - Integration with the long-term financial plan, other informing strategies, service delivery plans and project plans
  - Council resourcing of asset maintenance and renewal.
- Risks associated with the development or delivery of the Workforce Plan:
  - External supply
  - Salary and conditions
  - Housing, transport etc.

## Project Level Risks

Are associated with developing or delivering projects or discrete activities. Project risks should be managed at each stage of the project by the person who has responsibility for that project.

## Tools for Identifying Risk

The following activities can be used to identify risks:

- Get a clear picture of current risks: Collect any information from available organisational systems or processes such as the financial and asset management systems, customer surveys or complaints register, staff surveys or issues, exit interviews, staff turnover rates, public liability / workers compensation claims history. This information will give you a snapshot of what potential risks of achieving objectives may already exist in the organisation.
- Systems and Policies: Financial, human resources and asset management systems, legislation and quality management policy and procedures are fundamental tools that guide an organisation to manage operational risk. These are underpinned by corporate governance principles and processes that should align to the Local Government Act 1995 and the Australian Corporate Governance Standards AS 8000 - 8004: 2003. AS/NZS 4801 (Managing Safety and Health) and as stated, AS/NZS /ISO 31000: 2009 (Risk Management).

- A 'think tank' with stakeholders and experts: Using as many subject 'experts' and key stakeholders as possible conduct 'what will stop us achieving our objectives' and 'what if' scenario-based discussions. Prior to starting this discussion process collect any background or recorded history of the issue or topic, as well as gathering anecdotal information from those people who have experience in the area that is being assessed. This is also a way of obtaining the information on potential risk perceptions. This approach is a good way of driving a risk aware culture down through an organisation by using an inclusive and consultative methodology.
- What can go wrong? Assess what can happen, where, when how and why it can happen. Remember to look at the worst-case scenarios, looking at what may prevent you from achieving the relevant objectives and work back from there to identify strategies to address the risk. Recognise that this is only hunch and perception unless there are absolute subject experts in the discussion. This gives you a focus of what to look at, not the complete picture.

### **Recording Identified Risks**

All risks identified at each level of the organisation need to be recorded. Risks relating to Integrated Planning and Reporting need to be recorded appropriately throughout the process.

If recorded on a formal risk register, the format should be universal throughout the organisation and where possible should be able to be electronically coordinated and prioritised.

### **Risk Analysis**

Once risks have been identified and recorded, they need to be analysed against consequence and likelihood criteria. An analysis of existing controls should also be undertaken to assess the effectiveness of the current control mechanisms. This process allows for the identification of those risks which can be treated in the most cost effective way.

### **Risk Evaluation Criteria**

Is the measurement tool that will be used to decide if a local government will need to treat, accept, or monitor the risk. It is essential that the criteria be determined at the onset of the process. However, criteria can be refined and developed further as specific risks are identified. The criteria must be developed with reference to the local government's strategic objectives and remain consistent with the organisation's risk appetite and risk tolerance.

### **Existing controls**

Are measures that are currently in place to reduce the consequence and/or likelihood of a risk. Controls can be rated in terms of their adequacy in managing the identified risk. They can be inadequate, adequate, or excellent depending on whether they are doing more than, less than or merely what is reasonable under the circumstances to prevent or minimise the risk. Controls should be assessed individually and as a whole to determine if they are still relevant, in use and effective.

Risks are analysed to determine a 'level of risk'. This is the overall degree to which a risk will impact on the organisation should it eventuate (consequence) and the likelihood of this occurring,



described in terms of frequency (likelihood). Risks are analysed taking into account whether there are existing controls in place.

Organisations may use Risk Reference Tables to guide their risk analysis. These tables provide classifications and definitions for risk consequences and likelihood. The following pages contain an example of consequence and likelihood tables as well as an example risk matrix used to determine level of risk.

### Evaluating Risks

Local governments will need to use their Risk Acceptance Criteria to determine whether a risk is acceptable and who is responsible for determining acceptance of the risk. The greater the risk level, the more controls should be in place before the risk is accepted and the higher in the management chain responsibility for deciding acceptance of the risk should sit.

### Risk Reference Table

#### Consequences:

Description	Financial Loss	Health	Reputation	Operation	Natural Environment	Compliance	Project
<b>Insignificant</b>	<Less than 2% of budget	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
<b>Minor</b>	2 - 5% of budget	First Aid treatment	Substantiated, low impact, 'low news' item	Inconvenient delays	Minor damage or contamination	Breach of policy, process or legislative requirement needing attention or minimal damage control	5-10% increase in time or cost or variation to scope or objective requiring managers approval
<b>Moderate</b>	5 - 10% of budget	Medical treatment	Substantiated, public embarrassment, moderate impact, 'moderate news' profile	Significant delays to major deliverables	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
<b>Significant</b>	10 - 20% of budget	Extensive injuries or disabilities	Substantiated, public embarrassment, 'high impact news' profile, third party actions	Non-achievement of major deliverables	Minor breach of legislation / significant contamination or damage requiring third party assistance	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
<b>Severe</b>	>More than 20% of budget	Death or permanent disabilities	Substantiated, public embarrassment, very high multiple impacts, 'high widespread multiple news' profile, third party actions	Non-achievement of major key objectives	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

#### Likelihood:

Level	Description	Examples	Frequency
<b>A</b>	<b>Almost Certain</b>	Expected to occur in most circumstances	More than once per year
<b>B</b>	<b>Likely</b>	Will probably occur in most circumstances	At least once per year
<b>C</b>	<b>Possible</b>	Should occur at some time	At least once in three years
<b>D</b>	<b>Unlikely</b>	Could occur at some time	At least once in ten years
<b>E</b>	<b>Rare</b>	May occur, only in exceptional circumstances	Less than once in fifteen years



The Executive Officers and Council need to set their organisations level of risk tolerance in consultation and once set, this becomes the set of criteria that all risks and hazards in the organisation are measured against.

It is critical to developing a risk aware culture that all staff are aware of the risk tolerance of the organisation and that is taken into account in decision making at all levels.

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

Risk Matrix to Assess Level of Risk:

Acceptance of Risk Criteria:	
<b>E = Extreme Risk</b> Only acceptable with excellent controls – Executive Management responsible.	<b>M = Medium Risk</b> Only acceptable with adequate controls – Risk owner responsible.
<b>H = High Risk</b> Only acceptable with excellent controls – Executive Management responsible.	<b>L = Low Risk</b> Only acceptable with adequate controls – Risk owner responsible.

### Treat the Risk

The Risk treatment options may include all or some of the following (some may be mutually exclusive):

- Avoid the risk; decide not to do the activity where this is practicable (Note: some people may be risk-averse, and risk avoidance may be inappropriate, as it may lead to loss of opportunity).
- Change the probability of occurrence (Reduce the likelihood of the risk happening and reduce the loss and enhance benefits).
- Change the consequences to reduce the losses and improve the gains or likelihood of achieving objectives (Implement management controls).
- Transfer the risk by using other parties or by outsourcing (caution needed as accountability may still remain), obtain insurance, seek joint ventures, resource sharing, partnerships and inter-organisational structures.
- Accept the risk on the basis that you are doing all things that are reasonable and practical to address foreseeable risks.

### Assessing Treatment Options

It is important to assess the risk treatment options available, the costs and the benefits. Generally speaking, the options should be practically balanced, and costs should not exceed the benefits or gains.

Consider all the benefits and critical relationships of the strategy to other key objectives, as in some cases the achievement of strategic or community objectives may come at a price that the community or organisation may decide is worth the cost. Many risk treatments can be managed within the current budget by developing robust management systems, training personnel to be more efficient and effective in performance, and monitoring and auditing processes to ensure treatment plans are maintained.

Those risks that cannot be managed through the current budget allocations need to be captured on the relevant Risk Register.

### **Risk Treatment Plans**

Once the risk treatments have been identified and ratified, the action plan must be compiled, and actions delegated to the various individuals or departments who will need to address the risk treatments, manage relevant corrective action plans and report progress to the Executive and Council as required.

Risk Management Treatment Plans must detail the context and level of risk, the treatment strategy, responsibility for the treatment implementation, the date it is to be completed, and the review process and timeline.

Implementation of treatments by the responsible person as outlined in the plans needs to be linked to the individual's performance indicators and assessed through the performance appraisal system, as well as through the monitoring process.

### **Monitor, Review and Audit**

#### **Monitoring and Reviewing**

Measuring the performance of risk management components against key performance indicators can demonstrate the effectiveness of the risk management systems and processes as well as identifying where and why objectives are not met.

#### **Auditing the Process**

A risk management systems audit and internal auditing of projects, performance and strategies can provide evidence of effective risk management. An audit can be performed to ensure that risk identification, treatment and actions plans have been implemented and are sustained through the life of the project or service.

Auditing can be conducted by internal staff or external bodies.

#### **Risk Registers and Risk Treatment Plans**

Strategic and Operational Risk Registers and treatment plans keep track of what has been identified and treated within the organisation.

Risks that need budget allocations, which cannot be met within the budgets, should remain on the register. This register is a key document for organisations when they are in the annual planning process as it keeps track of all outstanding risks that need to be funded.

It is vital that the risk management system the local government chooses to use is integrated into core business; coordinated, actions detailed for implementation with responsible persons identified, timelines established, and closeouts monitored. The entire process needs to be linked to performance indicators and performance appraisals

systems.

### **Communicate and Consult**

At all stages of the process the appropriate stakeholders must be consulted and kept informed of developments, outcomes, and actions. When assigning tasks or responsibilities they should be communicated in writing and a response received to indicate the responsible person has accepted them.

### **Summary**

Risk management is an ongoing process which takes an organisation on a journey and becomes easier as it becomes part of the organisation's culture and a key part of all duties and functions. It is important that organisations are risk aware, rather than risk averse, and are able to make informed decisions based on a sound risk management process.

More detailed information is available from RiskCover (Insurance Commission of WA) and Local Government Insurance Services.

Office Use Only				
Relevant Delegations				
Council Adoption	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	

## CPC9 Letters of Support for Grant Applications

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

The objective of this policy is to establish guidelines for the CEO to determine whether or not to provide a support letter for grant applications to individuals and organisations in an efficient, effective, transparent, and accountable manner.

### SCOPE

The policy applies to individuals and organisations within who wish to carry out activities or research within the Shire of the Cocos (Keeling) Islands

### POLICY

The Shire receives many requests from individuals or organisations for letters supporting their grant funding applications. The CEO is delegated by Council to provide the letters of support for support where the project meets the Shire's eligibility criteria.

The CEO will take into consideration when deciding to provide a letter of support:

- Where is the organisation located
- If the project aligns with the Shires' policies and strategies
- Short- or long-term benefits of the project to the local community
- Are there any conflicts with existing organisations or businesses
- The timeframe for delivery
- How will the project be managed
- There is no current or future cost to be incurred by the Shire.
- The project aligns with the Shire of Cocos (Keeling) Islands Strategic Community Plan

The Shire will not provide the letters of support if:

- The Shire or local organisations or businesses are applying for funding for the same or a similar project
- The objectives of the application does not fit within the Shire's strategic plan
- The project continues beyond a reasonable timeframe
- Adequate time has not been provided for the application to be considered

Applicants must complete the 'Request a Letter of Support for Grant Application Form', located on the Shire's website and forward to [info@cocos.wa.gov.au](mailto:info@cocos.wa.gov.au) to the CEO at least ten working days prior to closing date of the grant application. This will allow appropriate time for officers to prepare and or present to Council. Ensure the following information are provided:

- Name of the grant
- Name of the individual/organisation requesting the letter

- A copy of the grant application
- The amount of grant
- Provide a detail overview/information of the proposed project scope - the timeframe for delivery, how the project will be managed
- Who the letter of support needs to be addressed to
- Date by which the letter is required
- Any other relevant information

Once a decision has been made the CEO will provide the applicants the letter of support and any applications deemed unsuccessful according to the guidelines will be advised accordingly.

#### DEFINITIONS

In Principle – The grant application meets the goals of the Shire’s Strategic Community Plan and is favourable based on the information provided.

#### RELEVANT LEGISLATION/LOCAL LAW/RELEVANT DOCUMENT

Request for Letter of Support for Grant Application Form

Office Use Only				
Relevant Delegations				
Council Adoption	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	

## CPC10 Small Business Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

The objective of this policy is to establish guidelines on what is considered a Small Business on the Cocos (Keeling) Islands.

### SCOPE

This policy applies to all identified small businesses operating on Cocos (Keeling) Islands.

### POLICY

Various sources including the Australian Taxation Office (ATO), Fair Work Australia and the Australian Bureau of Statistics (ABS) provides different definitions of what constitute a Small Business. On Cocos (Keeling) Island small businesses are generally local family owned and operated.

To be accepted as a small business on Cocos (Keeling) Islands for the purpose/s of determining a reduction in waste management fees the business must meet all the criteria and provided evident of meeting the criteria in the definition below.

### DEFINITIONS

A small business on the Cocos (Keeling) Islands will be classified as such for the purpose/s of determining a reduction in waste management fees when it meets the following criteria:

- Be a legally constituted entity, with an Australian Business Number (ABN) or an Australian Company number (ACN),
- Locally owned and operating only on the Cocos (Keeling) Islands,
- Have a business turnover of less than \$10 million annually
- Have less than 15 employees (full time, part time or casual)
- Meets requirements all conditions of the Shire of Cocos (Keeling) Islands Town Planning Scheme relative to the business.

### RELEVANT LEGISLATION/LOCAL LAW/RELEVANT DOCUMENT

Australian Taxation Office and Fair Work Act Legislation

Office Use Only				
Relevant Delegations				
Council Adoption	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	

## CPF1 - Corporate Credit Card Policy

RESPONSIBLE OFFICER

Manager Finance and Corporate Services

### OBJECTIVE

To ensure effective controls, policies and procedures are in place with respect to the issue and use of Shire of Cocos (Keeling) Islands (Shire) corporate credit cards.

Whilst corporate credit cards can deliver effective and efficient means of purchasing, they can also expose the Shire to significant risks if not properly controlled. This policy and associated Purchasing Policy are designed to minimize the risks associated with the use of Corporate Credit Cards whilst providing cardholders with a convenient method of purchasing goods and/or services on behalf of the Shire.

*The Local Government Act 1995 (WA) (CKI)* (the Act) does not allow for the issue of Corporate Credit Cards to Elected Members. There are no provisions within the Act to allow an Elected Member to incur a debt, as would occur with the use of a credit card.

### SCOPE

This policy applies all employees that are issued with and / or use the corporate credit card.

### POLICY

A corporate credit card will be issued to the Chief Executive Officer, and to other employees approved by the Chief Executive Officer.

The monthly expenditure limit of the Shire's corporate credit card (combined value) is to be \$40,000. Any singular credit card purchase over the value of \$5,000 is limited to the Chief Executive Officer only.

Any reward schemes received that are attached to a corporate credit card, such as fly buys are for the benefit of the Shire and are not to be used for the benefit of the cardholder.

All holders of corporate credit cards are in a position of trust regarding the use of public funds and improper use of that trust may render the cardholder liable to disciplinary /legal action / criminal prosecution. Improper use includes misuse and/or fraudulent use.

#### Cardholder Responsibilities:

1. The cardholder must sign the Shire's Corporate Credit Cardholder Agreement form, outlining the cardholder's responsibilities, prior to receiving the corporate credit card.



2. Cardholders are responsible for the use of the corporate credit card and must ensure the safe keeping of the card at all times.
3. Loss or theft of the corporate credit card must be reported immediately to the Manager of Finance and Corporate Services and the issuing finance institution.
4. The corporate credit card will only be used for purchasing goods or services on behalf of the Shire, which are authorised within the current budget.
5. Cardholders are not to use the corporate credit card for cash advances.
6. Cardholders are not to use the corporate credit card for private purposes.
7. Cardholders are not to link the corporate credit card to PayPal accounts.
8. Cardholders are not to split payments between credit cards.
9. Purchases must be expended in line with all other Council Policies.
10. Cardholders are to obtain a compliant tax invoice/receipts, which records an adequate description of goods/services obtained.
11. Cardholders are to provide to the Accounts payable Officer, the approved/signed Credit Card Acquittal form, including a detailed summary of all purchases reconciling to each monthly statement, no later than seven (7) days after receiving the monthly statement.
12. Other than the CEO, credit card statements are to be authorised by the cardholder's superior line manager.
13. The CEO's credit card statement is to be approved by the Shire President.
14. In the event that the cardholder is on leave, for longer than one (1) month, the credit card is to be handed to the Manager Finance and Corporate Services to be held securely until their return.

#### **Finance Responsibilities:**

1. The Manager Finance and Corporate Services will ensure processes are in place to coordinate the issue, replacement, and cancellation of all corporate credit cards, including:
  - a. Ensuring the signing of a Corporate Credit Cardholders Agreement form by the cardholder.
  - b. Maintaining a register of cardholders and related information
  - c. Ensuring a review of monthly expenditure by each cardholder is to be undertaken monthly, by the team responsible for managing the Shire's finances. All receipts and documentation will be reviewed, and any expenses that do not appear to represent fair and reasonable business expenses are to be referred to the CEO for review/decision.
2. The Manager Finance and Corporate Services is to destroy a card in a safe manner upon its expiry, cancellation, or replacement.

#### **DEFINITIONS**

Employee – a person engaged by the Shire on a permanent, fixed-term or casual basis, either full time or part time.



#### RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act (WA) (CKI) 1995* section 2.7 (2) (a) and (b) – requires that council oversee the allocation of local government finances and resources to determine the policies of the local government.

*Local Government Act (WA) (CKI) 1995* section 6.5 (a) required the CEO to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.

Local Government (Financial Management) Regulations 11(1)(a) (WA) (CKI) requires local governments to develop procedures for the authorisation and payment of accounts to ensure there is effective security and appropriate authorisations in place for the use of corporate credit cards.

#### RELATED DOCUMENTS

Request for Credit Card / Cardholder Agreement Form  
Corporate Credit Card Register  
Purchasing Policy – CPF4  
Credit Card Acquittal Form

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	27/01/2016	Resolution #	10.4/A1
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPF2 - Funding Contributions – Resident Further Education Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To assist students who graduate from the Cocos (Keeling) Islands District High School to further their education past the compulsory periods of Years 11 and 12, by contributing funds to cover some costs involved with further study off island.

### SCOPE

This policy applies to students under the age of 25 who have completed all their high schooling, Year 7 to Year 10, at the Cocos (Keeling) Islands District High School.

### POLICY

To be eligible, students must:

- continue to be a permanent resident of the Cocos (Keeling) Islands; and
- be studying for an approved Tertiary, TAFE, or similar qualification in the current year.

Funds will be paid on the receipt of evidence of successful completion of the semester of study.

Funds will be paid at a rate of \$500 per semester for full time study or the pro rata amount for part time study.

There is a limit of \$1,000 per student per calendar year.

To apply for the payment, applicants must complete and submit the *Funding Contribution Further Education Application Form* to the Shire for consideration.

### RELATED DOCUMENTS

#### *Funding Contribution Further Education Application Form*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	Unknown	Resolution #	Unknown
Reviewed/Modified	Date	27/5/2015	Resolution #	10.3/A3

Reviewed/Modified	Date	8/11/2017	Resolution #	1117/09
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPF3 - Investment Policy

RESPONSIBLE OFFICER

Manager Finance and Corporate Services

### OBJECTIVE

This policy provides a framework for the investment of the Shire's surplus funds that seeks to maximize the return to the Shire whilst having due consideration for the risk and security of each investment and ensuring the Shire's liquidity requirements are being satisfied.

### SCOPE

This policy applies to the investment of funds that are surplus to operational requirements. This policy does not apply to the investment of surplus funds of the 1979 and 1984 Land Trusts.

### POLICY

The Manager Finance and Corporate Services shall be responsible for the management of the Council's cashflow and reporting to the Council on these affairs. In doing so, the Manager Finance and Corporate Services will take a conservative approach to the investment of surplus funds with a focus to add value and ensuring that liquidity requirements are being met.

All investments are to be made in accordance with:

- section 6.14 of the *Local Government Act 1995 (WA) (CKI)*;
- 19, 28 and 49 of the *Local Government (Financial Management) Regulations 1996 (WA) (CKI)*; and
- Australian Accounting Standards.

In determining the term to maturity of any financial investment, regard shall be had to the cash flow needs of Council, the intended purpose of the funds to be invested, prevailing interest rates and trends, and such other matters that would be appropriate in exercising the level of care, diligence, and skill. In any case, the term to maturity shall not exceed three years.

Not less than two quotations shall be obtained from Authorised institutions whenever an investment is proposed. The institution providing the best quote on the day is to be selected, taking into consideration administrative and banking costs, as well as giving due regard to the limitations set in this policy.

#### **Authorised Investments:**

Authorised investments shall be limited to Australian currency denominated:

- Deposits (including flexi and at call deposits) with Authorised Deposit Taking Institutions (ADIs)

- Bonds that are guaranteed by the Commonwealth Government or a State or Territory and which have a term not exceeding 3 years.

### Prohibited Investments

This Investment Policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand-alone securities issued that have underlying futures, options, forward contracts, and swaps of any kind.

This Policy also prohibits the use of leveraging of an investment (borrowing to invest).

As per r19C of the *Local Government (Financial Management) Regulations 1996 (WA) (CKI)* the Shire may not:

- Deposit with an institution except an Authorised institution
- Deposit for a fixed term more than 3 years
- Invest in bonds that are not guaranteed by the Commonwealth
- Invest in bonds with a term to maturity of more than 3 years; and
- Invest in foreign currency.

### Portfolio Credit Risk Framework

To control the credit quality on the investment portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating	S&P Short Term Rating	Direct investment for maximum category %
AAA	A-1+	100%
AA	A-1+	100%
A	A-1	60%
BBB	A-2	20%

If any of the investments within the portfolio are subject to credit rating downgrade such that the portfolio credit percentages are no longer compliant with the Investment Policy, or there is a review of this policy, the investment will be divested as soon as practicable.

## Reporting and Performance Monitoring

A note shall be included in the Monthly Report detailing the cash and financial assets held by the Shire. The report will detail the balance of funds, investment type, relative authorised institution, interest rate and maturity.

