



MAJU PULU KITA | ADVANCE OUR ISLANDS

Shire of

Cocos Keeling Islands

POLICY MANUAL

Last Updated December 2023

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## POLICY MANUAL – INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

Policies will:

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



## **Policy Amendments**

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

## **Policy Review**

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

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

2023 – All Policies Reviewed

June 2024 – All Policy Review

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

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

## CPA1 - Dealing with Family Members Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

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

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

### SCOPE

The Policy applies to all Employees at the Shire.

### POLICY

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

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

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

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

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

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

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



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

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

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

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

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

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

## DEFINITIONS

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

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

## RELEVANT LEGISLATION/ LOCAL LAW

*Equal opportunities Act 1984*

*Section 5.40 of the Local Government Act 1995*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	Date	30/8/2017	Resolution #	30/08/05



Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>	30/08/2023	Resolution #	10.1.6

## CPA2 - Motor Vehicles on Home Island Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

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

### SCOPE

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

### POLICY

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	19/12/2007	Resolution #	9.1.2
Reviewed/Modified	Date	17/12/2014	Resolution #	132/2014
Reviewed/Modified	Date	8/11/2017	Resolution #	1117/09
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPA3 - Camping Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This policy aims to:

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

### SCOPE

This policy applies to:

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

### POLICY

#### 1) Camp Site Locations:

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

#### a) Scout Park:

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

b) Direction Island:

- i) Five shelters are available as camp sites, the 'main shelter' and the last shelter closest to "The Rip" being reserved for day use only.
- ii) Each camp site can accommodate up to six people, with Chief Executive Officer having discretion for larger family groups.

2) Duration:

- a) Up to 14 days consecutive camping is allowed at both Scout Park and Direction Island.
- b) A maximum of 21 days camping is allowable in any three-month period.

3) Facilities:

- a) The Shire maintains basic facilities to be shared by campers and day visitors. These are consistent with the requirements for nature-based camping and consist of eco (waterless) toilets, wood-fired BBQs, and picnic tables.
- b) Campers must be prepared to supply their own potable water and firewood.
- c) The following services and facilities are **NOT** provided at either camp site:
  - drinking water, power, shower, laundry, or kitchen facilities.
- d) Limited solar lighting is available at Scout Park and Direction Island.

4) Emergency Management:

- a) Cyclone season is from 1 November to 31 March. Only resident camping permits will be issued during this period.
- b) During this time, camping permits will require that people camping during this period are to have prepared a cyclone plan that will include, but is not limited to having:
  - i) a means for maintaining communication with the Shire; and
  - ii) suitable transport and the ability to pay for alternative accommodation if the camp site is closed.
- c) Camp sites are closed and are to be vacated during cyclones as soon as a Blue Alert is announced.
- d) The Shire reserves the right to close a camp site in the event of any other emergency.
- e) Anyone camping on Direction Island must have access to a registered boat or have signed agreement from the owner of a registered boat to provide support service in case of emergency.
- f) All campers require a VHF Radio for the duration of their camp period.

5) Fires:

- a) Solid wood fires are only permitted in fire pits provided.
- b) Campers must leave the fire pits free of unburnt rubbish and rake around the fire pit when they decamp.

6) Rubbish:

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

7) Bookings:

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

8) Unattended camp sites:

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

9) Fees:

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

10) Non-compliance:

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

#### DEFINITIONS

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

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

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

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

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

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

#### RELEVANT LEGISLATION/LOCAL LAW

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

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

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

#### RELATED DOCUMENTS

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	11/11/ 2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

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

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

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

### SCOPE

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

### POLICY

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

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

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

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

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

### DEFINITIONS

Nil

### RELEVANT LEGISLATION/ LOCAL LAW

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



Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	unknown	Resolution #	unknown
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	3/01/2018	Resolution #	118/06
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPC2 - After Hours Use of Shire Vehicles Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

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

### SCOPE

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

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

### POLICY

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

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

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

The following conditions of use apply:

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

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

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

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

## DEFINITIONS

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

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

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

## RELEVANT LEGISLATION/LOCAL LAW

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

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

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	27/04/2016	Resolution #	10.4/A2
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

### CPC3 - Designated Senior Employees Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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#### OBJECTIVE

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

#### POLICY

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

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

#### RELEVANT LEGISLATION/LOCAL LAW

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

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

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

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

### SCOPE

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

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

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

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

### POLICY

#### 1. Complaints Handling

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

- promptly.

