



MAJU PULU KITA | ADVANCE OUR ISLANDS

Shire of
Cocos Keeling Islands
POLICY MANUAL
Last Updated April 2022



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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 provide assistance to 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 terms “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:

2022 – All Policies Reviewed

2023 – Finance & Risk

2024 – Administrative

2025 – Community & Planning

2024 – Finance & Risk

2025 onwards – Continue with Cycle

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 - 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.

In the event that the Chief Executive Officer and all designated senior employees are unavailable, the Governance and Risk Coordinator, subject to the incumbent's approval, will be appointed as Acting Chief Executive Officer or alternatively, 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 in excess of 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

CPA2 - 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 located Shire vehicles are available to Home Island 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. 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 or Manager Infrastructure 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 designated non-smoking at all times. The employee approved to use the Shire vehicle is also responsible for ensuring passengers do not smoke 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.
- Shire vehicles are not to be used for towing or off road use.
- 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

CPA3 - Communications and Social Media Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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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 so as 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 of time 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 particular 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
	Date	27/04/2022	Resolution #	10.4.2

CPA5 - 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

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

CPA9 - 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 is to be 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 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

CPA10 - 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 as a result 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 employees 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 on the basis of, and consistent with, the findings of a court, tribunal or inquiry.

5.7 Where Council makes a determination 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:
- all or part of those costs, in accordance with a determination by Council under clause 5.7; or
 - 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 lawyer certified to practice under the *Legal Profession Act 2008 (WA)*;
- 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
- 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

CPA11 - 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 purchased 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 desire 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 in close proximity to 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, in excess of 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
	Date	27/04/2022	Resolution #	10.4.2

CPA12 - 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 or not 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
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

CPA13 - 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 in the event that 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 Meeting 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 Meeting 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

CPA14 - 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:

- a. Shire hosted or sponsored ceremonies, functions, events and art exhibitions;
- b. meetings and events hosted by clubs and not-for-profit organisations in the district;
- c. any free events held in the district;
- d. cultural events or festivals in the district;

- e. 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 making a decision 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

CPA15 - Complaints Handling and Public Interest Disclosures Policy

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 in order 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 in regard to 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 or 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 making a decision 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 manner in which 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. Vexacious 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 considered to be 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 the course of, 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

In the event that 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 make contact with 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

CPP2 - 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 in itself 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

CPC1 - Importation of Poultry and other Species of Birds Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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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 organisation 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

CPC2 - Motor Vehicles on Home Island Policy

RESPONSIBLE OFFICER

Chief Executive Officer

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

CPC3 - Prevention of Cats Being Imported Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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OBJECTIVE

To prevent the importation of cats to the Cocos (Keeling) Islands in an effort to control the existing cat problem.

SCOPE

This policy applies to all requests to import a cat or multiple cats 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.

Until further review, no approval will be given for the importation of cats 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

CPC4 - 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

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 district of 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

CPC6 - Home Island Housing Policy

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 months 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				

CPC7 - 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:

- i) Camping is permitted at Scout Park and Direction Island only.
- ii) Permits must be obtained from the Shire (details below) prior to camping.
- iii) 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:

- i) Three designated camp sites will be marked at Scout Park.
- ii) The stage is not a camping area.
- iii) 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

CPC8 - 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

In order 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

CPF1 - Corporate Credit Card Policy

RESPONSIBLE OFFICER

Deputy Chief Executive Officer

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.

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. Cardholders are responsible for the use of the corporate credit card and must ensure the safe keeping of the card at all times. Loss or theft of the corporate credit card must be reported immediately to the Shire's bank.

A Shire corporate credit card is to be used by the cardholders for the payment of expenses associated with official Shire business activities only.

The corporate credit card must not be used for:

- personal or non-work-related expenditure;
- obtaining cash advances; or
- purchase over the internet unless it is a trusted site.

Among the permitted uses are:

- in person, across the counter retail purchases;
- internet/telephone business related purchases;
- mail order purchases and subscription;
- official travel, accommodation and related expenses; or
- entertainment and business hospitality expenses.

Corporate credit card expenses must be properly documented with the business-related purpose identified and the documentation must be made available to the external auditor for scrutiny.

The cardholder will be required to sign a certification, on each and every credit card statement issued from this date forward, to the effect all purchases made using the corporate credit card were for official business purposes.

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

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.

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 (Financial Management) Regulations 11(1)(a) (WA) (CKI)

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

CPF2 - Funding Contributions – Resident Further Education Policy

RESPONSIBLE OFFICER

Deputy 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 of 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

CPF3 - Investment Policy

RESPONSIBLE OFFICER

Chief Executive Officer

OBJECTIVE

This policy will inform and guide the Shire of Cocos (Keeling) Island's (the Shire's) approach to investment of surplus funds.

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 Chief Executive Officer shall be responsible for the management of the Council's funds and reporting to the Council on these affairs. In doing so, the Chief Executive Officer will take a conservative approach to the investment of surplus funds, but with a focus to add value, while ensuring that its 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.

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.

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.

Funds must be invested in an authorised institution, as defined in this policy, in Australian currency only. The types of investments that can be made are:

- interested bearing deposits; and
- bank accepted/endorsed bank bill.

DEFINITIONS

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 Metway Bank
- Bankwest of WA
- 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

CPF4 - Purchasing Policy

RESPONSIBLE OFFICER

Chief Executive Officer

OBJECTIVE

The objectives of this policy are to:

- ensure compliance with the *Local Government Act (WA)(CKI) 1995* and the *Local Government Act (Functions and General) Regulations 1996 (WA) (CKI)*;
- deliver a best practice approach and procedures to internal purchasing for the Shire of Cocos (Keeling) Islands (the Shire);
- ensure consistency for all purchasing activities that integrates within all of the Shire's operational areas;
- ensure openness, transparency, fairness and equity through the purchasing process to all potential suppliers;
- undertake procurement processes that ensure value for money for the Shire by delivering the most advantageous outcome possible; and
- ensure compliance with the *State Records Act 2000 (WA) (CKI)*.