Documentary evidence must be held for each investment and details thereafter maintained in an Investment Register. Evidence of quotations must also be recorded when considering a new investment.

Certificates shall be obtained from the relevant financial institutions as at 30 June each year and reconciled to the Investment Register for audit purposes.

## DEFINITIONS

**Authorised Institution (ADI)** means the same as that defined in Regulation 19C (1) of the Local Government (Financial Management) Regulations 1996 as amended

Authorised institution includes any of the following banking institutions:

- Commonwealth Bank
- National Australia Bank
- Australia and New Zealand Bank
- Westpac Banking Corporation
- St George Bank
- Suncorp Bank
- Bankwest
- Bank of Queensland – BoQ
- Adelaide Bank / Bendigo Bank
- Macquarie Bank.

## RELEVANT LEGISLATION/LOCAL LAW

*Australian Accounting Standards*

*Local Government Act 1995 (WA) (CKI) – section 6.14*

*Local Government (Financial Management) Regulations 1996 (WA) (CKI) (19, 28 and 49)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	24/02/2016	Resolution #	10.1/F3
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPF4 - Purchasing Policy

RESPONSIBLE OFFICER

Manager Finance and Corporate Services

### OBJECTIVE

The objective of this policy is to guide the Shire of Cocos (Keeling) Islands (the Shire) purchasing activities and procurement decisions to:

- ensure compliance with legislation, regulations, common law obligations and requirements consistent with the Shire's policies and Code of Conduct.
- deliver a best practice approach and procedures to internal purchasing for the Shire.
- ensure consistency for all purchasing activities within each of the Shire's operational areas.
- provide guidance on ethical behavior and ensure probity, transparency, effective competition, and the avoidance of conflicts of interest and bias in all Shire procurement and contracting activities.
- undertake procurement processes that ensure value for money for the Shire by delivering the most advantageous outcome possible; and
- reduce the risk of corruption and fraud.

### SCOPE

This policy applies to all purchasing and procurement activities undertaken by and on behalf of the Shire. Failure to comply with this Policy, the *Local Government Act 1995 (WA) (CKI)* and Part 4 of the *Local Government (Functions and General) Regulations 1996 (WA) (CKI)* may be considered misconduct and could result in disciplinary action.

### POLICY

## 1. Purchasing Requirements

### 1.1 Legislative / Regulatory Requirements

The requirements that must be complied with by the Shire, including purchasing thresholds and processes, are prescribed within the *Local Government Act (Functions and General) Regulations 1996 (WA) (CKI)*, this policy and associated purchasing procedures in effect at the Shire.

### 1.2 Purchasing Thresholds

The table below outlines the practice requirements that apply to the Shire's purchasing and procurement activities. All procurement must be conducted in accordance with the Shire's purchasing procedures and must be approved by an officer with the appropriate financial delegation.





Value of procurement (Excl. GST)	Procurement Requirement	Minimum Assessment Panel	Approval of Procurement
Up to \$1,000	Direct purchase from a supplier based on a verbal or written quote where possible.	One Officer - Required information to be entered when raising a requisition, including providing comments to justify the purchase decision	An authorised employee (that is not the evaluator) with a financial authorisation limit more than the consideration value
\$1,001 to \$20,000	Seek at least two verbal or written quotes. OR Seek at least one written quote from a WALGA preferred supplier.	One Officer - Required information to be entered when raising a requisition, including providing comments to justify the purchase decision	An authorised employee (that is not the evaluator) with a financial authorisation limit more than the consideration value
\$20,001 to \$50,000	Seek at least two written quotes. OR Seek at least one written quote from a WALGA preferred supplier.	One Officer - Required information to be entered when raising a requisition, including providing comments to justify the purchase decision	An authorised employee (that is not the evaluator) with a financial authorisation limit more than the consideration value
\$50,001 to \$249,999	Seek at least three written quotes with a formal response required. Quotations must include price and specifications of goods/services to be provided. OR Seek at least one written quote from a WALGA preferred supplier.	Two Officers Procurement decisions are to be based on value for money considerations.	An authorised employee (that is not the evaluator) with a financial authorisation limit more than the consideration value
Over \$250,000 (Tender Threshold)	Conduct a formal Request for Tender in accordance with the Act and formal tender process where an exemption under section 1.3 of this policy does not apply.	The responsible manager (or above) and two officers	Council approval required.

**Table 1 – Procurement Requirements.**

The following notes apply to **Table 1** above and all procurement activities:

- The value is exclusive of Goods and Services Tax.
- An approved budget is required for the purchase of any goods and services.
- The value of procurement is based on the estimated total expenditure for a category of goods or services over a minimum 3-year period.
- The appropriate length of contract is to be determined on market volatility, ongoing nature of supply, historical purchasing evidence and estimated future purchasing activities or business decisions.
- Procurement activities for the same category of supply (good or service) should where possible, be aggregated into single contract arrangements to achieve best value and efficiency in future purchasing activities.
- Officers must not conduct multiple procurement activities or raise multiple orders with the intent of 'splitting' or 'staging' the contract and its value, in order to avoid a procurement requirement in line with this policy and/or *Reg 12*.
- Any person evaluating submissions must be suitable qualified, experienced and have reasonable knowledge of the goods/services being procured.
- Sourcing of quotations from a least on local supplier is highly encouraged when available.
- Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$250,000 threshold (excluding GST). If a decision is made to seek public tenders for contracts of less than \$250,000, a Request for Tender process that entails all the procedures for tendering must be followed in full.

### **Up to \$1000**

Where the value of the goods or service does not exceed \$1000, direct purchase from a supplier is permitted. A verbal or written quote should be obtained where possible, noting that for some purchases for e.g., from the hardware or supermarkets, a quote cannot be obtained. Where a verbal quote is provided, a formal signed notation by the officer, that records the date and person from who the quote was received, should be entered with the requisition.

### **\$1001 to \$20,000**

Where the value of procurement of goods or services does not exceed \$20,000, purchase on the basis of at least two verbal or written quotations is permitted. However, it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

This purchasing method is suitable where the purchase is relatively small and low risk.

The general principles for obtaining verbal quotations are:

- Ensure that the requirement/specification is clearly understood by the Shire employee seeking quotations.

- Ensure that the requirement is clearly, accurately, and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded with the requisition..

### **\$20,001 to \$50,000**

This category is for the procurement of goods or services where the value of such procurement ranges between \$20,001 and \$50,000.

Direct supply from a WALGA preferred supplier is permitted, based on a written quote prior to a purchase order being issued. However, it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

For other suppliers, it is required to formally seek at least two written quotations containing price and a sufficient amount of information relating to the specification of goods or services being purchased are to be sought. Where this is not practical, e.g., due to limited suppliers on island, it must be noted on the requisition.

For purchases in this range the Shire will provide a scope of work to ensure all quotes are based on a consistent request.

The Shire employee is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements.

### **\$50,001 to \$249,999**

For the procurement of goods or services where the value exceeds \$50,001 but is less than \$249,999.

Direct supply from a WALGA preferred supplier is permitted, based on a written quote prior to a purchase order being issued. However, it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

For other suppliers, it is required to formally seek at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

For this procurement range, the selection should not be based on price alone, and it is strongly recommended that consideration be given to qualitative factors such as quality, stock availability, accreditation, time for completion or delivery, warranty conditions, technology, maintenance requirements, organization's capability, previous relevant experience and any other relevant factors as part of the assessment of the quote.

For purchases in this range the Shire will provide a detailed request for quotation document to providers to ensure all quotes are based on a consistent request.

### **\$250,000 and above**

For the procurement of goods or services where the value is or exceeds \$250,000 a public tender is to be conducted in accordance with the *Local Government Act (WA)(CKI) 1995* unless a tender exemption under section 1.3 of this policy exists.

## **2. Policy and Tendering Exemptions**

An exemption to this policy, including the requirement to publicly invite tenders, may apply in the following instances:

- The purchase is obtained from a pre-qualified supplier under the *WALGA Preferred Supply Program* or *State Government Common Use Arrangement*.
- The purchase is of a unique nature with a sole source of supply.
- The purchase is from another local government agency;
- The supply of the goods or services is to be obtained from expenditure authorised in an emergency. Emergency purchases are defined as the supply of goods or services associated with:
  - a local emergency and the expenditure are required (within existing budget allocations) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets.
  - a local emergency and the expenditure are required (with no relevant available budget allocation) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with section 6.8 of the *Local Government Act 1995 (WA) (CKI)* and *Local Government Act (Functions and General) Regulations 1996 (WA) (CKI)* regulation 11(2)(a); or
  - a *State of Emergency* declared under the *Emergency Management Act 2005 (WA) (CKI)* and therefore, *Local Government Act (Functions and General) Regulations 1996 (WA) (CKI)* regulations 11(2) (aa), (ja) and (3) apply to vary the application of this policy.
- Any of the other exclusions under Regulation 11 of the *Local Government Act (Functions and General) Regulations 1996 (WA) (CKI)* apply.

Please note that three written quotations based on detailed scope of works are still encouraged to be obtained even when purchasing under policy and tendering exempt clauses, for e.g., through the *WALGA Preferred Supply Program* or a *State Government Common Use Arrangement*, to ensure best value for money.

## **3. LGIS Services**

The suite of LGIS insurances is established in accordance with section 9.58(6)(b) of the *Local Government Act 1995 (WA)(CKI)* and are provided as part of a mutual, where WALGA member local governments are the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a

member-based service and is not defined as a purchasing activity subject to this policy. Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this policy is required.

#### 4. Approval Limits

The Chief Executive Officer, Manager Finance and Corporate Services, Manager Infrastructure, Governance, Risk and Planning Manager, and Community Development Coordinator, Infrastructure Coordinator have authority to sign purchase orders within their relevant area of responsibility within the following limits:

Officer	Limit of Authority for Purchases
Chief Executive Officer	\$250,000
Deputy Chief Executive Officer	\$50,000
Manager of Works and Services	\$50,000
Governance and Risk Coordinator	\$5,000

#### 5. Inviting Tenders Though Not Required to do so

The Shire may determine to invite Public Tenders, despite the estimated purchase value being less than the \$250,000 prescribed tender threshold, but only where an assessment determines that the purchasing requirement cannot be met through a tender exempt arrangement and the use of a public tender process will enhance value for money, efficiency, risk mitigation and sustainable procurement benefits.

In such cases, the tender process must comply with the Shire's tendering procedures and regulation 13 of the *Local Government (Functions and General) Regulations 1996*.

#### 6. Ethics and Integrity

All employees of the Shire shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire.

The following principles, standards and behaviors must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- Full accountability shall be taken for all purchasing decisions and the efficient, effective, and proper expenditure of public monies based on achieving value for money.
- All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire's policies and *Code of Conduct*.
- Purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly, and consistently.
- All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements.
- Any actual or perceived conflicts of interest are to be identified, disclosed, and appropriately managed.

- Any information provided to the Shire by a supplier shall be treated as commercial-in-confidence and should not be released unless authorized by the supplier or relevant legislation.

## 7. Value for Money

It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly considering user requirements, suitability for the coastal environment, quality standards, sustainability, whole of life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality.
- financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history); and
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining enough competitive quotations wherever practicable.

**Where a higher priced conforming offer is recommended, a clear and demonstrable benefits over and above the lowest total priced, conforming offer must be recorded and presented to the Authorising Officer or Council as required.**

## 8. Sustainable Procurement

The Shire is committed to sustainable procurement and where appropriate shall endeavor to design quotations and tenders to provide an advantage to goods, services and / or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes.

Practically, sustainable procurement means the Shire shall always endeavor to identify and procure products and services that:

- have been determined as necessary.
- demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- demonstrate environmental best practice in water efficiency.
- are environmentally sound in manufacturing, use, and disposal with a specific preference for products made using the minimum number of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage.
- that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimize waste.
- for motor vehicles, feature the highest fuel efficiency available, based on vehicle type and within the designated price range; and for new buildings and refurbishments – where available use renewable energy and technologies.



## DEFINITIONS

**Sustainable procurement** – the procurement of goods and services that have less environmental and social impacts than competing products and services.

**Value for money** – an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire.

**Whole of life cycle costs (for goods) and whole of contract life costs (for services)** – includes transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance, and disposal.

## RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995 (WA) (CKI)*

*Local Government Act (Financial Management) Amended Regulations 2015 (WA) (CKI)*

*Local Government (Functions and General) Regulations 1996 (WA) (CKI)*

*Corruption Crime and Misconduct Act 2003 (WA) (CKI)*

*State Records Act 2000 (WA) (CKI)*

## RELATED DOCUMENTS

*Shire of Cocos (Keeling) Islands Code of Conduct for Council Members, Committee Members & Staff*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	26/09/2018	Resolution #	0918/07
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	20/08/2020	Resolution #	10.4.5
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.5
Reviewed/Modified	Date	27/07/2022	Resolution #	10.1.1
Reviewed/Modified	Date		Resolution #	



## CPF5 - Related Party Transactions Disclosure Policy

### RESPONSIBLE OFFICER

Manager Finance and Corporate Services

### OBJECTIVE

To ensure that the Shire of Cocos (Keeling) Islands' (the Shire's) *Financial Statements* contain disclosures necessary to comply with the *Australian Accounting Standard Board (AASB) Standard 124 - Related Party Disclosures*, which draw attention to the possibility that the Shire's financial position and surplus or deficit may have been affected by the existence of transactions with a related party and outstanding balances and commitments with such parties.

### SCOPE

This policy applies to Related parties of Council and key management personnel, as defined in this policy.

The policy is to be applied in:

- identifying and recording related parties and related party relationships.
- identifying and recording related party transactions and their terms and conditions.
- assessing materiality and or significance of these transactions.
- identifying the circumstances in which disclosure of points a) and b) is required.
- determining the disclosures to be made about points a) and b); and
- disclosing relevant information in the *Financial Statements*.

### POLICY

From 1 July 2016, *AASB Standard 124 - Related Party Disclosures* applies to Council requiring Council to disclose information about related parties and transactions with those related parties within the financial statements. In the context of transactions, this means cash and non-cash transactions.

As the disclosures form part of the financial statements, they are subject to audit by the external auditors.

Key management personnel and the position they hold with the Council will be identified by Governance Coordinator each year. The Shire's Governance Coordinator is responsible for registering Key Management personnel within the Attain Local Government compliance software that manages the submission of 'Related Party Disclosure Forms'. Related Party Disclosure forms are to be submitted within 30 days of commencement and the annual, prior to 31 August.

Key management personnel who no longer carry that designation part way through a reporting period will still be subject to disclosure requirements for the current reporting period. Key management personnel who acquires the role partway through reporting period will also be subject to disclosure requirements for that period.

The form, at minimum details of the related party, family members and/or entities that may have existing transaction potential with Council.

For disclosure requirements of *AASB Standard 124*, the Finance Department shall capture related party transactions for reporting in the *Financial Statements* and the following will be collected through each year:

- (a) transactions that are monetary and/or non-monetary.
- (b) the value of the transaction if monetary.
- (c) the benefit if non-monetary.
- (d) the value of outstanding balances.
- (e) details of commitments and/or guarantees; and
- (f) recognition for the provision of doubtful debts related to outstanding balances of related parties.

As per paragraph 17 of *AASB Standard 124*, key management personnel compensation in total and for each of the following categories must be disclosed:

- (a) short-term employee benefits.
- (b) post-employment benefits.
- (c) other long-term benefits.
- (d) termination benefits; and
- (e) share-based payments.

Once related party transactions have been identified, they will be assessed and a determination made regarding the materiality of the transaction. This will include assessment of ordinary citizen transactions and whether the terms and conditions differ from normal practice.

If a Councillor or employee believes a transaction may not constitute an arms-length transaction, they must notify the Chief Executive Officer who will discuss the matter with the Manager of Finance and Corporate Services for further investigation and action.

For guidance, materiality is generally deemed to apply where the related party transaction, can be expressed in financial terms:

- a single transaction greater than \$300
- cumulative transaction greater than \$1,500

the related party transaction cannot be expressed in financial terms.

- Reasonable person test – would an ordinary person consider that pressure has been applied or influence exerted?

### **Privacy**

All information contained in a disclosure form will be treated in confidence.

Council will endeavour to ensure that only those employees involved in the preparation of the related party disclosures and the external auditors will have access to the related party declarations and related party transactions.

In general, related party disclosures in the annual financial statements are reported in aggregate and individuals not specifically identified. Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality in accordance with AASB 124.

## DEFINITIONS

Related party – a person or an entity that is related to Council, referred to as the ‘reporting entity’. Examples of related parties of Council are:

- (i) Council subsidiaries.
- (ii) Key management personnel.
- (iii) close family members of key management personnel; and
- (iv) entities that are controlled or jointly controlled by key management personnel or their close family members.

Key management personnel – a person or persons having authority and responsibility for planning, directing, and controlling the activities of the entity, either directly or indirectly, including any manager (executive or otherwise) of that entity. In the case of the Shire, key management personnel include, but is not limited to, all elected Members, the Chief Executive Officer and Managers.

Close family members – family members who may be expected to influence or be influenced by those individuals’ dealings with Council and include:

- (i) children and spouse or domestic partner.
- (ii) children of that person’s spouse or domestic partner.
- (iii) dependents of that person or that person’s spouse or domestic partner; and
- (iv) under *AASB Standard 124* could also include extended members of family such as parents, siblings, grandparents, uncles/aunts, or cousins if they could be expected to have influence or be influenced by the key management personnel in their dealings with Council.

Related party transactions – a transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged.

Ordinary citizen transaction – transactions that an ordinary citizen would undertake with Council, which would be undertaken at arm’s length and in the ordinary course of carrying out Council’s functions and activities. They would not be seen as material in nature. Examples of ordinary citizen transactions include:

- (i) the paying of rates and charges.
- (ii) the use of Council owned public facilities; and
- (iii) attending council functions that are open to the public.

Control – power to govern the financial and operating policies of any entity to obtain benefits from its activities.

Significant influence – the power to participate in the financial and operating policy decision of an entity but not to control those policies.

#### RELEVANT LEGISLATION/LOCAL LAW

*Australian Accounting Standard Board (AASB) Standard 124 - Related Party Disclosures*

#### RELATED DOCUMENTS

*Related Party Disclosure Form*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	8/11/2017	Resolution #	1117/10
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPF6 - COVID-19 Financial Hardships Policy

RESPONSIBLE OFFICER

Manager Finance & Corporate Services

### OBJECTIVE

To give effect to our commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 pandemic, the Shire of Cocos (Keeling) Islands (the Shire) recognises that these challenges will result in financial hardship for our ratepayers.

This policy is intended to ensure that we offer fair, equitable, consistent, and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

### SCOPE

This policy applies to:

1. outstanding rates and service charges as at the date of adoption of this policy; and
2. rates and service charges levied for the 2023/24 financial year.

It is a reasonable community expectation, as we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so. For this reason, the policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the *Local Government Act 1995 (WA) (CKI)* and *Local Government (Financial Management) Regulations 1996 (WA) (CKI)* will apply.

### POLICY

#### **Payment difficulties, hardship, and vulnerability**

Payment difficulties, or short-term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Cocos (Keeling) Islands recognises the likelihood that COVID19 will increase the occurrence of payment difficulties, financial hardship, and vulnerability in our community. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

### **Anticipated financial hardship due to COVID19**

We recognise that many ratepayers are already experiencing financial hardship due to COVID-19. We respect and anticipate the probability that additional financial difficulties will arise when their rates are received.

We will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration. Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.

### **Financial hardship criteria**

While evidence of hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- recent unemployment or under-employment.
- sickness or recovery from sickness.
- low income or loss of income; and
- unanticipated circumstances such as caring for and supporting extended family.

Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

### **Payment arrangements**

Payment arrangements facilitated in accordance with section 6.49 of the *Local Government Act 1995 (WA) (CKI)* are of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past.
- The payment arrangement will establish a known end date that is realistic and achievable.
- The ratepayer will be responsible for informing the Shire of any change in circumstance that jeopardises the agreed payment schedule.

### **Interest charges**

A ratepayer that meets the financial hardship criteria will not attract interest or penalty charges on rates / service charge debt in 2022/2023, subject to the period that the *Local Government (COVID-19 Response) Ministerial Order 2020* remains effective.

In the case of severe financial hardship, the Shire may consider writing off interest previously accrued on rates and service charge debts.

### **Deferment of rates**

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card, and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- remains as a debt on the property until paid.
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property.
- may be paid at any time, but the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

### **Debt recovery**

The Shire will suspend debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan, and the debtor advises the Shire and makes an alternative plan before defaulting on the third due payment, the Shire will continue to suspend debt recovery processes.

For any rates and service charge debts that remain outstanding on 1 July 2023, where a ratepayer has not reasonably adhered to the agreed payment plan, the Shire will offer the ratepayer one further opportunity of adhering to a payment plan to clear the total debt by the end of the 2023/2024 financial year.

Rates and service charge debts that remain outstanding at the end of the 2023/2024 financial year will be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995 (WA) (CKI)*.

### **Review**

The Shire will establish a mechanism for review of decisions made under this policy and advise the applicant of their right to seek review and the procedure to be followed.



## Communication and Confidentiality

The Shire will maintain confidential communications at all times and undertakes to communicate with a nominated support person or other third party at your request.

The Shire will advise ratepayers of this policy and its application when communicating in any format (i.e., verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

The Shire recognises that applicants for hardship consideration are experiencing additional stressors and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

### RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995 (WA) (CKI)*

*Local Government (COVID-19 Response) Ministerial Order 2020, SL 2020/67, gazetted 8 May 2020).*

*Local Government (Financial Management) Regulations 1996*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	7/10/2020	Resolution #	10.4.3
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPF7 - Recovery of Sundry Debts Policy

RESPONSIBLE OFFICER

Manager Finance & Corporate Services

### OBJECTIVE

To provide a clear, accountable and transparent process for the Shire of Cocos (Keeling) Islands' (the Shire's) sundry debt management and collection practices . To ensure consistency for all sundry debt recovery, ensure timely cashflow and to reduce the likelihood of sundry debts becoming unrecoverable.

### SCOPE

This policy applies to all debts due to the Shire except debts in respect of rates and service charges.