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

The Shire will accept complaints in writing via the Complaints Form located on the Shire's website, email, letter, or in person by completing the Complaints Form.

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

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

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

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

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

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

## **2. Anonymous Complaints**

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

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

from the complainant.

### **3. Complaints regarding Employees**

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

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

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

Any complaint against the Chief Executive Officer will be referred to the Shire President, who will determine the most appropriate means of investigation and resolution. The procedures and timescales for any such complaint may fall outside the normal standard, and should this be the case, this would be formally advised to the complainant.

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

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

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

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

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

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

The PID Act is designed to facilitate the disclosure of allegations or complaints about persons who are public officers, government officials, or public authorities and their contractors. This legislation specifically covers improper conduct, corruption, irregular or unauthorised use of public resources,



conduct involving a substantial and specific risk of injury to public health, Council property, prejudice to public safety, public property or harm to the environment. Before making a disclosure, it is important that you are aware of the rights and responsibilities imposed on you and others under the Act. Enquiries regarding the Shire and the Public Interest Disclosure Act 2003 can be directed to one of the Shire's Public Interest Disclosure Officers.

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

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

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

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

### **9. Privacy and Confidentiality**

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

### **10. Dispute Resolution**

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

### **11. Veracious Complaints Handling**

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

### **Dealing with unreasonable complainant conduct**

Unreasonable customer conduct is any behaviour by a current or former customer which, because of its nature or frequency raises substantial health, safety, resource or equity issues for Elected Members, employees, volunteers, contractors or other service users and customers. Unreasonable



persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on Shire staff, services, time and/or resources. Unreasonable customer conduct is not limited to spoken interactions. It can occur over the internet, in a public location, in an image or in writing. If the conduct is unacceptable and arises during, or as a direct result of, the provision of services by the Shire it can legitimately be characterised as unreasonable customer conduct.

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

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

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

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

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

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

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

## Recording Complaints

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

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

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

## DEFINITIONS

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

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

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

A complaint is not:

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

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

Ombudsman - means the Parliamentary Commissioner for Administrative Investigations.

## RELEVANT LEGISLATION/LOCAL LAW

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

*Shire of Cocos (Keeling) Islands Code of Conduct for Employees*  
*Local Government Act 1995 (WA) (CKI)*

*Local Government (Administration) Regulations 1996 (WA) (CKI)*  
*Local Government (Model Code of Conduct) Regulations 2021 (WA) (CKI)*  
*Freedom of Information Act 2003 (WA) (CKI)*  
*Crime and Corruption Act 2003 (WA) (CKI)*  
*State Records Act 2000 (WA) (CKI)*  
*Public Disclosure Act 2003 (WA) (CKI)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	Date	8/11/2017	Resolution #	1117/09
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	08/08/2020	Resolution #	
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPC5 - Community Funding Program

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

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

### SCOPE

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

### POLICY

#### Eligibility

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

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

## Ineligibility

Applications will not be considered if:

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

## Assessment

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

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

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

## Dispute resolution

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

## Funding agreements

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

## DEFINITIONS

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

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

## RELATED DOCUMENTS

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

Office Use Only				
Relevant Delegations	Delegation number 2.1.10 - <i>Payments from the municipal or Trust funds</i>			
Council Adoption	Date	25/08/2020	Resolution #	10.4.2
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

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

RESPONSIBLE OFFICER

Chief Executive Officer

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

### OBJECTIVE

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

### SCOPE

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

### POLICY

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

#### 1. Housing allocations

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



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

## **2. Rent charges**

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

## **3. Housing transfer**

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

## **4. Housing Request**

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

## **5. House Maintenance**

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



## DEFINITIONS

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

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

## RELEVANT LEGISLATION/LOCAL LAW

*Building Code of Australia*

*Cocos (Keeling) Islands 1979 Land Trust Deed*

*Cocos (Keeling) Islands 1984 Land Trust Deed*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	25/9/1997	Resolution #	6.1.1
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPC7 - Higher Duties Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

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

### SCOPE

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

### POLICY

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

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

An employee is not automatically entitled to higher duties.