SCOPE

This policy applies to all purchasing activities undertaken by Shire employees in the course of their employment.

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

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be:

Amount of Purchase	Model Policy
Up to \$1000	<i>Direct purchase from a supplier based on a verbal or written quote where possible.</i>

\$1001 - \$20,000	<i>Request at least two verbal quotations.</i>
\$20,001 - \$50,000	<i>Request two written quotations.</i>
\$50,001 - \$249,999	<i>At least three written quotations are requested in writing seeking formal written responses. Quotations must contain price and specifications of goods / services received. Procurement decisions are to be based on value for money considerations.</i>
\$250,000 and above	<i>Conduct a public tender where an exemption under section 1.3 of this policy does not apply</i>

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 attached to the purchase order.

\$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 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.

\$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, for e.g. due to limited suppliers, it must be noted through records relating to the process.

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.

1.3 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 is 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 is 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.

1.4 LGIS Services

The suite of LGIS insurances are 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.

1.5 Approval Limits

The Chief Executive Officer, Deputy Chief Executive Officer, Manager of Works and Services and Governance and Risk 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	Unlimited
Deputy Chief Executive Officer	\$50,000
Manager of Works and Services	\$50,000
Governance and Risk Coordinator	\$5,000

1.6 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*.

2. 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 authorised by the supplier or relevant legislation.

3. Value for Money

It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account 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 a sufficient number of 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 Chief Executive Officer or Council as required.

4. 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 endeavor at all times 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 amount 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 minimise 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

CPF5 - Related Party Transactions Disclosure Policy

RESPONSIBLE OFFICER

Deputy Chief Executive Officer

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 key management personnel, as defined in this policy.

The policy is to be applied in:

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

POLICY

From 1 July 2016, *AASB Standard 124 - Related Party Disclosures* will apply to Council. This will mean that Council will be required to disclose information about related parties and Council transactions with those related parties in the 2016-17 financial statements and onwards. In the context of transactions, this means cash and non-cash transactions.

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

Key management personnel and the position they hold with the Council will be identified. They will be required to complete a *Related Party Transactions Notification by Key Management Personnel Form*, which at minimum will require details of the related party, family members and/or entities that may have existing transaction potential with Council and the relationship.

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.

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

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

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 acquire the role partway through the reporting period will be subject to disclosure requirements for that period.

Once the related party transactions have been identified, they will be assessed and a determination will be 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, which would then exclude them from being ordinary citizen transactions.

If a Councillor believes a transaction may constitute a related party transaction, they must notify the Chief Executive Officer who will discuss the matter with the Deputy Chief Executive Officer. If an employee believes a transaction may constitute a related party transaction, they must notify their supervisor or manager who will discuss the matter with the Deputy Chief Executive Officer.

The Finance Department will be responsible for the maintenance of a register that captures all related party transactions of the key management personnel.

Privacy

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.

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 includes, but is not limited to, Councillors, the Chief Executive Officer, the Deputy 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 persons 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

Shire of Cocos Keeling Island Related Party Transactions Notification by Key Management Personnel 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				

CPF6 - COVID-19 Financial Hardships Policy

RESPONSIBLE OFFICER

Deputy Chief Executive Officer

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 2020/21 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 into 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 2020/21, subject to the period of time 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 2021, 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 2021/2022 financial year.

Rates and service charge debts that remain outstanding at the end of the 2021/22 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

Deputy Chief Executive Officer

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 and to ensure consistency for all sundry debt recovery, and to 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

Debt Recovery

Sundry debts not received by the due date shall be recovered in accordance with this policy and any relevant legislation.

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 and mailed to the debtor.
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 on a monthly basis until payment is made in full unless regular payments of an acceptable level are being reliably made.
4. Any debtor that has an amount over \$1,000 in 90 days will be handed over to the Deputy Chief Executive officer for recovery actions. The Deputy Chief Executive officer will contact the debtor and firstly 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.
5. If a payment arrangement cannot be arranged or is broken, the debtor will be issued a demand letter giving 90 days to pay the debt in full.
6. If payment is not received in full after the 90 days a report on the debt will be presented to Council for consideration.

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 #	
Reviewed/Modified	Date		Resolution #	

CPR6 - Asset Management Policy

RESPONSIBLE OFFICER

Deputy Chief Executive Officer

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 in order 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

CPP1 - Naming of Roads, Reserves and Structures Policy

RESPONSIBLE OFFICER

Manager of Works and Services

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 of time.

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*, in order 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 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

CPP3 - South End Precinct Commercial Development Policy

RESPONSIBLE OFFICER

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 particular 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 purpose of 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 of 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 of time 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 as a result 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

CPP4 - 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.

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:

- a. the proposal not conform to the minimum requirements of this policy; or
- b. 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:

- a. 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.
- b. 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).

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 #	

CPP5 - 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 are able to 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 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 as a result 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 #	

CPP6 - 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) will also be developed by the WA Department of Planning, Lands and Heritage in the coming years.

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 of 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 taking into account 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 taking into account 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 located 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 #	

CPP7 - 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 —

(n) the amenity of the locality including the following —
(iii) social impacts of the development;

(u) the availability and adequacy for the development of the following —
(i) public transport services;
(ii) public utility services;

(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;

(zb) 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
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

CPR3 - 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.

With the exception of 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.

Table 1 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

CPR4 - 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

CPR5 - Caretaker's Dwelling Policy

RESPONSIBLE OFFICER

Chief Executive Officer

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 at all times 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 environmental 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