### POLICY

#### Sundry Debt Recovery

Sundry debts not received by the due date shall be recovered in accordance with this policy and any relevant legislation. Sundry debtor balances are reported to Council in the relevant Monthly Financial Report including the follow-up status of sundry debtors that are 90+days overdue.

If an invoice is not paid by the due date, then the following process will be implemented:

1. A statement stamped overdue will be issued to the debtor within the first week of each month.
2. If payment is not received and the debtor falls into 60 days outstanding, an appropriate Shire officer will make contact via phone or email. Details of the follow up will to be recorded in the Debt Collection Register.
3. Follow up of debtors via phone or email will continue by an appropriate Shire officer monthly until payment is made in full unless regular payments of an acceptable level are being reliably made. Details of the follow up or regularity of payments are to be noted on the Debt Collection Register.
4. Any debtor that has an amount outstanding in excess of 90 days where no regular payments are being made will be handed over to the Manager Finance and Corporate Services for recovery actions. The Manager & Finance and Corporate Services will contact the debtor and may offer to make a formal payment arrangement that will ensure the debt is cleared within a reasonable timeframe up to a maximum of 12 months. Any such arrangement must be noted on the Debt Collection Register and on the Sundry Debtor account in Synergy.
5. If a payment arrangement cannot be arranged the debtor will be issued a final demand letter giving 60 days to pay the debt in full. This letter will also outline the next step being to

engage a debt collection agency and that the debtor will be liable for any costs of legal proceedings.

6. If a payment arrangement is formally agreed upon but not followed, the Debtors officer will contact the debtor to request make-up payments to ensure the agreement remains valid. Should the payment arrangement be broken more than 3 times, the debtor will be issued with a final demand letter giving 60 days to pay the debt in full. This letter will also outline the next step being to engage a debt collection agency and that the debtor will be liable for any costs of legal proceedings.
7. If payment is not received in full after the 60 the outstanding debt will be forwarded to a debt collection agency for recovery.
8. Pending success of the debt collection agency and discussions with the debtor, further action such as cancellation of services, rentals and leases may be requested from Council.

#### RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995 (WA) (CKI)*

*Local Government (Financial Management) Regulations 1996 (WA) (CKI)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPF10 Community Funding – Waste Management Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This policy seeks to ensure a fair, equitable and transparent process for allocation of community funding to reduce the impact of waste management on small, resident businesses that directly service the local community.

### SCOPE

The policy applies to funding allocated to subsidise the cost of Private Commercial bin fees for small, resident businesses that directly service the local community.

This funding does not apply to accommodation or tourism service businesses or government agencies. Noting, eligibility is based on the property use at which the bin charge is raised.

### POLICY

The Shire of Cocos (Keeling) Islands Strategic Community Plan 2022-2032 identifies the need to support local businesses.

#### Eligibility Criteria

In order to be eligible for subsidy funding, a business must meet the following criteria:

- Have paid their 'Private Commercial' bin fees in full (per Annual Rates notice)
- Be a legally constituted entity, an individual or business with an Australian Business Number (ABN);
- Have a demonstrated investment in the Shire; such as a lease of at least three years or ownership of premises located within the Shire;
- Have not been approved for funding under this program previously in the current financial year (maximum one grant per property per financial year).
- Has satisfied definition of Small Business on the Cocos (Keeling) Islands as per CPC7 Small Business Policy
- Directly servicing the local community and costs isn't passed on to an external party to cover.

A small business on the Cocos (Keeling) Islands will be classified as such for the purpose/s of determining a reduction in waste management fees when it meets the following criteria:

- Be a legally constituted entity, with an Australian Business Number (ABN) or an Australian Company number (ACN),
- Locally owned and operating only on the Cocos (Keeling) Islands,
- Have a business turnover of less than \$10 million annually
- Have less than 15 employees (full time, part time or casual)



- Meets requirements all conditions of the Shire of Cocos (Keeling) Islands Town Planning Scheme relative to the business.

#### Funding Amounts:

The subsidy will equate to the difference between the Private Residential Rate and the Private Commercial Rate per bin. With a maximum subsidy of one bin per property.

Example: 2023/24 Rates

Private Commercial = \$2,962 minus Private Residential = \$580 = **\$2,382** Subsidy

#### DEFINITIONS

Local Community – refers to local residents of Home and West Island, Cocos (Keeling) Islands.

#### RELEVANT LEGISLATION/LOCAL LAW/RELEVANT DOCUMENT

CPC7 Small Business Policy

Office Use Only				
Relevant Delegations				
Council Adoption	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	

## CPG1 - Communications and social media Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This policy establishes the protocols for the Shire of Cocos (Keeling) Island's communications with our community to ensure the Shire is professionally and accurately represented and to maximise a positive public perception of the Shire.

### SCOPE

This policy applies to:

- any person responding to or initiating any communication on behalf of the Shire, including employees, contractors, volunteers, and work experience students; and
- Councillors when making comment in either their role as an elected member for the Shire or in a personal capacity.

### POLICY

The purposes of the Shire's official communications include:

- sharing information required by law to be publicly available.
- sharing information that is of interest and benefit to the community.
- promoting the Shire's projects, facilities, events and services.
- answering questions and responding to requests for information relevant to the Shire; and
- receiving and responding to community feedback, ideas, comments, complaints, and compliments.

The Shire's official communications will be consistent with relevant legislation, policies, standards, and positions adopted by Council. Our communications will always be respectful and professional.

The Shire will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the community or specific audience including:

- website.
- advertising and promotional materials.
- newsletter articles / Media Releases prepared for the Shire to promote specific information.
- social media; and
- letter drops or any other modes of communication undertaken by the Shire at the discretion of the Chief Executive Officer.

As per the *Local Government Act 1995 (WA) (CKI)* the Shire President is the official spokesperson for the Shire. Where the Shire President is not available, the Deputy Shire President may act as the spokesperson, or this task may be delegated to other Councillors at the Shire President's discretion.

The Chief Executive Officer may speak on behalf of the Shire where authorised to do so by the Shire President.

Communications by Councillors, whether undertaken in an authorised official capacity or as personal communication, must not:

- bring the Shire into disrepute.
- publicly criticise the Council, Shire or any fellow Councillor or employee of the Shire.
- compromise the person's effectiveness in their role with the Shire.
- imply the Shire's endorsement of personal views; or
- disclose confidential information.

Councillor communications must comply with the *Shire of Cocos (Keeling) Islands Code of Conduct for Council Members, Committee Members and Candidates* and the *Local Government (Model Code of Conduct) Regulations 2021 (WA) (CKI)*.

### **Social media**

The Shire uses social media to facilitate interactive information sharing and to provide responsive feedback to our community. Social media will not however, be used by the Shire to communicate or respond to matters that are complex or relate to a person's or entity's private affairs. The Shire maintains its own social media presence but may also contribute to social media hosted by others to ensure the Shire's strategic communication objectives are achieved.

The Shire will actively seek questions, ideas and feedback from our community but expects all participants to behave in a respectful manner. The Shire will moderate its social media accounts to address, and where necessary delete, content that is deemed as:

- offensive, abusive, defamatory, objectionable, inaccurate, false or misleading.
- soliciting or commercial in nature.
- unlawful or incites others to break the law.
- information which may compromise individual or community safety or security.
- content that promotes or opposes any person campaigning for an election to the Council appointment to any official office or any ballot.
- content that violates intellectual property rights or the legal ownership or interests of another party.
- material that is deemed of a sexual and/or violent nature; and
- any other inappropriate content or comments at the discretion of the Chief Executive Officer.

Where a third-party contributor to a Shire social media account is identified as posting content that is deleted in accordance with this policy, the Shire may at the discretion of the Chief Executive Officer, block that contributor for a specific period or permanently.



### **Notices**

Notifications will be made to the public when it is either required by legislation or is considered advantageous to the Shire and the community to do so.

Statutory notices from the Shire must always be translated into Cocos Malay unless it is unreasonable to do so.

Public notices from the Shire will be translated into Cocos Malay where appropriate. Such notices will be published in *The Atoll*.

Other notices from the Shire will be translated into Cocos Malay when it is deemed advantageous to the Shire and community either by the Chief Executive Officer or the Shire Council.

Although the translation of notices into Cocos Malay is considered a high priority, it must be recognised that in some circumstances, providing translations of documents will be beyond the capacity of the Shire.

### **Meetings and public events**

Council meetings and public meetings organised by the Shire must never be scheduled to coincide with the prayer times of the Cocos Malays, unless there is no appropriate, alternative time in which the meeting could be held.

Workshops organised by the Shire should be scheduled with prayer times being considered and factored into the programme timetable.

Translators should be used at major public events organised by the Shire when it is deemed appropriate either by the Chief Executive Officer or the Shire Council.

### **Record keeping**

Official communications undertaken on behalf of the Shire, including on social media, will be created, and retained as local government records. These records are subject to the *Freedom of Information Act 1992 (WA) (CKI)*.

### **Personal communications**

Personal communications and statements made privately in conversation, written, recorded, emailed, or posted in personal social media have the potential to be made public, whether it is intended or not. Therefore, on the basis that personal and private communications may be shared or become public at some time in the future, Councillors must ensure that their personal or private communications do not breach the requirements of this policy, the *Shire of Cocos (Keeling) Islands Code of Conduct for Council Members, Committee Members and Candidates* or the *Local Government (Model Code of Conduct) Regulations 2021 (WA) (CKI)*.

### **Statements on Shire matters**

A Councillor may choose to make a personal statement publicly on a matter relating to the business of the Shire. Any such statement, whether in a personal capacity or in their elected member capacity, must:

- clearly state that the comment is a personal view only, which does not necessarily represent the views of the Shire.
- be made with reasonable care and diligence.
- be lawful, including avoiding contravention of copyright, defamation, discrimination, or harassment laws.
- be factually correct.
- avoid damage to the reputation of the Local Government.
- not reflect adversely on a decision of the Council.
- not reflect adversely on the character or actions of another Councillor, employee, contractor of the Shire or Shire stakeholder; and
- maintain a respectful and positive tone and not use offensive or objectionable language or expressions in reference to any Councillor, employee, contractor of the Shire, Shire stakeholder or community member.

### **Breaches of policy**

Comments which become public and breach this policy, the *Shire of Cocos (Keeling) Islands Code of Conduct for Council Members, Committee Members and Candidate* or the *Local Government (Model Code of Conduct) Regulations 2021 (WA) (CKI)*, may constitute a serious breach of the *Local Government Act 1995 (WA) (CKI)* and, in the case of Councillors, may be referred to the Standard Panels for investigation. In the case of employees, breaches of any of the foregoing, as applicable, will make them subject to disciplinary measures, including termination of employment.

## DEFINITIONS

**Contractor** – a person engaged by the Shire as a contractor or subcontractor, an employee of a contractor or subcontractor, or an employee of a labour hire company assigned to work for Council.

**Councillor** - a person elected under the *Local Government Act 1995 (WA) (CKI)* as a member of the council of the local government and includes the president of the local government.

**Employee** – a person engaged by the Shire on a permanent, fixed-term or casual basis, either full time or part time.

**Shire President** – a person elected by Council into the position of Shire President.

**Social media** – social networks including, but not limited to, Facebook, Instagram, YouTube, Twitter, Snapchat, LinkedIn.

**Volunteer** – a person who willingly gives their time for the common good without financial gain.

Work experience student – a student who has been placed in the workplace as an introduction to the work environment.

#### RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995 (WA) (CKI)*

*Local Government (Model Code of Conduct) Regulations 2021 (WA) (CKI).*

#### RELATED DOCUMENTS

*Shire of Cocos (Keeling) Islands Code of Conduct for Council Members, Committee Members and Candidates*

*Shire of Cocos (Keeling) Islands Code of Conduct for Council Members, Committee Members & Staff*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	23/01/2019	Resolution #	10.4.2
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	

## CPG2 - Legal Representation for Councillors and Employees Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This policy provides a framework and guidance for the Shire of Cocos (Keeling) Islands (the Shire) to provide financial assistance to past and present Councillors and employees who become respondents in legal proceedings because of their official duties.

### SCOPE

This policy applies to Councillors and employees (including past elected members and former employees) who seek legal advice or where they are involved in civil legal proceedings arising from the course of their official functions.

### POLICY

#### 1.0 General Principles:

1.1 The Shire may approve the legal representation costs of a Councillor or employee if the following criteria are satisfied:

- a) The legal representation costs must relate to a matter that arises from the performance, by the Councillor or employee in the course of their official functions.
- b) The legal representation costs must be in respect of legal proceedings that have been, or may be, commenced.
- c) In performing their functions, to which the legal representation relates, the Councillor or employee must have acted in good faith and must not have acted unlawfully or in a way that constitutes improper conduct.
- d) The legal representation costs must not relate to a matter that is of a personal or private nature.

1.2 In each case it will be necessary to determine whether assistance with legal representation costs is justified through the provision for the good government of the Shire's people and its district.

#### 2.0 Application for financial assistance:

2.1 If the criteria in item 1.1 of this policy are satisfied, the Shire may approve the payment of legal representation costs as follows:

- a) Where proceedings are brought against a Councillor or employee in connection with their functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the Councillor or employee; or

- b) To enable proceedings to be commenced and/or maintained by a Councillor or employee to permit them to carry out their functions - for example where a Councillor or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the Councillor or employee; or
- c) Where exceptional circumstances are involved – for example, where a person or organisation is compromising the confidence within the community by publicly making adverse personal comments in relation to a Councillor or employee.

2.2 The Shire will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, or a negligence action, instituted by a Councillor or employee.

### **3.0 Application for payment**

3.1 A Councillor or employee seeking assistance under this policy is required to make an application, in writing, to the Chief Executive Officer. If the Chief Executive Officer is seeking assistance under this policy, they are required to make an application, in writing, to Council.

3.2 The written application for payment of legal representation costs is to give details of the following:

- a) The matter for which legal representation is sought.
- b) How the matter relates to the functions of the Councillor or employee.
- c) The lawyer or legal firm nominated to provide the legal representation.
- d) The nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc).
- e) An estimated cost of the legal representation.
- f) Why it is in the interests of the Shire for payment to be made.

3.3 As far as possible, the application is to be made before commencement of the legal representation to which the application relates.

3.4 The application is to be accompanied by a signed written statement by the applicant that:

- a) acknowledges they have read, and understood, the terms of the policy.
- b) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject.
- c) undertakes to repay to the Shire any legal representation costs in accordance with the provisions of clause 7; and
- d) the applicant has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.

3.5 An application is also to be accompanied by a report prepared by the Chief Executive Officer or, where the Chief Executive Officer is the applicant, by an appropriate employee.

3.6 Payment by the Shire of legal representation costs may be either by:

- a) a direct payment to the approved lawyer (or the relevant firm); or
- b) a reimbursement to a Councillor or employee.

#### **4.0 Legal representation costs – limit**

- 4.1 Council, in approving an application in accordance with this policy, shall set a limit on the legal representation costs to be paid based on the estimated costs in the application.
- 4.2 A Councillor or employee may make a further application to Council in respect of the same matter.

#### **5.0 Council's powers**

- 5.1 With respect to an application for payment of legal representation costs Council may:
- a) refuse.
  - b) grant; or
  - c) grant the application subject to conditions.
- 5.2 In addition to the limit on legal representation costs set under clause 4.1, conditions under clause 5.1 may include, but are not restricted to, a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.
- 5.3 In assessing an application, Council may have regard to any insurance benefits that may be available to the applicant under the Shire's Councillors or employee's insurance policy or its equivalent.
- 5.4 Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.
- 5.5 Council may, subject to clause 5.6, determine that a Councillor or employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved:
- a) not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
  - b) given false or misleading information in respect of the application.
- 5.6 A determination under clause 5.5 may be made by Council only based on, and consistent with, the findings of a court, tribunal or inquiry.
- 5.7 Where Council decides under clause 5.5, it may also determine that all or part of the legal representation costs paid by the Shire, are to be repaid by the Councillor or employee in accordance with clause 7.

## 6.0 Delegation to Chief Executive Officer

- 6.1 In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the Chief Executive Officer may exercise, on behalf of Council, any of the powers of Council under clause 5.1 and 5.2, to a maximum of \$5,000 in respect of each application.
- 6.2 Where the Chief Executive Officer is the applicant, the powers in clause 6.1 are to be exercised by the Shire President.
- 6.3 An application approved by the Chief Executive Officer under clause 6.1, or by the Shire President under clause 6.2, is to be submitted to the next ordinary meeting of Council. Council may exercise any of its powers under this policy, including its powers under clause 5.4.

## 7.0 Repayment of legal representation costs

- 7.1 A Councillor or employee whose legal representation costs have been paid by the Shire is to repay the Shire:
- a) all or part of those costs, in accordance with a determination by Council under clause 5.7; or
  - b) as much of those costs as are available to be paid by way of off-set, where the Councillor or employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the Shire paid the legal representation costs.
- 7.2 The Shire may take action in a court of competent jurisdiction to recover any monies due to it under this policy.

## DEFINITIONS

Approved lawyer –

- (a) A lawyer certified to practice under the *Legal Profession Act 2008* (WA);
- (b) A lawyer from a law firm on the Shire's panel of legal service providers, unless Council considers that this is not appropriate, for example where there is or may be a conflict of interest or insufficient expertise; and
- (c) A lawyer approved in writing by Council or the Chief Executive Officer under delegated authority.

Councillor – a person elected under the *Local Government Act 1995* (WA) (CKI) as a member of the council of the local government and includes the president of the local government.

Employee – a person engaged by the Shire on a permanent or casual basis, either full time or part time, and, for the purposes of this policy, an external committee member.

Legal proceedings – civil, criminal, or investigative proceedings.

Legal representation – the provision of legal services, to or on behalf of a Councillor or employee, by an approved lawyer in respect to:



- a) a matter or matters arising from the performance of the functions of Councillor or employee; and
- b) legal proceedings involving a Councillor or employee that have been or is to be commenced.

Legal representation costs – mean the costs, including fees and disbursements, properly incurred in providing legal representation.

Legal services – means advice, representation or documentation that is provided by an approved lawyer.

#### RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995 (WA) (CKI)*

*Legal Profession Act 2008 (WA) (CKI)*

Office Use Only				
Relevant Delegations				
Council Adoption	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	

## CPG3- New Councillor Training and Continuing Professional Development Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This policy provides guidance to Councillors in meeting their statutory obligations in relation to training and ensuring their skill levels are commensurate with their role and responsibilities.

### SCOPE

This policy applies to Councillors of the Shire of Cocos (Keeling) Islands (the Shire) who have more than three months remaining on their term.

### POLICY

#### ELECTED MEMBER INDUCTION

Following each Local Government Election, the Shire conducts an induction for all newly appointed Elected Members. The induction, depending on the Elected Members experience with being a representative of the Shire, could include meetings with the Shire's Executive Team and information provided to assist with their understanding of the roles and responsibilities, legislative obligations, and the strategic direction of the Shire.

#### PRESCRIBED TRAINING

Part 5, Division 10 of the *Local Government Act (WA) (CKI) 1995* stipulates the requirement for training of all Councillors.

Training requirements are prescribed in the *Local Government (Administration) Regulations 1996* (the Regulations) and include that:

- Mandatory training being that each sitting Councillor must complete a *Council Member Essentials* course consisting of five modules within 12 months of taking office.
- Training is valid for five years.
- Training must be completed through WALGA, the North Metropolitan TAFE or the South Metropolitan TAFE.

The Shire will advise all candidates of the requirement for training prior to elections and provide date options for this training to occur within six months of the elections. Where possible the training will be held on-site on Home Island or West Island to minimise cost. All costs associated with this mandatory training will be met by Council. Should Councillors fail to register for training, or register and not attend, they will be required to undertake the training stipulated in the *Regulations*, at their own cost.

Councillors who do not comply with the prescribed training requirements of the *Local Government Act (WA) (CKI) 1995* face penalties of up to \$5,000.

## **CONTINUING PROFESSIONAL DEVELOPMENT**

The Shire is committed to supporting the continuous professional development of Councillors where it can be demonstrated that attendance will benefit Council and community by improving Councillors' understanding of the industry issues and trends. As such, attendance at conferences will be supported within the annual budget allocation made by Council. Councillors wishing to attend a conference must make an application to the Chief Executive Officer who will prepare a report for Council.

Additional training and professional development from a Registered Training Organisation related to leadership, public sector management, strategic financial management, governance, and risk are also considered relevant and where Councillors wish to have those costs met by Council, they are to make an application to the Chief Executive Officer who will prepare a report for Council.

In assessing such applications for conference attendance and other professional development, Council will consider this policy.

Where training is offered by WALGA, Local Government Professionals and/or is supported by a funding body and open to all Councillors, the Chief Executive Officer can approve the attendance at training without requiring a report for Council consideration.

Councillors who do not complete training paid for by Council will be required to repay any costs.

Councillors will not be entitled to undertake any training at Council's cost with three months of the expiry of their term on Council.

## **EXPENSES**

Subject to approval being granted to attend an event, the Chief Executive Officer or Council as applicable, the following expenses are to be met:

### **Travel**

Where travel is involved, the actual cost of travel to and from the event venue are to be met by the Shire for the respective Elected Member/CEO.

- a) All air travel is to be by Economy Class (unless otherwise provided for by Council Policy) at a time that is convenient to the Elected Member or the Chief Executive Officer. As far as is practicable, advantage should be taken of any available discount fares including advance purchase fares. Upgraded seats can be secured at the Elected Member cost (noting that the cost difference is to be determined as the amount between the lowest discounted economy fare available and the upgraded cost).
- b) Where in particular circumstances an Elected Member desires to travel interstate or intrastate by private motor vehicle, they are to be reimbursed for vehicle costs in accordance with the *State Public Service Award 1992*, but only up to an equivalent amount that would have been expended had arrangements been made to travel by air.

- c) Elected Members must not receive any personal frequent flyer or accommodation loyalty points for air travel or accommodation booked and paid for by the Shire.

### **Registration**

Registration fees may include, where applicable, event registration, conference program dinners, technical tours and accompanying workshops identified within the event program.