The following standards and requirements apply:

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

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

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

## DEFINITIONS

Employees – all full time and part time employees.

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

## RELEVANT LEGISLATION/LOCAL LAW

Local Government Industry Award 2020

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	30/08/2023	Resolution #	10.1.6
Reviewed/Modified	Date		Resolution #	

## CPC8 - Risk Management Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### INTENT

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

### SCOPE

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

### DEFINITIONS

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

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

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

### PRINCIPLES – FRAMEWORK - PROCESS

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

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

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

In particular it will be applied to:

- Strategic planning
- Expenditure of large amounts of money

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

#### Risk Management Objectives

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

#### Responsibilities

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

#### Monitor and Review

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

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

## FRAMEWORK – PROCESS – SUPPORTING INFORMATION

### Identifying Risks

The following definitions may assist in identifying risk:

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

### Levels of Risk

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

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

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

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



### **Operational Level Risks**

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

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

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

### **Project Level Risks**

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

### **Tools for Identifying Risk**

The following activities can be used to identify risks:

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



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

### **Recording Identified Risks**

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

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

### **Risk Analysis**

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

### **Risk Evaluation Criteria**

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

### **Existing controls**

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

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

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

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

### Evaluating Risks

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

### Risk Reference Table

#### Consequences:

Description	Financial Loss	Health	Reputation	Operation	Natural Environment	Compliance	Project
<b>Insignificant</b>	<Less than 2% of budget	No injuries or illness	Unsubstantiated, low impact, low profile or 'no news' item	Little impact	Little impact	Minor breach of policy or process requiring approval or variance	Small variation to cost, timelines, scope or quality of objectives and required outcomes
<b>Minor</b>	2 - 5% of budget	First Aid treatment	Substantiated, low impact, 'low news' item	Inconvenient delays	Minor damage or contamination	Breach of policy, process or legislative requirement needing attention or minimal damage control	5-10% increase in time or cost or variation to scope or objective requiring managers approval
<b>Moderate</b>	5 - 10% of budget	Medical treatment	Substantiated, public embarrassment, moderate impact, 'moderate news' profile	Significant delays to major deliverables	Environmental damage requiring restitution or internal cleanup	Breach requiring internal investigation, treatment or moderate damage control	10-20% increase in time or cost or variation to scope or objective requiring Senior Management approval
<b>Significant</b>	10 - 20% of budget	Extensive injuries or disabilities	Substantiated, public embarrassment, 'high impact news' profile, third party actions	Non-achievement of major deliverables	Minor breach of legislation / significant contamination or damage requiring third party assistance	Breach resulting in external investigation or third party actions resulting in tangible loss and some damage to reputation	20-50% increase in time or cost or significant variation to scope or objective requiring restructure of project and Senior Management or Council approval
<b>Severe</b>	>More than 20% of budget	Death or permanent disabilities	Substantiated, public embarrassment, very high multiple impacts, 'high widespread multiple news' profile, third party actions	Non-achievement of major key objectives	Major breach of legislation or extensive contamination and environmental damage requiring third party intervention	Breach resulting in external investigation or third party actions resulting in significant tangible loss and damage to reputation	>50% increase in cost or timeline, or inability to meet project objectives requiring the project to be abandoned or redeveloped

#### Likelihood:

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

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

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

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

Risk Matrix to Assess Level of Risk:

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

### Treat the Risk

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

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

### Assessing Treatment Options

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

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

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

### **Risk Treatment Plans**

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

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

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

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

#### **Monitoring and Reviewing**

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

#### **Auditing the Process**

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

Auditing can be conducted by internal staff or external bodies.

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

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

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

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

systems.