### **Accommodation**

Reasonable accommodation for the Elected Member for a room at or near the event venue will be paid for. Allowance for delegates to arrive the day prior to the start of the event and depart the day following the close of the event are acceptable if it is not reasonable to expect travel to occur on the days of the conference - subject to flight availability. Should an Elected Member wish to upgrade their accommodation standard or extend their visit for personal reasons not associated with approved Shire business, all extended stay and additional costs associated with that stay are to be met by the Elected Member (including any additional airfare costs).

Should Elected Members elect to stay with family or at alternative accommodation not booked by the Shire, expenses will be paid in accordance with the conditions set out in the *State Public Service Award 1992*.

### **Meals and Incidental Expenses**

Funding for meals and incidental expenses is to be provided in accordance with the conditions of service and allowances set out in the *State Public Service Award 1992*:

- a) Meals expenses are to be interpreted as reasonable expenses incurred for the purchase of breakfast, lunch, and dinner where these are not provided at the event or in travel. The extent to which an Elected Member can be reimbursed for intrastate or interstate travel and accommodation costs is at the same rate applicable to reimbursement of travel and accommodation costs in the same or similar circumstances under the *State Public Service Award 1992*. The Elected Member is not required to acquit the allowance paid.

Note: When meals are included and have been paid for as part of the registration fee or accommodation costs, claims for alternative meals at venues other than the event is not to be paid by the Shire.

- b) Incidental expenses are to be interpreted as reasonable expenses incurred by the delegate for telephone calls, newspapers, laundry, public transport and sundry food and beverages. The Elected Member is not required to acquit the allowance paid.
- c) In accordance with the *State Public Service Award 1992*, the cash advance will be made to cover meals, incidental expenses, and intra-City transport. The advance can be sought by the delegate prior to departure for the event.

## **Transport**

Transport to and from the airport and necessary intra-City movement is via taxi, or any other more cost-effective reasonable alternatives are to be provided for by the Shire. Receipts must be kept in order for the Shire to make a reimbursement.

## **Travel Insurance – Intrastate, Interstate, and International**

Elected Members may be covered by the Shire's travel insurance for the duration of their travel; however, it may not be adequate for their own personal level of health and eligibility. Any Elected Member should make themselves familiar with the conditions of the Shire's Corporate Travel Insurance Policy and Schedule so that the Shire and/or the delegates can make any alternative decisions and arrangements if need be, regarding the intended travel.

## **ACCOMPANYING PERSONS/ENTERTAINMENT COSTS**

Other than conference dinner and shared accommodation, Elected Members are responsible and will be required to pay all costs associated with an accompanying person attending an event.

## **ACQUITTAL OF EXPENSES**

Where an allowance has been paid and the Elected Member are provided a meal by the organiser/ related party of the event, upon their return, they must notify the Council Administration Officer to arrange reimbursement of the allowance that was paid for that meal. However, there is no requirement to undertake an acquittal of expenses for other meals and incidentals. Elected Members cannot claim for event related meals and incidental expenditure, more than the meal and/or incidental allowance.

Request for reimbursement for taxi /uber and other expenses must be submitted with receipts to support the claim.

## **REPORTING**

The Shire will keep a register detailing the training undertaken by all Councillors. The register will provide details of the course or module completed, any associated costs (including travel and accommodation) that were met by Council, and the name of the training provider or conference. The register will be published on the Shire website and in the *Annual Report*.

## **DEFINITIONS**

Councillor – a person elected under the Local Government Act 1995 (WA) (CKI) as a member of the council of the local government and includes the president of the local government.

Registered Training Organisation (RTO) - a training provider registered by the Australian Skills Quality Authority (ASQA), or a state regulator, to deliver vocational education and training services.

## **RELEVANT LEGISLATION/LOCAL LAW**

*Local Government Act 1995 (WA) (CKI)*

*Local Government (Administration) Regulations 1996 (WA) (CKI)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	

## CPG4 - Use of Council Chambers Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To regulate the use of the Council Chambers and ensure public usage reflects the best interests of Council and the community.

### SCOPE

This policy applies to decisions on whether to permit the use of Council Chambers for public meetings.

### POLICY

Council Chambers may be made available for public meetings on the following bases:

1. An application has been made in writing to the Chief Executive Officer seeking written approval for the use of Council Chambers for the specified public meeting and the Chief Executive Officer has given written approval for the meeting.
2. The meeting is related to Council business, is associated with Council involvement or is at the request of the Administrator of Christmas Island and the Cocos (Keeling) Islands or the Australian Government.
3. A Councillor or Shire employee is an attendant of all meetings taking place during normal Shire office hours.
4. The Chief Executive Officer or nominated Shire representative is an attendant of all meetings taking place outside of normal Shire office hours.
5. The meeting is not a private function, nor used for political or electoral purposes.

### DEFINITIONS

*Councillor – a person elected under the Local Government Act 1995 (WA) (CKI) as a member of the council of the local government and includes the president of the local government.*

*Employee – any person engaged by the Shire on a permanent, fixed-term or casual basis, either full time or part time.*



Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	unknown	Resolution #	unknown
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
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Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	

## CPG5 - e-Meetings During States of Emergency Policy

RESPONSIBLE OFFICER

Governance and Risk Coordinator

### OBJECTIVE

To provide guidance to Councillors, the administration, and the public on the parameters for holding e-Meetings and their intent, protocols and structure.

### SCOPE

This policy applies when it is not possible to hold a face-to-face Council meeting due to the declaration of a Public Health Emergency or a State of Emergency on the Cocos (Keeling) Islands.

### POLICY

The Shire of Cocos (Keeling) Islands (the Shire) is committed to transparent and open decision-making and therefore will only call an e-Meeting if the Administrator of Christmas Island and the Cocos (Keeling) Islands declares a Public Health Emergency or a State of Emergency on the Cocos (Keeling) Islands.

The intent is for this policy to be enacted on a meeting-by-meeting basis rather than for the duration of the period of the State of Emergency in recognition that in-person meetings are the preferred option.

The legislation *Local Government Act 1995 (WA) (CKI)* provides that Council can resolve to suspend the operation of specified (listed) clauses of the *Shire of Cocos (Keeling) Islands Meeting Procedures Local Law 2019* for the duration of that e-Meeting. This procedure requires a simple majority as per cl.16.1 of the Shire's *Meeting Procedures Local Law*.

An absolute majority is required under s.10.4 of the *Local Government Act 1995 (WA) (CKI)* should the Shire wish to suspend Local Law provisions for the duration of the State of Emergency – noting that this is not recommended under this policy.

This policy outlines the clauses that will be suspended and alternative procedures to the suspended clauses, that will be applied.

Prior to calling an e-Meeting, the Chief Executive Officer will seek the approval of the Shire President.

The Shire will aim to give at least 72 hours' notice to the Council and the public to advise that the Ordinary or Special Meetings of Council will be held via e-Meeting under this Policy and in accordance with the *Local Government (Administration) Regulations 1996*.

Where it is not possible to give 72 hours' notice, the Shire will endeavour to give as much notice as possible via the Shire's website and social media.

At the commencement of an e-Meeting, the agenda will include an officer recommendation for the suspension of the following specified Meeting Procedures Local Law clauses and the alternative methods for these clauses to be upheld. The matter will require approval by Simple Majority of Council to proceed.

- Cl.5.7 Public question time – members of the public are welcome to submit any questions in writing prior to the meeting. The question and response, if a response is available at the meeting, will be read aloud in the eMeeting and will be recorded in the minutes and a formal written response provided within two business days of the meeting. Where no response is available, the question will be taken on notice.
- Cl.5.9 Deputations – deputations will be able to be made to the Shire President or the Deputy Shire President or another Councillor as delegated by the Shire President. Where this is possible before the meeting, the purpose of the deputation will be reported to Council at the meeting at the appropriate time in the agenda. If this is not possible, any item relating to the deputation will be deferred if possible and the deputation will occur as soon as possible following the Council meeting. The purpose of deputation will be reported to the Council at the next Ordinary Meeting of Council.
- Cl.5.11 Presentations – presentations will be able to be made to the Shire President or the Deputy Shire President or another Councillor as delegated by the Shire President prior to the meeting if possible or immediately following the meeting. The details of the presentation will be reported to the Council at the next Ordinary Meeting of Council.
- Cl.5.13 Public inspection of agenda materials – agenda materials for Ordinary Meetings of Council will be available on the Shire's website 72 hours prior to the meeting. Where materials are tabled at the meeting, they will be made available on the Shire's website within 10 business day of the meeting.
- Cl.7.1 Members to be in their proper places – each Councillor will advise the Chief Executive Officer of where they will be located during the meeting at least one hour prior to the meeting. Councillors should confirm to the Chief Executive Officer that the place is suitable to avoid external interruption to their participation in the meeting and provide for confidentiality if the meeting is required to go behind closed doors.
- Cl.9.1(b) Motions to be stated in writing – motions will be read by the mover, recorded and repeated by the Chief Executive Officer.
- Cl.12.4 Method of taking vote – each Councillor will state their name and their vote.
- Cl.13.3. public inspection of unconfirmed minutes – unconfirmed minutes will be available on the Shire's website within 10 business days of the meeting.

#### e-Meeting protocols:

- Councillors are to indicate to the Presiding Member they wish to speak in debate by waiting for the first available opportunity to state their name and the desire to speak)

- Councillors are to indicate to the Presiding Member that they have a point of order or wish to foreshadow a motion by waiting for the first available opportunity to state their name and the reason for speaking (e.g. Point of Order; Foreshadowing a Motion).

## DEFINITIONS

**Councillor** – a person elected under the Local Government Act 1995 (WA) (CKI) as a member of the council of the local government and includes the president of the local government.

**e-Meeting** – an Ordinary Meeting of Council or Special Meetings of Council that is held via teleconference or in any other electronic or digital format.

**Meeting Procedures Local Law** – the *Shire of Cocos (Keeling) Islands Meeting Procedures Local Law 2019*.

**Deputation** – any person or group wishing to be received as a deputation as per CI5.9 of the *Shire of Cocos (Keeling) Islands Meeting Procedures Local Law 2019*.

**Presentation** – acceptance of a gift or an award by the Council on behalf of the local government or the community as per CI5.11 of the *Shire of Cocos (Keeling) Islands Meeting Procedures Local Law 2019*.

**Meeting** – a meeting of the Council, a committee of Council or the electors, as the context requires.

## RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995 (WA) (CKI)*

*Local Government (Administration) Regulations 1996 (WA) (CKI)*

*Shire of Cocos (Keeling) Islands Meeting Procedures Local Law 2019*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	24 June 2020	Resolution #	10.4.2
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	

## CPG6 - Attendance at Events Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This policy is required under section 5.90A(2) of the *Local Government Act 1995 (WA)(CKI)* to provide guidance to Councillors and the Chief Executive Officer on the acceptance of invitations to events and clarifies payment of ticket prices.

### SCOPE

This policy applies to all Councillors and the Chief Executive Officer of the Shire of Cocos (Keeling) Islands (the Shire).

This policy only applies to invitations to Councillors and/or the Chief Executive Officer to attend an event, which is addressed in writing to Shire of Cocos (Keeling) Islands. Invitations addressed to Councillors or the Chief Executive Officer, but not submitted in writing to the Shire, are not captured by this policy. The Shire expects all Councillors and the Chief Executive Officer to ensure they comply with their disclosure obligations under the Shire's Code of Conduct for Council Members, Committee Members and Candidates and the *Local Government Act 1995 (WA)(CKI)*.

### POLICY

Councillors and the Chief Executive Officer are often required to represent their local government and fulfil their leadership role in the community by attending events. Where Councillors or the Chief Executive Officer are offered tickets to an event, the Shire will pay for those tickets if it benefits the Shire that they attend the event.

Where a Councillor or the Chief Executive Officer attends an event where they have not paid for the ticket or hospitality, the Shire expects the councillor or the Chief Executive Officer to ensure they comply with their disclosure obligations under the Shire's *Code of Conduct* and the *Local Government Act 1995 (WA)(CKI)*.

The Chief Executive Officer and Councillors are authorised to attend the following events. Receipt of complimentary tickets for these listed events are excluded from interest disclosure requirements:

- Shire hosted or sponsored ceremonies, functions, events and art exhibitions.
- meetings and events hosted by clubs and not-for-profit organisations in the district.
- any free events held in the district.
- cultural events or festivals in the district.
- events run by schools within the district.

- f. events for which representation by the Shire President or the Chief Executive Officer has been requested; and
- g. events run by other local governments, ALGA, WALGA and Local Government Professionals Australia.

### **Approval of attendance**

In deciding on attendance at an event, Council will consider:

- a. who is providing the ticket to the event.
- b. the location of the event i.e., whether in the district or out of the district.
- c. the role of the Councillor or Chief Executive Officer when attending the event, i.e., participant, observer, presenter, and the value of their contribution.
- d. whether the event is sponsored by the Shire.
- e. the benefit of Shire representation at the event.
- f. the number of invitations or tickets received; and
- g. the cost to attend the event, including the cost of the ticket and any other expenses such as travel and accommodation.

Decisions to attend events in accordance with this policy will be made by simple majority and may be delegated.

### **Payments in respect of attendance**

Where an invitation or ticket to an event outside the Shire is provided free of charge, the Shire may contribute to appropriate expenses for attendance, such as travel and accommodation, if Council determines attendance to be of public value.

If Council determines that a Councillor or the Chief Executive Officer should attend a paid event, the Shire will pay the cost of attendance and appropriate expenses, such as travel and accommodation, for events outside the district in accordance with the relevant travel allowance policy and the cost of attendance for events within the district.

Where partners of an authorised Shire representative attend an event, any tickets for that person, if paid for by the Shire, must be reimbursed by the representative.

## DEFINITIONS

Event - in accordance with s5.90A of the *Local Government Act 1995 (WA)* (CKI) 'event' includes, but is not limited to, the following:

- concert.
- conference.
- function.
- sporting event; and
- an occasion prescribed for the purposes of this definition by the *Local Government (Administration) Regulations 1996 (WA)* (CKI).

## RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995 (WA) (CKI)*

## RELATED DOCUMENTS

*Shire of Cocos (Keeling) Islands Code of Conduct for Council Members, Committee Members and Candidates*

*Shire of Cocos (Keeling) Islands Code of Conduct for Council Members, Committee Members & Staff*

*Shire of Cocos (Keeling) Islands Travel Allowance Policy (CPE7)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	26/08/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	



## CPG7 - Importation of Poultry and other Species of Birds Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To establish a process in conjunction with Australian Quarantine and Inspection Service (AQIS) to enable Council to have input into the importation of poultry and other species of birds to the Cocos (Keeling) Islands.

### SCOPE

This policy applies to any resident, visitor or organisations considering importing poultry or other species of bird into the Cocos (Keeling) Islands.

### POLICY

Prior to poultry or any other species of bird being imported into the Cocos (Keeling) Islands, an application in writing must be submitted to Council seeking written approval. Council's letter of authorisation must then be presented to AQIS who will further consider the application.

In the case of the importation of domestic chickens, Council at its May 2012 Ordinary Meeting resolved to place a cap on the number of chickens allowed to be imported in a calendar year, with the number being set at 300.

This policy restricts residents to one application per year of 50 chickens to allow a number of residents to apply to import chickens.

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	Unknown	Resolution #	Unknown
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	

## CPG8 - Prevention of Cats and Dogs Being Imported Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To prevent the importation of cats and dogs to the Cocos (Keeling) Islands.

### SCOPE

This policy applies to all requests to import a cat or multiple cats or a dog or multiple dogs to the Cocos (Keeling) Islands.

### POLICY

Cats on Home and West Islands have become an increasing problem over the years, with many of the domestic cats, through neglect becoming feral, causing a nuisance.

Dogs have previously been a problem through neglect becoming feral or aggressive.

Until further review, no approval will be given for the importation of cats and dogs to the Cocos (Keeling) Islands.

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	Unknown	Resolution #	Unknown
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	

## CPG9 - Shipping and/or Sea Containers Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To ensure orderly development controls through guidelines for the installation of shipping and/or sea containers within specified zoning areas in accordance with the *Shire of Cocos (Keeling) Islands Local Planning Scheme*.

### SCOPE

This policy applies to the installation of shipping and/or sea containers in the Cocos (Keeling) Islands for all zones within the *Shire of Cocos (Keeling) Islands Local Planning Scheme*.

### POLICY

#### **Shipping and/or sea containers up to six metres in length**

Development Approval from Council and a Building Permit will be required prior to locating a shipping/sea container on-site or changing the use of a shipping/sea container for a period exceeding 12 months in duration. All other conditions of this policy will apply.

For periods exceeding four weeks but less than 12 months, a formal written application will be required that addresses risk and safety requirements as per the requirements of this policy. The application will be assessed for compliance by officers as an administrative function. All other conditions of this policy will apply.

For periods of less than four weeks, no formal Shire of Cocos (Keeling) Islands (Shire) approval is required. However, it is a requirement that all safety and risk issues as outlined in this policy are considered and the Shire retains the right to request removal or relocation of a shipping/sea container that, in the view of the Shire, has the potential to be a risk or hazard to any person or property, or is a public nuisance. All other conditions of this policy will apply.

Containers shall be wholly located within the boundaries of any property the subject of an application for approval.

Containers shall be adequately tied down during cyclone season.

Containers shall be maintained in good and orderly condition to the satisfaction of Council.

Use of containers on any land for the purposes related to the construction or demolition of structures (with an approved Building Licence) is permissible under this policy for the duration of the construction or demolition provided the period does not exceed 12 months.

In considering Planning Approval, Council may advertise the proposal for a container/s to be permanently located on land seeking comments and/or objections to the proposal.

### **Residential**

In addition to the conditions listed above, the following will apply in areas zoned Residential:

- Containers are to be in good condition prior to location upon any property.
- Containers shall be situated at the rear of the property unless otherwise determined by the Shire.
- Containers are not to be located over sewerage lines or other utilities.
- A maximum of one sea container will be considered per property.
- Containers shall comply with the setback requirements contained within the *Shire of Cocos (Keeling) Islands Town Planning Scheme* relevant for the zone in which they are located.
- Sea containers are to be used for purpose of storage only.
- Additional works or measures other than those already mentioned to properly address any amenity issues arising from the location of a sea container may be required by Council.

### **General Rural**

- Containers may only be used for the purpose of storage of approved materials in the General Rural zone unless specific Planning Approval has been granted by Council.
- Containers shall be suitably screened and/or fenced from the road frontage and be situated at the rear of the property unless otherwise determined by Council.
- In the General Rural zone, a container will not be permitted within the front setback area.
- The use of containers shall relate directly to, and be ancillary to, the predominant use of the property as approved by Council.
- Containers are not to be located over sewerage lines or other utilities.
- In the General Rural areas, a maximum of one container will be permitted per property unless Council approves otherwise.
- Additional works or measures other than those already mentioned to properly address any amenity issues arising from the location of a sea container may be required by Council.

### **Commercial, Industrial, and special use zonings**

- Containers may be used for storage purposes or, subject to Planning Approval, converted to office or workshop use in Commercial and Industrial areas.
- In the above zonings, Council will determine the maximum number of containers allowed on any one property via the Planning Approval process.
- Containers shall not be stacked vertically.
- Containers shall comply with the setback requirements contained within *Shire of Cocos (Keeling) Islands Town Planning Scheme* relevant for the zone in which they are located.
- Containers are not to be located over sewerage lines or other utilities.

- Additional works or measures other than those already mentioned to properly address any amenity issues arising from the location of a sea container will be considered by Council during the Planning Approval process.

### Shipping and/or sea containers greater than six metres in length

For shipping containers greater than six metres in length, formal planning or development approval is required.

#### RELEVANT LEGISLATION/LOCAL LAW

*Shire of Cocos (Keeling) Islands Local Planning Scheme No. 1*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	Unknown	Resolution #	Unknown
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	24/06/2019	Resolution #	10.4.6
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	

## CPG10 - Occupational Safety and Health Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

The purpose of this policy is to demonstrate the commitment of the Shire of Cocos (Keeling) Islands to ensuring a safe and healthy work environment for employees, Councillors, contractors, volunteers, and visitors of the Shire of Cocos (Keeling) Islands.

### SCOPE

This Policy applies to all employees, contractors, volunteers, and Councillors and to all Council workplaces.

### POLICY

The Shire of Cocos (Keeling) Islands regards the provision of a safe and healthy work environment as fundamental to all organisational activities and essential to maintaining high standards of organisational sustainability, performance, and governance. The following objectives and responsibilities will aid the Shire of Cocos (Keeling) Islands in achieving these standards:

#### 1. Objectives

- Comply with *Local Government Act 1995*.
- Comply with legislative requirements under the *Occupational Safety and Health Act WA 1984* and other relevant legislation.
- Comply with *Occupational and Health Regulations WA 1996*.
- Develop an organisational culture with a high level of safety and health awareness through a continuous improvement process of consultation, communication, information provision, training, and accountability.

#### 2. Responsibilities

##### 2.1 Councillors

- Ensure sufficient resources are available to achieve the objectives of this policy.

##### 2.2 CEO

- Ensure that this policy is implemented.
- Ensure accountability for compliance with this policy is maintained.
- Meet the Shire's duty of care as employer under the *Occupational Health and Safety Act WA 1984*.

- Promote the importance and benefit of occupational safety and health throughout the organisation.
- Comply with all applicable laws, regulations, statutory obligations, and other relevant requirements.

### 2.3 Managers and Supervisors

- Plan, implement and budget for strategies to ensure hazards are controlled, as far as practicable.
- Ensure accountability for compliance with safe work practices and safety related operational practices and procedures is maintained.
- Enforce safety and health requirements within areas of responsibility.
- Meet the Shire's duty of care as employer under the *Occupational Safety and Health Act WA 1984*.
- Ensure that all employees are provided with information, instruction, training and supervision appropriate to the scope of work required.
- Provide and maintain a working environment, plant and systems of work, so far as is practicable, such that employees are not exposed to hazards.
- Encourage our employees and Contractors to identify, report, assess and control safety and health risks and continuously improve Occupational Safety and Health (OSH) in the workplace.
- Provide demonstrated safety leadership to drive continuous improvement through the setting and meeting of measurable safety objectives and targets as outlined by the Chief Executive Officer and Executive Team.