### **Communicate and Consult**

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

### **Summary**

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

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	30/08/2023	Resolution #	10.1.6
Reviewed/Modified	Date		Resolution #	

## CPC9 - Letters of Support for Grant Applications

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

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

### SCOPE

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

### POLICY

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

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

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

The Shire will not provide the letters of support if:

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

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

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

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

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

#### DEFINITIONS

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

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

Request for Letter of Support for Grant Application Form

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	30/08/2023	Resolution #	10.1.6
Reviewed/Modified	Date		Resolution #	



## CPC10 – Local Small Business Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

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

### SCOPE

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

### POLICY

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

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

### DEFINITIONS

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

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

### RELEVANT LEGISLATION/LOCAL LAW/RELEVANT DOCUMENT

Australian Taxation Office [www.ato.gov.au](http://www.ato.gov.au)

Fair Work Act 2009

Local Business Registration Form

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	30/08/2023	Resolution #	10.1.6
Reviewed/Modified	Date		Resolution #	



## CPC11 - Funding Contributions – Resident Further Education Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

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

### SCOPE

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

### POLICY

To be eligible, students must:

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

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

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

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

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

### RELATED DOCUMENTS

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

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

Reviewed/Modified	<b>Date</b>	8/11/2017	Resolution #	1117/09
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>	30/08/2023	Resolution #	10.1.6

## CPC12 - Business Improvement Grants Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

To support new and existing local businesses to improve amenity, stimulate business activity and provide direct benefits to the Shire of Cocos (Keeling) Islands Community in a manner that is fair, equitable and transparent.

### SCOPE

The Policy applies to all businesses with both a premise and operations within the Shire of Cocos (Keeling) Islands.

### POLICY

The Shire of Cocos (Keeling) Islands Strategic Community Plan 2017 – 2027 identifies the need to encourage economic stability for the Islands. The Shires Corporate Business Plan further defines the aspiration to support employment and promote business opportunities. The Business Improvement Grants Program aims to support local businesses in achieving the goals and aspirations as detailed in the Strategic Community Plan.

Grants of up to 50% of the total project cost up to a maximum grant of \$3,000 will be available for eligible applicants for approved projects.

#### Eligibility Criteria

To be eligible for a grant, a business must meet the following criteria:

- Be a legally constituted entity, an individual or business with an Australian Business Number (ABN);
- Have a demonstrated investment in the Shire, such as a lease of at least three years or ownership of a premises located within the Shire; to be determined at the discretion of the Shire.
- Have all current insurances, permits and licences for business operation. These approvals must be obtained prior to any application being approved.
- Have all current insurances, permits and licences for the works/services/project proposed. These approvals must be obtained prior to any funds being dispersed.
- Have received approval of the grant being successful prior to the commencement of the project (grants will not be given for works already undertaken).
- Have not been approved for funding under this program previously in the current financial year (maximum one grant per applicant per financial year).
- Businesses which are solely home based will be ineligible.

### **Types of Projects Supported**

Projects that improve amenity, stimulate business activity, and provide direct benefits to the Shire of Cocos (Keeling) Islands Community such as (but not limited to):

- Signage (Council approved)
- Specialised equipment that increases services not currently available
- Formal training

### **Ineligible Expenditure**

The following expenditure will not be supported under the program:

- Business operating costs (ie. wages, stock, marketing, etc)
- Consumables
- Non-specialised, relocatable equipment

### **Assessment**

Applicants must demonstrate their proposed project meets at least one of the following criteria:

- Job creation/retention
- Improved amenity
- Increased customer experience
- Community benefit
- Diversification from existing offerings

Applications will be assessed by the Community Development Coordinator with final approval by the Chief executive Officer subject to budget limitations.

### **Funding agreements**

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

## DEFINITIONS

There are no specific definitions associated with this Policy.

## RELEVANT LEGISLATION/ LOCAL LAW

There are no specific legislative implications associated with this Policy.

Office Use Only				
Relevant Delegations				
Council Adoption	Date	27/10/2021	Resolution #	10.4.3
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPC13 - Legal Representation for Councillors and Employees Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

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

### SCOPE

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

### POLICY

#### 1.0 General Principles:

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

- 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.
- The legal representation costs must be in respect of legal proceedings that have been, or may be, commenced.
- 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.
- 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:

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

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

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

### **3.0 Application for payment**

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

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

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

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

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

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

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

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

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

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

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

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

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



## **6.0 Delegation to Chief Executive Officer**

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

## **7.0 Repayment of legal representation costs**

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

## DEFINITIONS

Approved lawyer –

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

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

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

Legal proceedings – civil, criminal, or investigative proceedings.