### 2.4 Employees, Contractors, and Volunteers

- Work with care for their own safety and health and that of others.
- Meet the duty of care as employee under the *Occupational Safety and Health Act WA 1984*.
- Be proactive in identifying workplace hazards, reviewing of incidents, identifying incident trends, and managing workplace health and safety risks.
- Comply with the Shire of Cocos (Keeling) Islands safety and health requirements.

## DEFINITIONS

Shire – Shire of Cocos (Keeling) Islands

OSH – Occupational Safety and Health

## RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995*

*Occupational Safety and Health (OSH) Act WA 1984*

*Occupational Safety and Health (OSH) Regulations WA 1996*



Office Use Only				
Relevant Delegations				
Council Adoption	Date	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	Date	9/11/2017	Resolution #	1117/09
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPG11 - Personal Protective Equipment and Clothing Policy

RESPONSIBLE OFFICER

Manager of Infrastructure

### OBJECTIVE

This policy demonstrates Council's commitment to a safe working environment and provides guidance for the provision of appropriate equipment and clothing for staff to achieve a safe workplace.

### SCOPE

This policy applies to all permanent Shire employees.

### POLICY

The Shire of Cocos (Keeling) Islands is committed to meeting its obligations and responsibilities to provide a duty of care to all employees. Appropriate safety equipment and protective clothing shall be provided to all permanent employees to ensure that they are properly equipped to perform their duties in a safe and efficient manner.

It is a condition of employment that where personal protective equipment and clothing has been issued to an employee, it will be utilised. Breaches of this policy will be dealt with in accordance with the Shire's Employee Discipline processes.

All personal protective equipment and clothing provided to employees of the Shire shall have the Shire of Cocos (Keeling) Island logo affixed on each item.

Eligible permanent employees will be issued as a maximum:

- Five long sleeve shirts
- Three trousers
- One back brace
- One hat, which is deemed appropriate by the Manager of Infrastructure will be issued as required.
- One set of protective footwear will be issued if required. An additional set of footwear may be authorised by the Manager of Infrastructure when considered appropriate and necessary.
- Wet weather protection may be issued if deemed required by the Manager of Infrastructure.

Employees may supply their own pair of protective steel-capped work boots and/or work trousers at their own expense if so desired, provided these items meet the appropriate safety requirements and have been approved by the Manager of Infrastructure. All employees working

outdoors shall be issued with and, when practicable, wear general purpose sun protection glasses and sunscreen.

### **Replacement Periods**

All personal protective equipment and clothing becoming unserviceable and exceeding their life expectancy will be replaced on a “fair wear and tear basis”. The minimum life expectancy for personal protective equipment and clothing, and replacement periods are as follows:

- Shirts – 12 months
- Trousers – 12 months
- Hats – 24 months
- Protective footwear – 12 months
- Wet weather protection – 3 years

If the personal protective equipment becomes unserviceable in the opinion of the Manager of Infrastructure, through normal work activities before reaching these replacement periods, they may be replaced on a “fair wear and tear” basis.

Clothing lost or damaged through negligence or misconduct shall be paid for by the employee at the pro rata replacement cost to the shire.

Any damaged items deemed not to be the fault of the employee will be replaced.

### **Responsibilities**

It is a condition of employment that where personal protective equipment and clothing have been issued to an employee, it will be utilised. Breaches of this policy will be dealt with in accordance with the Shire’s Employee Discipline process.

However, while each employee is responsible for complying with this policy, the Manager of Infrastructure and any supervisors shall ensure that all employees are supplied with and wear personal protective equipment and clothing as instructed.

Employees must wear suitable personal protective equipment and clothing when directed to do so by their supervisor or the Manager of Infrastructure.

Employees required to work within road reserves and any other designated areas must wear high visibility clothing as instructed.

It is compulsory to wear hearing protection equipment in designated areas, or when operating equipment that has the hearing protection warning sign.

Safety helmets are compulsory when working within the lifting boom radius of any mechanical handling or load shifting equipment.

Protective footwear must always be worn as it is a safety requirement.

On appointment of a casual or short fixed term contract the supply of personal protective equipment and clothing will be issued at the discretion of the Manager of Infrastructure.

RELEVANT Legislation/Local Law

*Occupations Safety and Health Act 1984*

*Occupations Safety and Health Regulations 1996*

Office Use Only				
Relevant Delegations				
Council Adoption	Date	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPG12 - Building Heights Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To ensure that new development is consistent with the character and scale of existing residential development and to protect the amenity for adjacent properties, with reference to solar access, overlooking and privacy.

### GUIDELINES

The *Shire of Cocos (Keeling) Islands Local Planning Scheme 1 (the Scheme)* does not currently specifically restrict the height of development within areas zoned residential, although the Scheme does restrict the height of any structure within the vicinity of the airport and its approaches to a maximum height limit of nine metres.

Except for one second-storey addition, development within the residential precinct of Home Island is single storey, with the maximum height of the development within the precinct of six metres.

Within the residential zone of Home Island, the minimum total of a site required for open space is 20%. However, within the residential zone on West Island the total area of a site available for development is 50%.

Whilst on average the area of residential sites on Home Island is smaller than the average of residential sites on West Island, there is an increased available area for site development on a Home Island site than that is available on West Island site.

With the close proximity of houses to each other on Home Island, it is difficult to achieve compliance with the Scheme and the Residential Design Codes (R-Codes) having due regard to privacy, solar access, overshadowing and amenity of neighbouring property.

With the availability of 50% of the site for residential development on West Island, and the size of the sites, second-storey development has potentially less impact on the amenity of the residents in neighbouring property. Currently, there are a number of residential developments on West Island that exceed the six-metre height level without having any adverse impact on the amenity of neighbouring residents.

Regulation of building height is fundamental to streetscape, and appropriate limits should be determined on a local streetscape or precinct basis.

## POLICY

Within the residential zone on Home Island, all development shall have a maximum building height limit of six metres, as per Category A in *Table 1: Maximum Building Heights*.

Within the residential zone on West Island, all development shall have a maximum building height of nine metres, as per Category B in *Table 1: Maximum Building Heights*.

In considering all applications for development within the residential precincts of Home Island and West Island, Council shall consider the provisions of the Scheme and the Codes to ensure that the amenity of the residents in the vicinity of the proposed development is not adversely affected. When considering applications Council shall have due regard to solar access, overshadowing, and privacy of windows and major openings of neighbouring property.

<b>Table 1</b> Maximum Building Heights		
	Category	
	A	B
Top of external wall (roof above)	3m	6m
Top of external wall. (roof concealed)	4m	7m
Top of pitched roof	6m	9m

## RELEVANT LEGISLATION/LOCAL LAW

*Planning and Development Act 2005 (WA) (CKI)*

*Shire of Cocos (Keeling) Islands Local Planning Scheme 1*

*State Planning Policy 7.3 - Residential Design Codes (WA) (CKI)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	30/3/2011	Resolution #	35/2011
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPG13 – Caretaker’s Dwelling Policy

RESPONSIBLE OFFICER

Governance Risk & Planning Manager

### OBJECTIVE

The ensure that Caretaker’s Dwellings are only considered if they are part of a development that can demonstrate achievement of economic development outcomes, are situated in appropriate locations, are fit for purpose, and do not impact on the amenity of the neighbourhood or compromise land use of the surrounding area as defined in the *Shire of Cocos (Keeling) Islands Local Planning Scheme 1*.

### SCOPE

The scope of this policy is to provide clear guidance to Council and the community on the approval criteria and conditions applicable to caretaker’s dwellings.

### POLICY

A Caretaker ‘s Dwelling is a discretionary “D” use in all zones in *Shire of Cocos (Keeling) Islands Local Planning Scheme No. 1*.

“D” means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

A Caretaker’s Dwelling shall comply with the following:

- (i) A Caretaker’s Dwelling will only be considered if it can be demonstrated that it is essential for an approved and established industry, business, office or recreation area carried out on, or existing on, the same site.
- (ii) If an established use does not exist on the site the subject of an application for a Caretaker’s Dwelling, the development application shall include plans for an industrial, business, office, or recreation development. If approved, a condition of development approval will be imposed setting out that the Caretaker’s Dwelling cannot be occupied prior to the commencement of the associated use on the property.
- (iii) A Caretaker’s Dwelling shall always be directly associated with an industrial, business, office or recreation development or other approved use on the site (extract from the *Shire of Cocos (Keeling) Islands Local Planning Scheme No. 1* definition).
- (iv) New businesses will be required to provide evidence that demonstrates that their business model is dependent upon having a Caretaker’s Residence; existing



businesses will be required to provide evidence that their existing business is achieving economic development outcomes and that a Caretaker's residence will improve or enhance the business's contribution to economic growth and development.

- (v) The Caretaker's Dwelling may only be occupied by the owner/operator. For periods of leave of six months or less the owner/operator must seek approval from the Shire's Chief Executive Officer for an authorised person in charge of the business to occupy the site to ensure the business is maintained and continues to operate. For periods of leave exceeding six months, the owner/operator must seek approval from the Council for an authorised person in charge of the business to occupy the site to ensure the business is maintained and continues to operate.
- (vi) At no time should the owner derive an income from the Caretaker's Dwelling.
- (vii) Caravans or mobile homes are not acceptable as temporary or permanent Caretaker's Dwellings.
- (viii) The total habitable floor area of the Caretaker's Dwelling, measured from the external face of walls, shall be limited to a maximum plot ratio area of 100 square metres of habitable space as defined in the Residential Design Codes (R-Codes).
- (ix) Incidental residential development such as carports, open verandas and the like will be permitted on the basis that the total area of the lot set aside for residential purposes (including the Caretaker's Dwelling, gardens, outbuildings, and the like) does not exceed an area of 200 square metres.
- (x) A Caretaker's Dwelling will only be considered on lots that have a site area of 2000 square metres or more.
- (xi) Caretaker's Dwellings are limited to one Caretaker's Dwelling per lot or total lease area and are not permitted on lots within a strata scheme.
- (xii) The applicant must submit plans and specifications for Development Approval and Building Approval for of the proposed development for Council's approval.
- (xiii) The Caretaker's Dwelling is to be connected to mains water, sewerage, and power. Options for alternate services will be considered by Council where services are remote from the site, and it is economically unfeasible to connect. The application is to provide detail information of alternate environmentally sustainable systems to provide sufficient power, water supply and wastewater treatment such as composting, or low water use toilets, and approved grey water reuse system.
- (xiv) The applicant is to provide evidence of capacity for accessing water supply sufficient for consumption and firefighting via a combination of:
  - a. a minimum rainwater storage capacity of 10,000 litres (90,000 litres where not connected to mains water) with the appropriate roof plumbing system to ensure that roof runoff capture is maximised; and/or
  - b. approved de-salination equipment; and/or
  - c. Alternative/s that will assure Council that there is sufficient water supply for consumption and firefighting.
- (xv) Where a property is within a Special Control Area – Water Lens, the applicant is to demonstrate the following objectives are met.

*Shire of Cocos (Keeling) Islands Local Planning Scheme 1* clause 5.1.3 the objectives of the Special Control Area are:

- a. to avoid development that will unacceptably diminish the quality and supply of groundwater provided by the groundwater lenses and unacceptably modify the ecosystem; and
  - b. to ensure development and subdivision does not cause pollution to the groundwater lenses or result in increased groundwater salinity.
- (xvi) Where a property is leased, in addition to the annual lease fee, the applicant shall pay Council rates associated with the change of use of the site, and that the lease fee will be reviewed to reflect the residential nature of the site at the completion of the current lease period. The applicant shall meet all costs associated with the redrafting of the lease to permit the applicant to reside on the subject Lot.

Any application for an ancillary or caretakers dwelling must be accompanied by the following:

- (i) Justification for the proposed caretakers dwelling detailing the need for a caretaker/s and how this is associated with the business.
- (ii) Building plan showing footprint of proposed dwelling i.e., square meters, number of bathrooms, toilets, kitchens, laundry and bedrooms, outbuildings and associated setbacks, and paved surfaces including driveways, car parks, garages, verandas, and alfresco areas.
- (iii) A site plan showing the features of the site including remnant vegetation cover, existing and proposed development areas including existing and proposed wastewater system(s) and onsite water features and sources including waterways, wetlands, drains, dams, and bores.
- (iv) Details of any proposed vegetation clearing, environmental buffers, site earthworks and services, including for water supply, wastewater management and stormwater management.
- (v) Acknowledgement that all the services and amenity offered in residential areas may not applicable to the site of the Caretaker's Dwelling.

## DEFINITIONS

Caretaker 's Dwelling – a building or portion of a building used as a dwelling by a person having the care of the building, plant, equipment, or grounds associated with an industry, business, office or recreation area carried on or existing on the same site (Schedule 1 – Defined Words - *Shire of Cocos Keeling Islands Local Planning Scheme No. 1*).

## RELEVANT LEGISLATION/LOCAL LAW

*Shire of Cocos (Keeling) Islands Local Planning Scheme No. 1*  
*State Planning Policy 7.3 - Residential Design Codes (WA) (CKI)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	24/04/2019	Resolution #	10.4.2
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPG14 - New Bed and Breakfast Establishments Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVES

This policy clarifies Council's position on the standards applicable to Bed and Breakfast establishments within the district of the Shire of Cocos (Keeling) Island to ensure:

- that this type of alternative tourist accommodation use does not compromise the amenity of the area; and
- that bed and breakfast activity remains an ancillary use to the main dwelling and the standard of accommodation accords with the expectations of the local tourism industry.

### SCOPE

This policy applies to applications for new Bed and Breakfast establishments.

### POLICY

#### General

All applications must be made in writing to the Chief Executive Officer who will prepare a report for Council. In making their determination on applications, Council will consider this policy.

Applications should include letters from immediate neighbours and from the tourism association. A Bed and Breakfast establishment shall be limited to a maximum of three guest bedrooms capable of accommodating no more than six guests.

Planning approval may be withheld or refused by Council if:

- the proposal does not conform to the minimum requirements of this policy; or
- the existing dwelling is considered (in the opinion of the local government) inappropriate from an amenity and/or tourism perspective for a Bed and Breakfast establishment.

For Bed and Breakfast establishments the following works will need to be completed to the dwelling:

- Smoke detectors and evacuation lighting will need to be installed and configured in the dwelling to achieve compliance with part 3.7.2.5 of the *Building Code of Australia* for a change of building classification from a Class 1a single dwelling to a Class 1b boarding house, guest house or hostel use residence.
- A minimum of two residual-current devices (RCDs) will need to be fitted to protect all power point and lighting circuits as prescribed under regulation 12 of the *Electricity Regulations, 1947 (WA) (CKI)*.

### **Car Parking**

A bed and Breakfast establishment shall have provision of onsite parking based on one bay for per guest bedroom.

### **Facilities**

As a minimum a Bed and Breakfast establishment shall consist of:

- a. a dedicated bedroom and bathroom/toilet facility for exclusive use of the operator/s;
- b. separate guest bedrooms and at least bathroom and toilet facility for guest use; and
- c. communal sitting and dining room areas.

All rooms are to be clearly identified on a floor plan submitted with the application.

Guest rooms shall not be self-contained with separate cooking and laundry facilities, unless already retrospectively provided. En-suite bathroom facilities however may be provided for each room.

Kitchen facilities used for the preparation of breakfasts will need to be registered with the Shire and comply with the Food Act, 2008 and Australian New Zealand Food Standard Code (Australia Only).

Where two or three guest rooms are provided an additional rubbish service may apply at the operator's expense. This may be by way of an additional collection service (wheeled bin) or an alternative arrangement as approved by the local government.

### **Signage**

Signage for Bed and Breakfast establishments shall conform to limit of two business directional signs and one business sign to be erected at the front of the property. The business sign shall not exceed 1.0 metre in length and 0.5 metre in height and must comply with the *Shire of Cocos (Keeling) Islands Temporary Signs Policy (CPT4)*.

## **DEFINITIONS**

Bed and Breakfast establishment - a dwelling used by a resident of the dwelling to provide accommodation for persons away from their normal place of residence on a short-term commercial basis (maximum of three months in any 12-month period) and includes the provision of breakfast.

## **RELEVANT LEGISLATION/LAW**

*Building Code of Australia*

*Food Act, 2008 (WA) (CKI)*

*Australian New Zealand Food Standard Code (Australia Only).*

## **RELATED DOCUMENTS**

*Shire of Cocos (Keeling) Islands Temporary Signs Policy (CPT4).*

*Growth & Essential Services Policy (CPP7)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPG15 - New Holiday Homes Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVES

This policy provides direction and guidance on the use of Single Houses, Grouped Dwellings or Multiple Dwellings for “Holiday Homes” in the district of the Shire of Cocos (Keeling) Islands (the Shire). This policy intends to help protect consumers, support the local tourism industry, and avoid conflict between holiday users and permanent residents through the use of development approvals and registration.

The policy aims are:

- to recognise the demand for holiday accommodation and to provide operators and other stakeholders with clarity on the issues that the Shire wishes to address.
- to establish clear guidelines whereby Holiday Homes can be permitted and controlled in the Shire.
- to ensure that these types of uses do not compromise the amenity of Residential zoned areas or nearby residents.
- to support the role of Holiday Homes as part of the tourism industry; and
- to encourage the provision of good quality, well managed Holiday Homes.

### SCOPE

This policy is applicable to all land zoned Residential under the *Shire of Cocos (Keeling) Islands Local Planning Scheme*.

This policy only applies to Holiday Homes that are made available for the purpose of commercial short-stay rental bookings. This includes entire homes listed on peer-to-peer online organisations. Holiday Homes utilised for personal use by friends and / or family of the landowner(s) on a non-commercial basis are excluded from this policy.

### POLICY

Applicants wishing to utilise their Residential zoned property for a Holiday Home will need to apply for development approval in accordance with the Zoning Table in the *Shire’s Local Planning Scheme*.

Applications should include letters from immediate neighbours and from the tourism association.

Development approval does not affect the existing and future use of the Holiday Home as a Single House, Grouped Dwelling or Multiple Dwelling.



## CONDITIONS OF APPROVAL

All applications will be assessed and evaluated for suitability in accordance with this policy and any other legislation and policies reasonably related to the development application.

Conditions of approval include:

- The operation of the Holiday Home does not result in adverse impacts on the amenity of neighbouring properties or the surrounding area.
- The Shire should be notified of any changes to a Holiday Home that may be deemed to affect the approval of the dwelling(s) for such a use.
- The total number of people to be accommodated in the proposal for a Holiday Home does not exceed eight people.
- All car parking is to be contained on-site and no verge area should be used for car parking. A minimum of two car parking bays are required for a Holiday Home.
- A Holiday Home management plan, code of conduct, and fire and emergency plan are required to be submitted as part of the application for development approval.
- The applicant shall supply any other information requested by the Shire that is reasonably related to the application for development approval for a Holiday Home or Holiday Home
- Approval for a Holiday Home will run with the land (*Right in Rem*). Therefore, if a subsequent purchaser buys the land, they can continue the use as stated in the approval and conditions imposed.

The approval period will generally be for a maximum of five years. However, the period will be considered on a case-by-case basis and Council will determine the approval period for each application. It is the responsibility of the applicant to re-apply when the approval period expires if they wish to obtain another approval.

## HOLIDAY HOMES REGISTER

A register of approved Holiday Homes will be established and maintained by the Shire. The register will record basic details of the property including the contact details of the owner and/or manager/caretaker; property address; configuration (number of bedrooms, beds, bathrooms, and car parking), renewal dates and fees and the attachment of the management plan, code of conduct and the fire and emergency plan for the premises.

A person must not use a Residential zoned dwelling, or allow a Residential zoned dwelling to be used, as a Holiday Home unless planning approval has been granted by Council under the *Shire's Local Planning Scheme*.

Registration does not affect the obligations of an owner or a manager, or any other person, to comply with a relevant law.

A *Certificate of Registration* is to be issued to Holiday Home operators once all matters of development approval are finalised to the satisfaction of the Shire. The *Certificate of Registration* shall be always displayed within the approved premises at all times.

The Shire may provide details of the Holiday Homes Register to third parties for emergency purposes only.

#### **NON-COMPLIANCE AND CANCELLATION**

Any breach of development approval conditions or the management plan will be dealt with in accordance with the enforcement provisions of Part 13 of the *Planning and Development Act 2005 (WA) (CKI)* and/or cancellation of a registration. A new application may be considered after three months have expired from the cancellation date.

A breach of a development approval may be brought to the attention of the Shire because of an inspection or report by Shire staff, police report or by a member of the public.

#### **FURTHER INFORMATION**

If a Residential zoned property is brought to the attention of the Shire to be operating as a commercial Holiday Home, a notice may be served requesting inspection, conducted by the Shire to ensure building requirements are up to standard and abide by fire safety requirements. The notice served will also require a subsequent development approval to be obtained.

It is recommended that landowners / managers seek independent legal advice on legislative requirements regarding the use and management of holiday homes. This would include, but is not limited to, checking the requirements of the *Equal Opportunity Act 1984 (WA) (CKI)* and the *Fair-Trading Act 1987 (WA) (CKI)*.

As many residential public liability insurance policies exclude the use of premises for short-term rentals, it is recommended that landowners / managers check this matter with their insurance providers.

#### **DEFINITIONS**

Dwelling – a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

Holiday Home – a single house which might also be used from time to time for short stay accommodation for no more than eight people but does not include a bed and breakfast, guesthouse, chalet, and short stay accommodation unit.

Grouped Dwelling – a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partially vertically above another, except where special conditions of landscape or topography dictate.

Multiple Dwelling – a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but does not include a group dwelling.

**Short-Stay Accommodation** – means a building or group of buildings forming a complex, designed for the accommodation of short-stay guests and which provides on-site facilities for the convenience of guests and for management of the development, where occupation by any person is limited to a maximum of three months in any 12-month period.

**Single House** – a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access to services and excludes dwellings on titles with areas held in common property.

#### RELEVANT LEGISLATION/LOCAL LAW

*Equal Opportunity Act 1984 (WA) (CKI)*

*Fair Trading Act 1987 (WA) (CKI)*

*Planning and Development Act 2005 (WA) (CKI)*

*Shire of Cocos (Keeling) Islands Local Planning Scheme No. 1*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPG16 - South End Precinct Commercial Development Policy

RESPONSIBLE OFFICER

Governance, Risk and Planning Manager

### OBJECTIVE

The South End Precinct Commercial Development policy aims to:

- provide guidance on the requirements for the operation of commercial land uses in the South End Precinct.
- coordinate the land use of the area for a range of commercial activities.
- identify the preferred locations for activities and to regulate the intensity of commercial activity in the area.
- ensure commercial activities do not detract from the recreational and community values of the area; and
- appropriately manage impact on local amenity.

### SCOPE

This policy only applies to commercial land uses operating in the South End Precinct area. For the South End Precinct Commercial Development Policy, the precinct comprises the reserved land as shown on the *Policy Area Map*.

### POLICY

#### 3.1 Approvals, Permits and Licencing

3.2.1 Mobile and Itinerant food vendors who intend to operate in the South End Precinct are required to comply with the following:

- a) hold a valid trading permit granted by the Shire of Cocos (Keeling) Islands (the Shire).
- b) hold a current *Food Act 2008 Certificate of Registration* from a Western Australian Local Government; and
- c) obtain any other relevant approvals.

3.2.2 Development Approval is required for uses where:

- a) permanent or semi-permanent structures are proposed; or
- b) the operation of the proposed activity is to exceed a five-day period or a series of dates at the Shire's discretion.

3.2.3 Where required, a development application should be submitted to the Shire at least three months prior to the intended operation date, and should be accompanied by:

- a) a completed *Shire of Cocos (Keeling) Islands Application for Development Approval Form*.
- b) full details of the type of goods or services to be offered.
- c) a site plan demonstrating the location of the proposed operation.

- d) details of the times and dates of operation sought.
- e) evidence of public liability insurance cover to the value of \$10 million; and
- f) any other such information as may be required by the Shire to consider the application.

### **3.3 Leases**

- 3.3.1 Leases will be subject to Council's standard lease processes and statutory requirements. Council has the power to lease portions of the South End Precinct. Adventure sport and tour businesses who intend to operate are required to obtain a lease from Council for their base of operations. For consistency, the Yacht Club will also be required to hold a valid lease for the shed area. However, in recognition of the Yacht Club's community purpose, the lease will be a *peppercorn* lease.
- 3.3.2 All other land use operators will be required to apply to use the area and pay a fee to the Shire for use of the reserve, in accordance with the Shire's *Approved Schedule of Fees and Charges*. Operators must provide a risk management plan with their application.
- 3.3.3 No commercial activity (i.e., kite / windsurf rigging, launching, or landing) is to be undertaken in the commercial use exclusion area shown on the *Policy Area Map*. It is noted that holding a lease does not give any exclusive right to use the beach area adjacent to it and does not preclude other commercial and recreational uses of that area.

### **3.4 Location and Siting**

- 3.4.1 The approved commercial activity areas (Lease Areas 1 - 5 and Mobile / Pop up Traders Area) within the South End Precinct available for commercial activity are shown on the *Policy Area Map*. Existing community infrastructure is shown on the plan for reference.
- 3.4.2 Commercial Activity Lease Areas 1 – 5 is intended to accommodate all the permanent or seasonal adventure sport & tour business uses contemplated by this policy.
- 3.4.3 Mobile / Pop up Traders Area is intended to accommodate itinerant / temporary commercial activities that do not require any fixed infrastructure.
- 3.4.4 The following location requirements apply to all operators:
  - a) All operators are only permitted to trade at the locations detailed on their permits.
  - b) All operators and associated fixtures shall be sited in a location that does not obstruct pedestrian or vehicular traffic including within parking areas.
- 3.4.5 Mobile food vehicle permit holders are only permitted to trade in an approved location.
- 3.4.6 The Shire reserves the right to make any approved location, excluding leased areas, unavailable for a set period for community events, infrastructure works or any other reason the Shire deems necessary. Leases will separately address the process for negotiating Shire access to leased areas.

### **3.5 Waste Management**

- 3.5.1 All operators are to demonstrate that all waste produced because of the operation of the activity is appropriately managed to the satisfaction of the Shire.

### **3.6 Trading Hours**

- 3.6.1 Permitted trading hours shall be included on any approval or permit issued by the Shire.
- 3.6.2 Variations to these trading hours may be considered by the Shire's Environmental Health Officer, at least seven days prior to the event.

### **3.7 Liquor Licensing**

- 3.7.1 Applications that include the sale or provision of alcohol are required to obtain the following licenses:
- a) a *Liquor Licence* issued by the Department of Racing, Gaming and Liquor; and
  - b) a *Consumption of Alcohol Permit* issued by the Shire.

### **3.8 Noise**

- 3.8.1 All activity must comply with noise levels set out in the *Environmental Protection (Noise) Regulations 1997 (WA) (CKI)*.
- 3.8.2 Variations to the *Noise Regulations* may be considered by the Shire's Environmental Health Officer, at least 60 days prior to the event.

### **3.9 Advertising**

- 3.9.1 In the case of mobile vendors, all advertising is to be fitted to the primary vehicle or immediately adjacent to the approved trading area. In addition, one temporary A-frame sign will be permitted for all operators where:
- a) it is located within 75m of the location of the business.
  - b) it does not exceed any dimension of one metre or an area of one metre squared on any side; and
  - c) it is not sited on a main thoroughfare or as to obstruct any pedestrian traffic or cause any risk to people or property.

### **3.10 Power**

- 3.10.1 Mobile vendors shall provide their own power supply unless otherwise approved by the Shire.
- 3.10.2 Temporary wiring shall not be permitted to be laid on the ground or accessible to the public unless it is adequately protected or positioned in such a manner that is not considered a safety hazard.
- 3.10.3 Generators are to be installed in accordance with the relevant standards and should not be left unattended.

## DEFINITIONS

Commercial land use - includes **but is not limited to:**

- adventure sports and tour businesses.
- mobile vendors (e.g., food trucks) for special events and specific periods at the discretion of the Shire; and
- 'Pop up' restaurants/bars and other seasonal or temporary commercial uses.

## RELEVANT LEGISLATION/LOCAL LAW

*Environmental Protection (Noise) Regulations 1997 (WA) (CKI)*

*Shire of Cocos (Keeling) Islands Local Planning Scheme No. 1*

## RELATED DOCUMENTS

*Shire of Cocos (Keeling) Islands Application for Development Approval Form*

*Shire of Cocos (Keeling) Islands Approved Schedule of Fees and Charges*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	24/04/2019	Resolution #	10.4.4
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	



## CPG17 - Adopt a Spot Funding Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This policy seeks to ensure a fair, equitable and transparent process for Council funding of community projects, programs, and initiatives.

The inclusion of the Adopt a Spot program will have a financial impact as the guidelines for Adopt a Spot includes a commitment to pay on a per bag basis. The funding will be capped to five (5) applicants per financial year.

### SCOPE

The Shire of Cocos (Keeling) Islands is committed to supporting incorporated not-for-profit organisations/associations and businesses located within the Shire of Cocos (Keeling) Islands by providing grants up to \$1000 to assist with the delivery of projects that address identified community needs.

Projects should benefit the Cocos community and align with the Shire's strategic plan goals. In exceptional circumstances, applications outside the scope of this policy may be considered by the Committee and recommended to Council if there is evidence of direct and significant benefit to the Cocos Community.

### POLICY

#### Eligibility:

Applicants must satisfy the below eligibility criteria. Applications will only be considered if:

- The Applicant organisation is a community-based incorporated not-for-profit organisation/association located within the Shire of Cocos (Keeling) Islands; Unincorporated groups should find a suitable organisation to auspice them by prior arrangement with the Shire.
- The project will take place within the Shire of Cocos (Keeling) Islands.
- The Applicant organisation has no outstanding debts with the Shire of Cocos (Keeling) Islands.
- The Applicant organisation has completed and properly acquitted any project for which funding was previously received.
- The Applicant organisation undertakes the project for the benefit of the wider community.
- Applications can be accepted all year round.

- The Applicant organisation must fill out all the prescribed forms: Prior to commencing the clean up the Registration, Volunteer registration and Risk Assessment is to be completed. The Clean Up Report to be submitted after each clean-up day undertaken by the organisation and handed to the Community Development Coordinator for processing.
- The Shire to provide \$10.00 per rubbish bag picked up. Standard rubbish bag size as per Marine Debris Clean Up Bag. A maximum funding allocation of \$1,000 per group per financial year will be allocated. The Shire will supply the appropriate PPE and the rubbish bags for the group.

The existing conditions as per the pre-requisite of the Shire of Cocos Keeling Islands Community Funding Programs remain unchanged and are as follows:

- The Applicant organisation is another tier of government or if the grant would directly benefit another tier of government.
- The applicant organisation is funded by other tiers of government, or if the grant would directly benefit an organisation funded by another tier of government.
- The Applicant organisation has an outstanding grant that has not been acquitted properly.
- The application is for a clean-up event that has already been undertaken.

#### Assessment:

Applications will be assessed for compliance by Shire officers. Non-compliant applications will be marked as such.

All applications (compliant and non-compliant) will be provided to the Chief Executive Officer and the Community Funding Program Committee which consists of three Councillors. The Community Development Coordinator will provide administrative support to the Committee.

The Committee will make recommendations to the CEO who will make Adopt a Spot payments under delegated authority.

#### Dispute resolution:

Where the Committee is unable to arrive at a decision or the CEO feels the Committee's recommendation is outside the scope of this policy, the matter will be presented to Council.

#### Funding agreements:

All successful applicants will be provided with a Service Agreement which will outline the Objectives of the Adopt a Spot Program and payment agreement. The Shire also requests that the applicant provides a adhere to a high standard of 'Duty of Care' to its volunteers and complete a Clean Up report for every clean-up day undertaken.

## DEFINITION

This Policy brings attention to the current Adopt a Spot Funding Program. The Adopt a Spot Policy will ensure that applicants participating in the funding program will have a clear and concise

arrangement in relation to value per bagged rubbish and the maximum funding received per round for every applicant for consideration.

#### RELEVANT LEGISLATION / LOCAL LAW

Section 2.7 of the *Local Government Act (WA) (CKI)* 1995 prescribes part of the role of a Council is to “determine the local government’s policies”.

Policies in the Policy Manual 2020 will inform and guide the decisions and activities of the Administration and form the basis of recommendations to Council.

Office Use Only				
Relevant Delegations				
Council Adoption	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	

## CPH1 - Drug & Alcohol Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This Policy supports the Shire of Cocos (Keeling) Island's commitment to maintaining a safe and efficient working environment for all staff members and contractors.

### POLICY

No worker is to present themselves for work if they have consumed alcohol and/or other drugs and where they may be at risk of impairment during work hours. It is a condition of entry to all Council workplaces that all workers may be tested at any time for alcohol and/or drugs.

Alcohol and illicit drugs shall not be consumed at any Council workplace, in any Council owned vehicle or plant, or at any time as a worker of the Council whilst undertaking their respective duties. An exception for the consumption of alcohol will be made for special occasions or locations as determined by the CEO and where the provision of hospitality is within the bounds of normal customary hospitality.

#### **Prescription and Pharmacy Medication**

If the CEO suspects that there is a risk of impairment to a worker's ability to safely perform work as the result of use of prescription or pharmaceutical drugs, the CEO may take steps to address the issue in accordance with this Policy and associated procedures.

Where a worker is taking prescription and pharmacy medications for a legitimate medical purpose, the worker will not breach this Policy by attending work or duties subject to guidelines listed in the Drug and Alcohol Procedure.

Any information supplied by workers to the Shire in relation to prescription and pharmacy medication will be kept strictly confidential.

#### **Awareness and Training**

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 not unfit for work. All employees shall be familiarised with this Policy and the Drug and Alcohol Procedure upon commencement of employment and annually thereafter.

All other workers shall be made aware of the components of this Policy and the Drug and Alcohol Procedure that may affect them whilst performing work in any capacity for Council.

### **Drug and Alcohol Testing Triggers**

Consistent with Council's obligation and commitment to ensuring a safe workplace, workers will be required to undergo drug and alcohol testing in the following circumstances in accordance with the Drug and Alcohol Procedure:

- As part of a Random Testing Program.
- In a case of Reasonable Suspicion.
- Post Incident; and/or
- Any testing as part of a return to work and/or rehabilitation program conducted under this policy and associated procedure.

### **Testing Methods**

All initial drugs testing undertaken will comprise of a saliva test. Confirmatory test may comprise of either a urine or saliva test.

Urine testing will be conducted in accordance with Australian/New Zealand Standard AS/NZS 4308:2008. Saliva testing will be conducted in accordance with Australian Standard 4760-2006.

Alcohol testing will be conducted in accordance with current random breath testing procedures in Western Australia (Australian Standard AS 3547-1997).

### **Employee Assistance**

Council recognises drug and alcohol dependency as a treatable condition. Workers who suspect they have an issue with drugs and/or alcohol are encouraged to seek advice regarding appropriate treatment options. Council offers employees the services under the EAP. The services provided by Council's EAP provider are strictly confidential.

Any Workers referred to EAP may access either a Council provided EAP at no cost to themselves, or a recognised program of their choosing at the employee's own expense).

### **Breaches of Policy**

Disciplinary action may be taken in accordance with the actions detailed in the Drug and Alcohol Procedure and Discipline Procedure for breaches of this policy including, but not limited to:

- The recording of a positive result from a drug and / or alcohol test.
- If found to have deliberately masked a substance.
- The falsification of medication information or details.
- Tampering with a sample for drug and / or alcohol testing; or refusing to comply with any requirements of this Policy.

The nature and frequency of a breach of this policy will determine the disciplinary action taken which may include one or more of the following:

- Standing down without pay.
- Formal written warning.
- Suspension.
- Dismissal.

## DEFINITION

**CEO (Chief Executive Officer)** - A person who holds an appointment under section 194 of the Local Government Act 2009.

**Council** - Shire of Cocos (Keeling) Islands

**Employee Assistance Program (EAP)** - A confidential, professional counselling service available to Council employees.

**Fitness for Work** - A state (physically, mentally, and emotionally) to perform assigned tasks competently and in a manner which does not compromise or threaten the health, wellbeing and safety of themselves or other persons.

**Risk of Impairment** - The risk of a worker's reduced quality, strength, or effectiveness because of drugs and/or alcohol consumption whilst performing their usual duties.

**Random** - Having no specific pattern, nor predetermined outcome.

**Suspicion Testing** - Testing undertaken on the suspicion that an employee may be at risk of impairment from drugs or alcohol.

**Worker** – Elected Member of Council, Employee, contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company assigned to work for Council, work experience student or a volunteer.

**Work Hours** - Any time where a worker is at the workplace for work purposes, and claiming remuneration, including time where the on-call allowance is received.

**Workplace** - A place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.

## RELEVANT LEGISLATION / LOCAL LAW

*Australian/New Zealand Standard AS/NZS 4308:2008 Australian Standard 4760-2006.*

*Australian Standard AS 3547-1997*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	29/08/2018	Resolution #	0818/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPH2 - Office Dress Standards Policy – TO BE REVIEWED

RESPONSIBLE OFFICER

Chief Executive officer

### OBJECTIVE

The objective of the Shire of Cocos (Keeling) Islands Office Dress Standards Policy is to establish and maintain a professional and positive public image of the Shire's employees and to ensure compliance with occupational health and safety standards and the Shire's code of conduct.

### SCOPE

The requirements of this policy cover all employees of the Shire except for those employees that are required to wear personal protective equipment, clothing, and safety footwear.

### POLICY

All Shire employees are expected to maintain a minimum standard of 'smart business dress' in accordance with the Shire's code of conduct.

Shire issued shirts where issued must be always worn for ease of identification. shirts should be clearly visible to the Shire's customers and members of the public.

Eligible permanent employees will be issued as a maximum:

- 5 shirts in a choice of short sleeve or long sleeve.

Shire issued shirts becoming unserviceable and exceeding their life expectancy will be replaced on a "fair wear and tear basis". The minimum life expectancy for shire issued shirts is 12 months.

Shoes must be always worn. Footwear should be neat, tidy, and appropriate to the work environment. For example, if an employee is working in an environment where they are lifting or moving items, they must wear closed in shoes. Joggers or trainers are acceptable footwear for non-public contact areas or areas where the nature of employment involves excessive physical work or hours of standing. From a health and safety perspective, thongs and scuffs are not acceptable footwear under any circumstances.

It is compulsory for employees to wear personal protective equipment, clothing, and safety footwear if they have been issued with it.

Employees are also expected to take pride in their appearance and pay attention to personal grooming.

Examples of general acceptable business attire are:



- Tailored skirt, dress, shorts (knee length or longer) or trousers
- Shire of Cocos shirts

Examples of unacceptable business attire are:

- Torn, frayed or dirty clothing.
- Shorts (unless knee length or longer).
- Beach wear of any sort.
- Short skirts (shorter than knee length).
- Facial and body piercings including multiple ear piercings / jewellery unless for religious purposes or to honour cultural traditions, jewellery that could lead to an injury.
- Thongs and scuffs

No office dress standard can cover all contingencies so employees must exert a certain amount of judgement in their choice of clothing to wear to work.

Where a supervisor or manager considers an employee to be unsuitably dressed for work, he or she may ask the employee not to wear the inappropriate item(s) to work again or ask the employee to leave work and return suitably attired. If the employee persistently wears inappropriate clothing to work, disciplinary action may be taken against the employee.

#### DEFINITIONS

Personal Protective Equipment and Clothing and safety footwear – any equipment, clothing and / or footwear issued by the Shire of Cocos (Keeling) Islands for health and safety purposed.

#### RELEVANT LEGISLATION/LOCAL LAW

*Occupational Safety and Health Act 1984*  
*Occupational Safety and Health Regulations*

Office Use Only				
Relevant Delegations				
Council Adoption	Date	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

### CPH3 - Recognition of Service and Retirement Policy

RESPONSIBLE OFFICER

Chief Executive Officer

#### OBJECTIVE

The objective of this policy is to establish guidelines and set out the circumstances for the consideration of payments to employees in addition to contract or award on cessations of employment in accordance with section 5.50 of the *Local Government Act 1995 (WA) (CKI)*.

#### SCOPE

The policy applies to all Shire employees.

#### POLICY

##### **Designated senior employees.**

An appropriate farewell / presentation maybe organised for designated senior employees leaving Council, at the discretion of the Shire President and Chief Executive Officer.

##### **All other employees**

Council is supportive of recognising the service of employees whose employment with the Shire is finishing by providing a suitable gift and / or function in accordance with this policy.

Upon resignation / retirement of an employee who is not a senior employee has provided satisfactory service to Council for five years or more, the Chief Executive Officer may authorise a suitable gift to be presented to that employee to the value of \$50 per completed year of service. The following is a guide to the value of the gift:

5 years	\$250
10 years	\$500
15 years	\$750
20 years	\$1000.

In addition, any employee that has provided satisfactory continual service to council for 25 years or more is to be offered an appropriate farewell function.

#### DEFINITIONS

Employee – a person engaged by the Shire on a permanent, fixed term or casual basis, either full time or part time.

#### RELEVANT LEGISLATION/LOCAL LAW

*s5.50 of the Local Government Act 1995 (WA) (CKI)*

#### RELATED DOCUMENTS

*Shire of Cocos (Keeling) Islands Designated Senior Employees Policy (CPA6)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	

## CPH4 - Annual Airfares Entitlement Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To provide eligible employees with a return annual airfare entitlement from Cocos to Perth. Given the remote & isolated location of the Cocos (Keeling) Islands this policy serves to give employees the opportunity to travel off-island for periods of annual leave. The policy also works towards Council's strategic objective to retain employees and promote the Shire of Cocos (Keeling) islands as an employer of choice.

### SCOPE

This policy applies to all 'eligible employees' as defined below.

### POLICY

The Shire of Cocos (Keeling) Islands will provide all eligible employees with an annual return 'flexi fare' airfare from the Cocos Islands to Perth. Alternatively, Employees can book their own return travel to Perth or the location in which they lived prior to their employment with the Shire and have the value of the return 'flexi fare' flight to Perth paid to them. This reimbursement payment can be spent on accommodation, meals, or transportation. If the employee has booked his/her own flight, he/she must provide the Shire with a signed Remote Area Holiday Transport Declaration. In all cases, the airfare must be used for an annual leave period of 3 days or more. For any eligible part time employee, this entitlement will be on a pro-rata basis.

Eligible employees will become entitled to an annual airfare entitlement after 12 months of continuous service and on their anniversary date for each 12-month period thereafter. The day & month of the eligible employee's commencement becomes their anniversary date. Eligible employees who were already employed with the Shire when this policy was first implemented in July 2011 will have an anniversary date every year of 1 July.

An eligible employee may accrue no more than two years annual airfares. Any entitlement will expire if unused for more than two years. An eligible employee may at the discretion of the Chief Executive Officer choose to allow their spouse or child to travel by using an entitlement of one fare to Perth and back or visa versa.

### DEFINITIONS

Eligible employee – – a person engaged by the Shire on a permanent basis, either part time or full time who have a minimum of 12 months continuous service with the Shire. Contract employees are not considered eligible employees as provisions for annual airfare entitlements are included in their individual employment contracts.

Fringe Benefits Tax Assessment Act 1986 Section 60A(5) Allowance to Employee's Spouse or Child:

- (a) a remote holiday transport fringe benefit in relation to an employee consists of the provisions of an allowance to the spouse or a child of the employee.

Flexi Fare – A flexi fare is a K class airfare with Virgin Australia.

Office Use Only				
Relevant Delegations				
Council Adoption	Date	27/4/2016	Resolution #	10.1/F3
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPH5 - Ferry Travel Allowance Policy

RESPONSIBLE OFFICER

Manager Finance & Corporate Services

### OBJECTIVE

To provide an allowance for Shire employees who are required to travel by ferry to work on an island that is not the island on which they normally reside.

### SCOPE

This policy applies to Shire employees who are required to travel to and/or from work by ferry as they normally live on an island other than the island on which they are required to work. Where an employee's individual employment contracts address the issue of work-related inter-island ferry travel, the employee will be excluded from this policy.