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

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

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

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

#### RELEVANT LEGISLATION/LOCAL LAW

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

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

Office Use Only				
Relevant Delegations				
Council Adoption	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPC14 - Access Control Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### POLICY SCOPE

The purpose of this document is to define how access permissions to Information Systems are granted and reviewed for the Shire of Cocos Keeling (The Shire).

This policy is applied to the entire Information Technology and Communication Framework at The Shire. It applies to all production systems, equipment, facilities, and information used by The Shire.

Users of this document are all employees, consultants, and or contractors of The Shire.

### INTRODUCTION

The basic principle is that access to all systems, networks, services, and information is forbidden unless expressly permitted to individual users or groups. Where possible, the principle of least privilege should be followed.

The principle of least privilege states that users should be given only those privileges needed to complete their tasks. If a user does not need an access right, the user should not have that right.

A documented user account creation procedure is used to specify what systems, information, and access a user should have based on their role.

Access to all physical areas in The Shire is allowed, except to areas for which privilege must be granted by authorised personnel.

### PRIVILEGE MANAGEMENT

Privileges may be managed by (granting or removing access rights) based on the following table. System Owners are the team or individual who is responsible for managing access rights to a respective system. An associated form or request management system should be used to document changes in access permissions.

- The Managed Service Providers - ICT Department will document all user account creations and all changes of privileges in their Helpdesk System.
- The Manager Finance and Corporate Services will also document all user account creations and all changes of privileges.
- The Community Development Coordinator will document the handout of physical keys in a physical key register.

Name of System	System Owner (Who is Authorised to Manage Access)	Form or Authorisation Process
Active Directory User Access	Managed Service Provider	New User Account Access Form
Corporate Data Drives	Managed Service Provider	New User Account Access Form
Exchange Online Email	Managed Service Provider	New User Account Access Form
SynergySoft Records	Manager Finance and Corporate Services	FORM - SynergySoft Access Request
SynergySoft (Other Systems)	Manager Finance and Corporate Services	FORM - SynergySoft Access Request
Physical Access Keys	Community Development Coordinator	Physical key register

#### REVIEW OF ACCESS RIGHTS

Regular audits or reviews of access permissions are required to ensure the principle of least privilege is followed. Such reviews ensure permissions are adjusted and maintained as staff change roles over time.

Systems owners must perform access rights reviews based on the following schedule. A sample of 5 user accounts is to be sampled, and permissions are then provided to the appropriate supervisor for confirmation.

System Owner (Who is Authorised to Manage Access)	Provided Audit Information	Review Period
Managed Service Provider	Active Directory Security Group Memberships	Six monthly
Community Development Coordinator	Physical Access Keys	Six monthly
Manager Finance and Corporate Services	FORM - SynergySoft Access Request	Six monthly

The appropriate form should be retrospectively created and approved where inconsistencies are found to document the required permissions.

#### CHANGE OF STATUS OR TERMINATION OF CONTRACT

Upon change of employment or termination, the Manager of Governance Risk and Planning must immediately inform the responsible Systems Owners.

Upon change of contractual relations with external parties who have access to systems, services, and facilities, or upon expiration of the contract, the Manager of Governance Risk and Planning or The Coordinator ICT must immediately inform the Managed Service Providers – ICT Department.

The access rights for all users who have changed their employment status or contractual relationship must immediately be disabled/removed or changed by responsible system owners.

#### PRIVILEGED ACCESS MANAGEMENT

Privileged access accounts such as Domain Administrator, Global Administrator, and super user accounts should be tightly controlled and reviewed regularly. The ICT Coordinator is responsible for approving and reviewing the user of all privileged access accounts.

Default privileged access accounts, such as domain administrator accounts, are not to be used for day-to-day administration tasks and must have a long, complex password that requires no password expiration.

Where possible and practical, all staff using privileged access accounts will have named accounts to be used solely for administration duties. The format for such accounts is firstname.surname\_admin. Named accounts lead to improved auditability and event monitoring.