### POLICY

This allowance is only paid to an employee who is required to travel across the lagoon from their normal place of residence to report to a designated worksite. When an employee travels during normal work hours no allowance can be claimed.

The allowance will be a ½ hour normal pay for each one-way trip.

Office Use Only				
Relevant Delegations				
Council Adoption	Date	unknown	Resolution #	unknown
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	8/11/2017	Resolution #	1117/09
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPH6 - Fitness for Work Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To facilitate the provision of a safe, healthy, and productive place of work through the effective management of employee's fitness for work risk.

### SCOPE

The Policy applies to all Employees at the Shire.

### POLICY

The Shire of Cocos (Keeling) Islands is committed to providing a safe and healthy place of work for its employees and others in the workplace. This commitment extends to the Shire's obligation as an employer under the Occupational Safety and Health Act 1984.

The Shire and its employees have a responsibility for the provision of a safe, healthy, cost effective and productive workplace. This means that everyone has a responsibility to maintain personal "fitness for work".

Shire employees are required to attend work in a good physical and mental condition, so duties are performed in a safe, efficient, and productive manner. Employees should be aware that many factors may affect fitness for work, and these can often interact with each other.

These may include:

- General health and fitness
- Secondary employment or volunteer activities
- Recreational activities and sport
- Medications
- Insufficient sleep / fatigue
- Excessive work hours / demands
- Injury or illness (work or non-work related)
- Consumption of alcohol or other drugs

An employee who attends work in an unfit manner is operating outside the Shire's Policy and may be subject to counselling and / or disciplinary action, depending on the degree of awareness and the severity of the risk to safety.



The Shire reserves the right to direct and employee, who it believes is unable to safely perform their duties due to some form of impairment to attend a medical practitioner of the Shire's choice prior to continuation of duties.

## DEFINITIONS

Employee – means an employee of the Shire

Shire – means the Shire of Cocos (Keeling) Islands

## RELEVANT LEGISLATION/LOCAL LAW

*Occupational Safety and Health act 1984*

*Occupational Safety and Health Regulations 1996.*

Office Use Only				
Relevant Delegations				
Council Adoption	Date	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	Date	22/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPH7 - Internet and Email Usage Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To provide a framework for appropriate access to and use of the internet and email systems.

### SCOPE

The Internet and Email usage policy applies to the accessing of the internet and email systems by all employees in the performance of their work, specifically this includes:

- Internal and external email traffic
- Internet access
- Network access

### POLICY

The Shire of Cocos (Keeling) islands is committed to providing its staff with appropriate corporate applications and business tools, including access to internet and email systems, provided that:

- Employees use the internet responsibly and productively. Internet access is limited to job related activities only and personal use is not permitted. Job related activities could include research and educational tasks that may be found via the internet that would help in an employee's role.
- All internet data that is composed, transmitted and / or received by the Shire of Cocos (Keeling) Islands computer system is considered to belong to the Shire of Cocos (Keeling) Islands and is recognized as part of its official data. It is therefore subject to disclosure for legal reasons or to other third parties.
- The equipment, services and technology used to access the Internet are the property of the Shire of Cocos (Keeling) Islands and reserves the right to monitor Internet traffic and monitor and access data that is composed, sent, or received through its online connections.
- Emails sent via the emails system should not contain content that is deemed to be offensive. This includes, though is not restricted to, the use of vulgar or harassing language / images.
- All sites' downloads may be monitored and / or blocked by the Shire of Cocos (Keeling) Island's if they are deemed to be harmful and / or not productive to business.
- The installation of software such as instant messaging technology is strictly prohibited.
- Unacceptable use of the internet by employees includes, but is not limited to:
  - a) Access to sites that contain obscene, hateful, pornographic, unlawful, violent, or otherwise illegal material.
  - b) Sending or posting discriminatory, harassing, or threatening messages or images on the internet or via the Shire of Cocos (Keeling) Islands email service.

- c) Using computers to perpetrate any form of fraud, and / or software, film, or music piracy.
- d) Stealing, using, or disclosing someone else's password without authorization.
- e) Downloading, copying, or pirating software and electronic files that are copyrighted or without authorization.
- f) Sharing confidential material, trade secrets, or proprietary information outside of the organisation.
- g) Hacking into unauthorised websites.
- h) Sending or positing information that is defamatory to the Shire, its products/ services, colleagues and / or customers.
- i) Introducing malicious software onto the shire's network and / or jeopardizing the security of the Shire's electronics communication systems.
- j) Sending or positing chain letters, solicitations, or advertisements not related to business purposes or activities.
- k) Passing off personal views as representing those of the Shire of Cocos (Keeling) Islands.

Employees should not use personal electronic devices to access the Shire's internet network or any other internet networks during working hours without the prior approval of a senior staff member.

If an employee is unsure about what constitutes acceptable internet usage, then he / she should ask his / her supervisory for further guidance and clarifications.

Violations of this policy could result in disciplinary and / or legal action leading up to and including terminations of employment. Employees may also be held personally liable for damages caused by any violations in relation to their conduct. All employees are required to acknowledge receipt and confirm that they have understood and agreed to abide by this policy.

Office Use Only				
Relevant Delegations				
Council Adoption	Date	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPH8 - Shire Employees Undertaking Secondary Employment Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To outline the Shire's position in relation to staff who seek to undertake secondary employment.

### SCOPE

The Policy Applies to all employees of the Shire.

### POLICY

The Shire of Cocos (Keeling) Islands recognises the right of individual employees to pursue activities outside of normal work time, including secondary employment, and wishes to support its members in their every endeavour.

However, the Shire also acknowledges that there are risks to the organisation where its employees are undertaking secondary employment. These include the potential for conflict where the secondary employer is applying for an approval from the Shire or providing goods or services to the shire and conflict with Occupational Health and Safety requirements, particularly through fatigue.

Shire employees, who wish to commence secondary employment, whether paid or unpaid, require the prior written approval of the Chief Executive Officer.

Employees undertaking secondary employment must:

- Always ensure that there is no actual (or perceived) conflict or incompatibility between their personal interest and the impartial fulfilment of their professional duties.
- Be available for their regular and or/rostered hours with the Shire.
- Be fit for work and able to perform all the duties of their position with the Shire.
- Ensure that Shire service delivery is not adversely affected by their secondary employment.

Employees must not:

- Engage in employment with or for any person or body outside of the Shire, where such employment may actually or potentially form part of or relate to the duties or responsibilities that are reasonably expected of their employment with the Shire.
- Engage in secondary employment activities during their Shire workday (including sending or receiving emails or phone calls),
- Use Shire equipment or resources (including human resources) for the purpose of their secondary employment.
- Use, pass on or attempt to benefit from any confidential information obtained through their Shire Employment

- Wear the Shire uniforms in the course of the secondary employment or otherwise state or imply that the secondary employment is connected to or endorsed by the Shire.

## DEFINITIONS

“Secondary employment” is any employment that a person engages in, outside of their position at the Shire of Cocos (Keeling) Islands. This includes working for another employer, running their own business, working in a family business, or working as a consultant, but excludes any voluntary work for a charity / community group or emergency services group, providing there is adherence to all other criteria of this policy.

## RELEVANT LEGISLATION/LOCAL LAW

*Occupational Safety and Health Act 1984*  
*Occupational Safety and Health Regulations*

Office Use Only				
Relevant Delegations				
Council Adoption	Date	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPH9 - Superannuation Contribution Policy

RESPONSIBLE OFFICER

Manager Finance & Corporate Services

### OBJECTIVE

To enable the Shire to be an employer of Choice that offers a range of benefits and entitlements for its employees.

The Shire shall provide superannuation payments to all Employees regardless of their mode of employment.

### SCOPE

The Policy applies to all employees at the Shire (except designation senior employees).

### POLICY

The Shire offers a superannuation contributory scheme to all employees who voluntarily contribute up to 5% of their salary to superannuation. The Shire will match Employee contributions on a percentage-by-percentage basis up to a maximum of 5%.

All employees can contribute to their superannuation via salary sacrifice (pre-tax amount) or salary deduction (post-tax amount) as allowed under any specified salary sacrifice options and the Australian Taxation guidelines.

The superannuation Choice option is available to Employees in accordance with Local Government (Amendment of Part VIA – Employee Superannuation Regulations 2006).

The Shires superannuation default fund is WA super (trading name for the WA Local Government Superannuation Plan).

### DEFINITIONS

Employee – means an employee of the Shire.

Shire – means the Shire of Cocos (Keeling) Islands

### RELEVANT LEGISLATION/LOCAL LAW

Local Government Act 1995

Local Government (Amendment of Part VIA – Employee Superannuation) Regulation 2006

Office Use Only

Relevant Delegations				
Council Adoption	<b>Date</b>	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	<b>Date</b>	30/8/2017	Resolution #	3008/05
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>		Resolution #	



## CPH10 - Travel Allowance Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To guide the allowances provided to Shire representatives to cover out of pocket expenses for meals and incidentals when travelling on local government business.

### SCOPE

This policy applies to any Council Members or Shire employees required to stay overnight in a place other than their normal place of residence while on Shire business.

### POLICY

A meal and incidentals allowance will be paid to employees and Councillors when travelling on local government business and required to stay overnight in a place other than their normal place of residence.

The amount of allowance provided, each for meals and incidentals, will be equivalent to what the Commissioner of Taxation approves as the non taxable rate based on the annual income of the employer or Councillors as per the Public Service Award 1992

Where meals are provided at conferences, workshops, or other events that the employee or Councillor are required to attend on local government business, the Shire will not provide an allowance for that meal if the Councillor or employee should choose to eat elsewhere.

If whilst on Council business the employee or Councillor request alternative arrangements for personal reasons the Travel Allowance is only payable for the days spent attending to approved local government business.

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	unknown	Resolution #	unknown
Reviewed/Modified	<b>Date</b>	26/3/2014	Resolution #	41/2014
Reviewed/Modified	<b>Date</b>	30/8/2017	Resolution #	3008/05
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>		Resolution #	

## CPH11 - Recruitment and Selection Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This Policy ensures that the recruitment and selection of employees is transparent, equitable and upholds the values of the organisation and ensures legislative requirements are met whilst utilising methods designed to select the best candidate for the position.

### SCOPE

The Recruitment and Selection Policy applies to all recruitment and selection activities carried out by the Shire for paid positions including:

- Full time, part-time and casual; and
- Contract positions.

### POLICY

The Shire is committed to ensuring recruitment and selection of prospective employees is consistent and compliant with section 5.40 of the Local Government Act 1995 in addition to all other relevant employment legislation.

Effective employee selection and the subsequent management of employees are critical to the success of the Shire's and the provision of services to the community. This success depends on the Shire's ability to identify, attract, retain and develop employees.

The Shire is committed to an effective and professional method of selecting employees that is consistent with organisational values.

The Shire aims to attract and appoint highly skilled and motivated employees who will aim to meet agreed objectives and performance improvement goals. For every recruitment and selection decision, the Chief Executive Officer will aim to ensure the best person for the job is appointed.

#### **Equal Employment Opportunity**

Selection to positions within the Shire is based on the principles of appointment and merit and the provision of equal employment opportunity. The appointment of employees must be made based on the individual capacity of the person having regard to the knowledge, skills, qualifications, experience and potential for future development of that person in their employment.

Selection based on merit means that the grounds for the decision must directly relate to the inherent requirements of the position and prevents those decisions being made on unjustified discriminatory grounds such as:

- Race, colour, national or ethnic origin or nationality.
- Gender, sexual preference, marital status, pregnancy, status as parent or carer.
- Religious or political belief or activity, industrial activity.
- Age, physical features, disability.
- Personal association with any other person (including family, friends, colleagues, or other association).

### **Recruitment Authorisation**

To ensure alignment with the Shire's strategic goals and budget allocations, new positions identified must be authorised by the Chief Executive Officer.

Vacancies created by a resignation are not automatically filled. The supervisor will need to review the position to determine if it is still required and if so, whether any changes are required to ensure the best strategic alignment and most effective use of limited staffing resources. This review must be presented to the Executive Management Team for consideration prior to recruitment progressing.

### **Encouragement to Existing Employees to Apply for Vacancies**

The Shire is committed to fostering the process of developing and promoting existing employees where possible and the Shire will provide every opportunity for employees to advance and develop to their full potential. Internal applicants are encouraged to consider positions where they can meet the selection criteria; however internal applicants will not be given any preferential treatment or consideration in any external recruitment process.

### **Confidentiality**

All enquiries and applications for vacancies from internal and external applicants will be treated with the strictest confidentiality.

### **Conflicts of Interest**

No person shall be appointed, other than by a merit selection process. It is acknowledged that family members of existing employees may apply for vacant positions within the Shire, however family relationships will not have any bearing or carry any weight in the final recruitment decision or outcome.

Where there is any potential conflict of interest between a panellist and a candidate (or a perceived conflict) this must be declared as soon as possible.

Conflict of interests that should be declared include (but not limited to): family relationships, close personal friendships, common business interests/partnerships etc.

The panel will collectively determine if the conflict of interest or the potential for the perception of a conflict of interest is too great for the member to remain on the panel. In this case the panellist will remove themselves from the process. If a consensus cannot be reached by the panel, the CEO will be consulted.

### Recruitment Strategy

The most appropriate strategy for recruitment will be adopted to ensure the timely and effective use of resources and to maximise the successful performance of the role for the Shire. The recruitment methodology (advertising placements, internal applications, external applications etc.), will be determined by a range of elements, including the role, required skills and abilities, cost effectiveness, existing skill base and organisational needs. At the discretion of the Chief Executive Officer, vacant positions may be filled by:

- An internal recruitment process.
- An external recruitment process involving external advertising or the use of a recruitment agency for senior positions; or
- By direct selection.

### Process

**Selection principles** will be based on the current position description that describes the inherent requirements of the position.

**Recruitment panels** should ideally consist of 3 panellists (1 as chairperson) and where practical of mixed gender.

**Recruitment methodology** may include (but not limited to): Interviews, simulations/tests, aptitude or psychometric testing, reference checks, police/WWC clearances, pre-employment medicals etc.

### Translation

In recognition that a significant proportion of Cocos (Keeling) Islands residents speak Cocos Malay, all recruitment advertising will be in both English and Cocos Malay and all shortlisted applicants will be offered translation during an interview except where high standards of written and verbal English are an essential criterion for the position.

### Probationary Period

All new employees may be appointed subject to a probationary period to be determined by the recruitment and selection panel (generally 6 months).

## Definitions

**CEO (Chief Executive Officer)** - A person who holds an appointment under section 194 of the Local Government Act 2009.

**Council** - Shire of Cocos (Keeling) Islands.

**Employee** – person engaged by the Shire on a permanent or casual basis either full or part time, a contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a

labour hire company assigned to work for Council. (In this specific case, the definition excludes volunteers and work experience students).

#### Relevant Legislation/Local Law

*Local Government Act 1995 – Section 5.40*

*Fair Work Act 2009*

*Equal Employment Opportunity Act 1984*

*Age discrimination Act 2004*

*Sex Discrimination Act 1984*

*Racial Discrimination Act 1975*

*Disability Discrimination Act 1992*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	5 December 2018	Resolution #	Date
Reviewed/Modified	Date		Resolution #	

## CPH12 - Employee Performance and Development Review Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This policy is designed to ensure that employee performance and development reviews are conducted in an effective and consistent manner. A successful employee performance development review process will assist the Shire meets it vision, values, and strategic focus by enabling employees to be engaged and motivated.

Performance and development reviews provide a framework for employees to set performance objectives which are meaningful in their current role, contribute to career goals, and align to the Shire's strategic direction.

The Shire recognises that continuing to focus on the career development of its employees is a beneficial strategy in retaining employees and developing each employee's potential.

### SCOPE

This policy applies to all Shire employees except for the Chief Executive Officer and temporary and casual employees that are engaged for less than a year.

### POLICY

#### 1. Commitment

The Shire is committed to conducting performance reviews in a fair and consistent manner. Employees and their line manager will develop a performance plan consisting of performance objectives (related to overall business objectives), performance standards, and a development plan to ensure the employee has the skills and knowledge to meet the specified objectives.

Each employee will be appraised on a bi-annual basis to discuss performance objectives and development plans with their immediate line manager.

The Shire will commit to ensuring that line managers are equipped to undertake the performance and development review process.

#### 2. Performance and development review procedure

##### 2.1 Frequency of employee performance and development reviews

Employee performance and development reviews will be conducted as outlined below, unless special permission to delay the review has been sought from the CEO. Permission will be only granted in certain circumstances such as prolonged higher duties arrangements and periods of leave.

Employee performance and development reviews will be scheduled as follows:



- during induction and on-boarding process – within three months of commencement
- the mid-year review – May each year, and
- the annual review – November each year.

## 2.2 Objective setting and review

New employees, or employees who have changed roles or had significant changes made to their duties and responsibilities, will have their initial performance development, and review discussion and agree to performance objectives within the first three months of their appointment.

This will provide the employee with clarity about the organisational objectives and how their performance can contribute to achieving these objectives.

Performance objectives will provide the Shire with an opportunity to:

- formally set the expectations, requirements, and objectives of the role
- outline the overall business and strategic objectives of the Shire, function, and role
- provide specific role or project aims and milestones, and
- establish a training and development program.

Performance objectives will be developed using the **SMART** model outlined below.

**Specific** – clearly defined and understood by the employee and the line manager.

**Measureable** – able to be measured in terms of progress or achievement, so the employee and line manager can identify to what extent the objective has been achieved at the mid-year and annual reviews.

**Attainable** – the employee and line manager are of the view the performance objective is achievable.

**Relevant** – related to the position description, the employee's role and broader team, and aligned to organisational objectives.

**Time bound** – a timeframe needs to be agreed and documented when setting objectives.

The employee and their line manager must agree to the performance objectives and measures, and identify any training and development required.

## 2.3 Position descriptions

Position descriptions are a key reference when formulating performance objectives. As part of the performance review process the Shire will review the position description to ensure that it accurately reflects the employee's role and responsibilities.

## 2.4 Mid-year and annual review meetings

Employee performance and development reviews will be conducted in a confidential manner. Employees will be given at least a week's notice of the performance review meeting so they can prepare accordingly. The meeting will be conducted with the employee and their line manager.

The performance and development review will be recorded on the **Employee Performance and Development Review Form**. A record of the review will be placed on the employee's personnel file.

#### 2.5 The mid-year review:

The purpose of the mid-year review meeting is to:

- Allow the employee and line manager to formally come together and discuss the employee's progress against the agreed objectives
- Allow the employee and line manager to comment on and discuss the expected behaviours
- Review training and development needs and strategies

#### 2.6 The annual review:

The purpose of the annual review meeting is to:

- Allow the employee and the line manager to agree on the final assessment of the employee during the full review period, which is usually twelve months
- Ensure the line manager formally tasks the employee for the next review period, and to set up training and development needs and strategies
- Encourage the employee to provide constructive feedback to their line manager in relation to their leadership, support, and guidance

The final assessment is based on:

- the extent to which performance objectives have been met (taking into account management of any obstacles), and
- a judgment of the expected behaviours being demonstrated.

#### 2.7 Informal feedback meetings

During the 12-month review period, regular informal discussions and two-way communication must take place. Quality conversations will include:

- sharing feedback and observations
- identifying how to overcome obstacles which may be preventing the achievement of performance objectives within the timeframe and/or budget allocated
- clarifying performance expectations where there are gaps, and
- discussing professional development or career opportunities.

Having regular discussions ensures there are no surprises for either the employee or the line manager during the formal annual review meeting.

### **3. Training and development**

The Shire commits to providing training and development in line with the requirements of the role, budgetary limitations, and operational needs of the organisation for effective strategic planning. Where training and development opportunities are identified as part of the employee performance and development review process this should be provided to the line manager for review and action.

### **4. Organisational values and behaviours**

The Shire will ensure the employee performance and development review measures the employee's ability to demonstrate and adhere to organisational values as outlined in the strategic plan. The review will also measure the employee's behaviour in line with the Shire's values, policies and expected standards of behaviour.

### **5. Responsibilities**

#### **5.1 Responsibilities of employees**

Employees must actively participate in the performance objective setting process, performance, and development review meetings, and working towards the objectives set through the review process.

#### **5.2 Responsibilities of line managers**

Line managers must schedule and conduct the employee performance and development review meeting in line with the timeframes set out in this policy and to give honest and constructive feedback on an ongoing basis. To assign objectives effectively, the line manager must:

- ensure the objectives are within the employee's capacity
- discuss objectives with the employee before finalising, and
- provide context for the employee's objectives i.e., to give an overview of the big picture.

### **6. Underperformance**

Where unsatisfactory performance is identified by the Shire, this will be dealt with by individual mentoring and support. Sustained and/or serious underperformance may lead to disciplinary action and/or termination of employment

### **7. Variation to this policy**

This policy may be cancelled or varied from time to time. The Shire's employees will be notified of any variation to this policy by the normal correspondence method.

#### **Definitions**

CEO (Chief Executive Officer) - A person who holds an appointment under section 194 of the Local Government Act 2009.

Line Managers - Community Development Coordinator, Governance Risk & Planning Coordinator, Finance & Corporate Services Manager, Infrastructure Manager, Infrastructure Coordinator.

Relevant Legislation/Local Law

Local Government Act (WA) (CKI) 1995

Office Use Only

Relevant Delegations				
Council Adoption	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	

## CPI1 - Temporary Signs Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To manage the number of temporary/portable advertising signs in such a manner that will enable businesses to advertise and provide information to the public without compromising public safety and visual amenity.

### SCOPE

This policy applies to the use of temporary/portable signs.

### POLICY

Prior to erecting any sign, permission must be obtained from the Shire of Cocos (Keeling) Islands (the Shire).

Permission is not required for any business wanting to erect one temporary/ portable sign under the following conditions:

The sign must:

- be maintained in a good condition.
- only contain content relating to the business or the business activity.
- be erected immediately adjacent to the building or business.
- only be erect during the hours that business is trading.
- be a minimum 30m away from any intersection;
- be free standing but can be able to be fixed temporary to prevent it blowing over; and
- be placed as to not obstruct or impede the vision of a driver of a vehicle.

The temporary/portable sign must not:

- obstruct or impede the reasonable use of the road verge.
- be placed on any footpath.
- be rotating or illuminating; or
- be affixed to any existing signpost, power, or light pole.

Before placing a temporary/portable sign the business must have a current insurance policy with a minimum amount of five million dollars for public liability.

## Penalties

- An authorised officer of the Shire can impound a sign found to be in breach of this policy.
- If the owner of the impounded sign is known, they will be notified within one working day.
- An impoundment fee in accordance with the Shire's Approved *Schedule of Fees and Charges* will be required to be paid for the return of the sign.
- Impounded signs will be kept for a minimum of 21 days and may be destroyed after this time if not collected beforehand.

## DEFINITIONS

Portable sign – a portable advertising device which is located outside of the premises from which the commodity or service described on the sign may be obtained.

Temporary sign – used only for a short period of time and is not a permanent fixture.

## RELEVANT LEGISLATION/LOCAL LAW

*Shire of Cocos (Keeling) Islands Local Planning Scheme 1*

## RELATED DOCUMENTS

*Shire of Cocos (Keeling) Islands Approved Schedule of Fees and Charges*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	23/11/2016	Resolution #	10.4/1A
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPI2 - Asset Management Policy

RESPONSIBLE OFFICER

Manager Infrastructure

### OBJECTIVE

The Shire of Cocos (Keeling) Islands (the Shire) manages a range of built assets on behalf of the community. This policy sets the guidelines for implementing consistent asset management processes to attain positive and sustainable service outcomes.

### SCOPE

This policy applies to all Shire activities in relation to Council-owned assets where their components have a useful life of more than one year and a replacement cost greater than \$5,000.

### POLICY

Council is committed to implementing a systematic asset management methodology to apply appropriate asset management practices across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, renewed, and disposed of in accordance with Council's priorities for service delivery.

Council owns a range of assets including:

- Transport assets – roads, paths, drainage, boat ramps.
- Property assets – land and buildings.
- Recreation assets – ovals, parks, playgrounds.
- Fleet and information technology (IT) assets – vehicles, plants, equipment, computers etc.

Management of these assets at the Shire aims to ensure adequate provision is made for their long-term replacement by:

- ensuring that Council's services and infrastructure are provided sustainably, with the appropriate quality levels of service to residents, visitors and the environment.
- safeguarding Council assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial treatment of those assets.
- creating an environment where all Shire employees are an integral part of the overall management of Council assets by creating and sustaining an asset management awareness.
- meeting and surpassing legislative requirements for asset management.
- ensuring resources and operational capabilities are identified and responsibility for asset management is allocated; and



- demonstrating transparent and responsible asset management processes that align with demonstrated best practice.

The Shire will achieve the policy objectives by:

- linking asset management strategies and plans to its *Strategic Community Plan* and *Corporate Business Plan*.
- establishing and maintaining a multi-functional asset management working group.
- providing the necessary resources, staff, and training to maintain appropriate asset information and establish future funding requirements and priorities; and
- ensuring decisions regarding the procurement of new or upgraded assets consider whole-of-life costs.

## PRINCIPLES

- A consistent *Asset Management Strategy* must exist for implementing systematic asset management and appropriate asset management best-practice throughout all Departments of Council.
- All relevant legislative requirements together with political, social, and economic environments are to be taken into account in asset management.
- Asset management principles will be integrated within existing planning and operational processes.
- *Asset Management Plans* will be developed for major service/asset categories. The plans will be informed by community consultation and financial planning and reporting.
- An inspection regime will be used as part of asset management to ensure agreed service levels are maintained and to identify asset renewal priorities.
- Asset renewals required to meet agreed service levels and identified in adopted asset management plans and long-term financial plans will be fully funded in the *Long-Term Financial Plan*.
- Service levels agreed defined in adopted *Asset Management Plans* will be fully funded.
- Asset renewal plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.
- Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued, and depreciated in accordance with applicable Australian Standards.
- Future life cycle costs will be reported and considered in all decisions relating to new services and assets, and the upgrading of existing services and assets.
- Future service levels will be determined in consultation with the community.

- Training in asset and financial management will be provided for Councillors and relevant employees.

#### RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995 (WA) (CKI)*

#### RELATED DOCUMENTS

*Integrated Planning and Reporting Framework*

*Shire of Cocos Keeling Islands Asset Management Plan - General Assets 2012*

*Shire of Cocos Keeling Islands Asset Management Plan - Property 2013*

*Shire of Cocos Keeling Islands Asset Management Plan - Road Assets 2013*

*Shire of Cocos Keeling Islands Asset Management Strategy 2013*

*Shire of Cocos Keeling Islands Corporate Business Plan 2018/2019 – 2021/2022*

*Shire of Cocos Keeling Islands Long Term Financial Plan 2013 - 2028*

*Shire of Cocos Keeling Islands Strategic Community Plan 2013 - 2023*

*Shire of Cocos Keeling Islands Workforce Plan 2012 – 2022*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	23/10/2013	Resolution #	110/2013
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	11/11/2020	Resolution #	10.4.8
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPI3 - Naming of Roads, Reserves and Structures Policy

RESPONSIBLE OFFICER

Manager Infrastructure

### OBJECTIVE

To ensure that there is an orderly process in the naming of roads, reserves and structures in the district of the Shire of Cocos (Keeling) Islands, and to restrict the ad-hoc naming of structures to ensure that proposed naming has relevance to a person/s who have contributed significantly to the community over a period.

### SCOPE

This policy applies to the name of roads, reserves and structures in the district of the Shire of Cocos (Keeling) Islands.

### POLICY

Proposed names for roads, reserves and structures are to comply with the latest version of Landgate's *Policies and Standards for Geographical Naming in Western Australia*, for the Geographic Names Committee to approve it.

All proposed road, reserves and structures naming or renaming requests are to be submitted in writing to the Shire, including the contact's name and address details of the applicant. The request is to provide adequate information to enable the road, reserve, or structure to be clearly identified and is to include a reason for the request.

Requests by residents to name any roads, reserves or structures within the Shire must be referred to Council for appropriate endorsement or authorisation.

When proposing names for roads, reserves and structures, the names should be based upon.

- the names of past Councillors.
- the names of local identities or people who have contributed to the development of the community or Shire.
- Cocos Malay words; or
- any other name approved by the Geographic Names Committee and Council.

When proposing names for roads, reserves and structures the following is to be considered:

- Names should not be offensive or likely to cause offence and should not be that of a living person or current company/business.
- Assets should not be named after commercial enterprises.

- Names should not be derogatory or offensive on the grounds of race, ethnicity, religion or gender.
- Names of living persons should not be approved by Council as Landgate's *Policies and Standards for Geographical Naming in Western Australia* states that the use of a person's name who has not been deceased for at least two years will not be considered.

Council should ensure that names are:

- relatively short.
- relevant to the purpose for which they are recommended.
- not easily confused with or duplicating names within the region or nearby localities; and
- consistent with Landgate's *Policies and Standards for Geographical Naming in Western Australia*.

#### RELATED DOCUMENTS

*Landgate Policies and Standards for Geographical Naming in Western Australia*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	30/3/2011	Resolution #	35/2011
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPI4 - Publishing of Delegated Legislation and State-wide Public Notices Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To ensure all delegated legislation and state-wide public notices are dealt with in a consistent manner, with all relevant documents being accessible from the same location for convenience of reference.

### SCOPE

This policy applies to all delegated legislation and state-wide public notices created by the Shire.

### POLICY

#### Publication of delegated legislation

All delegated legislation of the Shire is to be published as *Notifiable Instruments* on the *Federal Register of Legislation*, as the official record of all legislative documents. No delegated legislation is to be published in the *Western Australian Government Gazette* or the *Indian Ocean Territories Government Gazette*, which replaced the *Christmas Island and Cocos Keeling Islands Gazettes*.

All delegated legislation published as *Notifiable Instruments* on the *Federal Register of Legislation* will be available on the Shire's website.

#### Publication of state-wide public notices

When the Shire is required to give state-wide public notice such as per section 1.8 of the *Local Government Act (WA)(CKI)*, the notice will be published within *The Atoll Newsletter*. Publishing the notice within *The Atoll Newsletter* will constitute state-wide public notice as consistent with the definition of *state* contained in the *Interpretations Act 1984 (WA)(CKI)*.

### DEFINITIONS

Delegated legislation – matters adopted by Council under the authority of legislation, which are legally enforceable in a Court of law, and includes:

- local laws; and
- local planning schemes.

Federal Register of Legislation - the authorised whole-of-government website for Commonwealth legislation and related documents. It contains the full text and details of the lifecycle of individual laws and the relationships between them. The register is managed by the Office of Parliamentary Counsel in accordance with the *Legislation Act 2003 (Cth)*.

Notifiable Instruments - laws on matters of detail made by a person or body authorised to do so by enabling legislation. Under the *Legislation Act 2003 (Cth)* all Notifiable Instruments and their compilations must be registered on the Federal Register of Legislation.

State-wide public notice – as defined in s1.8 of the *Local Government Act 1995 (WA)(CKI)*, or other legislation includes:

- advising of intention to adopt or confirmation of adoption of a matter in accordance with legislation, etc; and
- inviting submissions for public comment, tenders for acquisition or disposal etc.

Legal advice has been received (Department of Local Government and Community, 30 June 2015) noting that the definition of *state* as contained in the *Interpretation Act 1984 (WA)(CKI)* (below) means the Territory, the advice was that the Shire may advertise those elections notices requiring state-wide public notice in a newspaper that circulates generally in the Territory. The department considers that the Shire's publication *The Atoll Newsletter* would meet this requirement.

**the State, this State or Western Australia:**

- (a) when used in a geographical sense – means the Territory; and
- (b) when used in any other sense – means the Territory unless the context precludes that meaning.

**RELEVANT LEGISLATION/LOCAL LAW**

*Interpretations Act 1984 (WA)(CKI)*

*Local Government Act 1996 (WA)(CKI)*

*Planning and Development Act 2005 (WA) (CKI)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	8/11/2017	Resolution #	1117/08
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	

## CPI5 - Business Improvement Grants Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To support new and existing local businesses to improve amenity, stimulate business activity and provide direct benefits to the Shire of Cocos (Keeling) Islands Community in a manner that is fair, equitable and transparent.

### SCOPE

The Policy applies to all businesses with both a premise and operations within the Shire of Cocos (Keeling) Islands.

### POLICY

The Shire of Cocos (Keeling) Islands Strategic Community Plan 2017 – 2027 identifies the need to encourage economic stability for the Islands. The Shires Corporate Business Plan further defines the aspiration to support employment and promote business opportunities. The Business Improvement Grants Program aims to support local businesses in achieving the goals and aspirations as detailed in the Strategic Community Plan.

Grants of up to 50% of the total project cost up to a maximum grant of \$3,000 will be available for eligible applicants for approved projects.

#### Eligibility Criteria

To be eligible for a grant, a business must meet the following criteria:

- Be a legally constituted entity, an individual or business with an Australian Business Number (ABN);
- Have a demonstrated investment in the Shire, such as a lease of at least three years or ownership of a premises located within the Shire; to be determined at the discretion of the Shire.
- Have all current insurances, permits and licences for business operation. These approvals must be obtained prior to any application being approved.
- Have all current insurances, permits and licences for the works/services/project proposed. These approvals must be obtained prior to any funds being dispersed.
- Have received approval of the grant being successful prior to the commencement of the project (grants will not be given for works already undertaken).
- Have not been approved for funding under this program previously in the current financial year (maximum one grant per applicant per financial year).
- Businesses which are solely home based will be ineligible.



### **Types of Projects Supported**

Projects that improve amenity, stimulate business activity, and provide direct benefits to the Shire of Cocos (Keeling) Islands Community such as (but not limited to):

- Signage (Council approved)
- Specialised equipment that increases services not currently available
- Formal training

### **Ineligible Expenditure**

The following expenditure will not be supported under the program:

- Business operating costs (ie. wages, stock, marketing, etc)
- Consumables
- Non-specialised, relocatable equipment

### **Assessment**

Applicants must demonstrate their proposed project meets at least one of the following criteria:

- Job creation/retention
- Improved amenity
- Increased customer experience
- Community benefit
- Diversification from existing offerings

Applications will be assessed by the Community Development Coordinator with final approval by the Chief executive Officer subject to budget limitations.

### **Funding agreements**

All successful applicants will be provided with a funding agreement which will outline milestones for payments, how the Shire should be acknowledged and acquittal requirements.

## DEFINITIONS

There are no specific definitions associated with this Policy.

## RELEVANT LEGISLATION/ LOCAL LAW

There are no specific legislative implications associated with this Policy.

Office Use Only				
Relevant Delegations				
Council Adoption	Date	27/10/2021	Resolution #	10.4.3
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date		Resolution #	

## CPI6 - Coastal Development Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### INTRODUCTION

Determinations on developments in coastal zones must consider coastal risks. The risk arising from vulnerability of built assets is influenced by the level of preparedness and response of the community and its recovery capacity. While the scientific community has established that anthropogenic climate change is occurring, uncertainty remains about the magnitude and extent of the impacts from these processes and changes.

Despite the uncertainty, early consideration of coastal hazards and the management of appropriate planning responses can provide economic, environmental, and social benefits.

National and international coastal planning practices are increasingly adopting a risk management approach to deal with uncertainty associated with the potential adverse impacts and their timeframes, arising from coastal hazards. This ensures that risks arising from coastal hazards are appropriately factored into decision-making processes for sustainable land use and development in the coastal zone. The Western Australian Government's coastal planning policy, State Planning Policy 2.6 Coastal Planning Policy (SPP 2.6) requires a risk management approach and provides the framework for coastal hazard risk management and adaptation planning (CHRMAP).

There are a potentially wide range of policy considerations which a local government is entitled to consider when deciding what strategies, it will, and will not, adopt in response to coastal hazard risk, including financial constraints and social factors. Provided the local government's decision has due regard to relevant considerations and has a reasonable basis, the risk of the decision attracting liability is minimised. Development and planning decisions should be based on planning merits, and not with the purpose of limiting the extent of any legal liability. Nevertheless, prudent, evidence and policy-based planning decisions are by their nature likely to minimise legal liability.

### BACKGROUND

The coastal planning requirements set out in this policy are informed by the future Cocos (Keeling) Islands Coastal Vulnerability Study (CVS). A subsequent Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) is currently under development and at draft stage expected to be complete by December 2023.

The CVS will consider the coastal inundation and erosion hazards across the Cocos (Keeling) Islands, whilst the CHRMAP will provide a holistic approach to manage and mitigate coastal hazard risk and will be developed in consultation with the local community and key stakeholders.

This policy is to be used to guide Council's assessment of all development applications.

Until such time as the CVS is finalised, Council will consider all the islands to be at risk of coastal inundation and erosion. The CVS will inform the CHRMAP with more detailed risk information that will further guide Council in decision making.

#### RELEVANT LEGISLATION/LOCAL LAW

Planning and Development (Local Planning Schemes) Regulations 2015; Schedule 2 Deemed provisions for local planning schemes, Part 9 Procedure for dealing with applications for development approval.

Section 67. Matters to be considered by local government (relevant to this policy).

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

(q) the suitability of the land for the development considering the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk.

#### OBJECTIVES

1. To ensure coastal land is continuously provided for public access, recreation, and conservation.
2. To ensure public safety and reduce risk associated with coastal erosion and inundation.
3. To encourage appropriate land use and development of land considering the risk from coastal erosion and inundation.
4. To encourage land use and development that does not accelerate coastal erosion or increase inundation risks; or have a detrimental impact on the functions of public reserves.
5. To ensure that development addresses the *State Planning Policy No. 2.6 Coastal Planning Policy* (as amended).
6. To be risk adverse and transparent about the issues regarding the development of land at risk from coastal erosion and inundation.
7. To inform and guide the community of the risks to the islands of sea level rise and the potential current and future impact on all land within the Shire of Cocos (Keeling) Islands.

#### APPLICATIONS SUBJECT TO THIS POLICY

This policy applies to all development applications of which the Shire of Cocos (Keeling) Islands is the responsible authority for given the low-lying coral atoll environment of the local government area.

## APPLICATION REQUIREMENTS

All future development within the Shire of Cocos (Keeling) Islands requires development approval. This position will be reviewed once a mapped CVS is approved.

## POLICY STATEMENT

1. Development does not occur unless:
  - a) the development is located, designed, and constructed to withstand coastal hazard impacts; or
  - b) the development is temporary, readily relocatable, or able to be demolished and removed; or
  - c) the development can mitigate the risks to people and property to an acceptable or tolerable level based on the scientific information available at the time of application.
2. Design responses are not to have a detrimental impact on the amenity of neighbouring land or the amenity of the locality generally. This includes adversely impacting storm surge inundation levels on adjoining properties.
3. Development maintains or enhances public access to the foreshore.
4. Proponents must demonstrate relative to the scale and nature of their development that it prevents directly, indirectly, and cumulatively an increase in the severity of coastal hazards and the potential for damage to the site or to other properties.
5. Buildings are to be designed to withstand structural loads associated with a storm surge inundation. The Shire may, at its discretion, require buildings to be certified by a coastal engineer as adequate to withstand potential erosive action during coastal inundation and/or erosion.
6. Lower levels of buildings potentially prone to storm surge inundation are to be permeable to allow water to flow through. This would not apply if the design response included fill to the extent that the finished floor level (FFL) of the building is located above the potential level of inundation.
7. Any development approval is to be conditioned requiring all structures be removed at the cost of the proponent once the current risk of erosion poses a risk to a development or structure, as defined by the following triggers:
  - a) Where a public road is no longer available or able to provide legal access to the property.
  - b) When water, sewage or electricity to the lot is no longer available as they have been removed/ decommissioned by the relevant authority due to coastal hazards.
  - c) Where structural integrity of the building has been compromised.

8. Any development approval shall (by a condition) require the following notifications to be placed on the Certificate of Title, pursuant to Section 70A of the Transfer of Land Act 1893, or lease documentation:  
VULNERABLE COASTAL AREA - This lot is in an area likely to be subject to coastal erosion and/or inundation over the 100-planning timeframe (2110).
9. Any development with an estimated cost above \$250,000 shall require an independent assessment by a coastal engineer to certify the suitability of the proposed development or await the finalisation of the Shire's CHRMAP and specific measures to be taken or not taken for the subject land parcel(s).
10. Any new development not deemed as infill development will be assessed against the current or likely future capacity of the Cocos (Keeling) Islands' essential services at the time of application in accordance with the Growth & Essential Services Policy.

#### VARIATIONS

Applications seeking variations to this Policy shall be determined in accordance with the objectives of this Policy.

#### CONSULTATION

For development applications that do not comply with the acceptable development provisions contained within this Policy, Council may require that neighbours and government agencies be consulted.

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	31/03/2021	Resolution #	10.14.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## CPI7 - Growth & Essential Services Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### INTRODUCTION

A well planned and coherent settlement pattern and careful management of urban growth and change are critical in delivering wider social, economic, and environmental objectives. For example, to create liveable, efficient, and attractive communities there needs to be (but not limited to) choice in housing and lifestyle opportunities, easy access to employment, services and recreational opportunities for people of all ages and abilities, a strong and shared sense of community, and good urban design and neighbourhood planning.

Planning for new growth should be co-ordinated with the cost-efficient provision of infrastructure and services such as roads, public transport, water supply, sewerage, electricity, telecommunications, drainage, open space, schools, health, and recreational facilities.

### BACKGROUND

There is continued pressure for development on the Cocos (Keeling) Islands for tourism projects, holiday homes and for people seeking a lifestyle change from mainland Australia.

Due to the small essential service schemes on both Home and West Islands, any change of land use or new development has the potential to significantly impact the capacity of essential services. West Island is currently at or near capacity for all essential services (water, wastewater & the power distribution network). The new water source (a desalination plant proposal) and treatment plant design (upgrade of existing plant) has factored in growth and tourism into the design, and this will allow for additional developments in the future. However, both these upgrades require Australian Government funding to enable these works to be carried out so the timeline on these works is currently unknown.

Home Island has some capacity to support further land use changes and development, however, without knowing the full extent of potential application, it is difficult to predict the impact on service demand. New developments would require further modelling and analysis at the time of application.

### RELEVANT LEGISLATION/LOCAL LAW

Planning and Development (Local Planning Schemes) Regulations 2015; Schedule 2 Deemed provisions for local planning schemes.

Part 9 Procedure for dealing with applications for development approval.

Section 67. Matters to be considered by local government (relevant to this policy).



In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- the amenity of the locality including the following —
- social impacts of the development.
- the availability and adequacy for the development of the following —
- public transport services.
- public utility services.
- the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.
- any other planning consideration the local government considers appropriate.

## DEFINITIONS

Public transport services – includes buses, taxis, hire cars, ferry, air travel and freight services.

Essential services – has the same meaning as “Public utility services” and includes power, water, wastewater, telecommunications authorities, and any other authorities that the Shire considers as essential services.

## OBJECTIVES

1. To coordinate new development with the efficient, economic, and timely provision of infrastructure and services.
2. To provide guidance to stakeholders on what sort of development will be supported by Council based on the current availability and adequacy of Cocos (Keeling) Islands’ essential services.
3. To consult with the agencies responsible for providing essential services to the Cocos (Keeling) Island as defined in this document for advice on the current availability and adequacy of such services to facilitate a development at the time of application.

## APPLICATIONS SUBJECT TO THIS POLICY

This policy applies to all development applications of which the Shire of Cocos (Keeling) Island is the responsible authority for.

## APPLICATION REQUIREMENTS

All development applications involving the use of essential services whether they be for a change of use and/or development works, and regardless of whether the development will be self-sufficient are to show evidence of engagement with and comments from the agencies responsible for providing essential services to the Cocos (Keeling) Islands.

Furthermore, Shire officers will refer all lodged Development Applications, for a period of 42 days prior to formal submission to Council for a determination, to the Acting Assistant Director, IOT Government Arrangements, Department of Infrastructure, Transport, Regional Development and Communications, who will coordinate a response from the agencies responsible for providing essential services.

#### POLICY STATEMENT

In considering an application for development approval, Council shall have due regard to the objectives of this policy and any advice from the agencies responsible for providing essential services to the Cocos (Keeling) Islands.

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	31/03/2021	Resolution #	10.4.3
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