Privileged access accounts will not be granted remote access capability, including VPN access, RD Gateway, etc.

#### RELATED SOURCES

Shire of Cocos Keeling Policy - ICT Security Framework  
 Shire of Cocos Keeling Form – New User Account Access Form  
 International Organisation for Standardisation (ISO) 27001  
 Australian Signals Directorate (ASD) Essential Eight Maturity Model  
 Australian Cyber Security Centre (ACSC) Information Security Manual

Office Use Only				
Relevant Delegations	Manager of Governance Risk and Planning			
Council Adoption	Date	13/12/202	Resolution #	10.1.4
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## CPC15 - Bring Your Own Device Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### POLICY SCOPE

The purpose of this document is to provide a set of guidelines to ensure Shire of Cocos Keeling (The Shire) retains control over all corporate information whilst such information is being accessed and stored on personally owned mobile devices.

This policy is applied to the entire Information and Communications Technology (ICT) Security Framework in use at The Shire. It applies to all production systems, equipment, facilities, and information used by The Shire.

Users of this document are all employees, consultants, and or contractors of The Shire, including the Elected Members.

### EMAIL ACCESS ON BRING YOUR OWN DEVICES

All employees, contractors, and Elected Members of The Shire can access their Shire email services on their own Bring Your Own Device (BYOD) where no additional permissions are required.

### ACCEPTABLE USE OF BYOD

The following are mandatory for using BYOD devices within The Shire. It is the responsibility of all employees, contractors, and Elected Members to follow these measures. Failure to do so may lead to BYOD access being revoked:

Devices eligible for BYOD must meet the following minimum security standards:

- Up-to-date Android or Apple iOS operating systems.
- When using BYOD in public places, the owner must ensure that unauthorised persons cannot read data.
- Employees must comply with security measures such as password protection, device encryption, and regular software updates and patching.
- The owner must notify their direct manager or supervisor before a BYOD is disposed of, sold, or transferred to a third party.
- The owner must notify their direct manager or when the BYOD is replaced or lost.
- BYOD must have the screen unlock set with biometrics, face recognition, or a pin.
- BYOD must have the screen auto-lock set to 2 minutes or less for mobile devices/handsets and 10 minutes or less for laptops or tablets.

The following is not allowed for any BYOD:

- Storing illegal materials on the device.
- Transferring corporate data to other personally owned devices or removable storage media or personal cloud storage platforms.

- "Jailbreaking" an iOS device or "Rooting" an Android device, or any other form of tampering with the device operating system.
- Personal devices should not be shared with others unless they have explicit permission.

#### ACCESS TO CORPORATE DATA AND CORPORATE APPLICATIONS

All corporate data belonging to The Shire which are stored on a personal BYOD remains the property of The Shire, and ownership or copyright will not be transferred to the individual staff member, contractor, or Elected Members.

Corporate applications that may be installed following approval from staff's direct managers or supervisors are listed below:

- DUO MFA
- Microsoft Office 365 Applications (Word, Excel, PowerPoint, etc., Microsoft Teams)

Employees' personal data and applications will not be accessed, monitored, or modified without explicit consent, except for legitimate security and compliance purposes.

The Shire has the right to view, edit, and delete all corporate data or applications stored, transferred, or processed on the BYOD.

The Shire has the right to delete corporate applications, corporate data, and corporate email on a BYOD. However, The Shire does NOT have the right to perform total deletion of all data, deletion of personal email accounts, or removal of personal applications.

#### SECURITY INCIDENTS

All security incidents or breaches related to a BYOD must be reported immediately to the Managed Service Providers - ICT Helpdesk. A lost or stolen BYOD must be reported initially to the staff members direct manager or supervisor before escalating to the Managed Service Providers - ICT Helpdesk within one day.

If the Managed Service Providers - ICT Department becomes aware of any security-related issues with a BYOD, the user will take all reasonable measures to resolve and rectify these issues. Such issues include out-of-date software, malicious applications, or unsupported BYOD devices.

#### RELATED SOURCES

Shire of Cocos Keeling Policy - Information Security Framework  
 Shire of Cocos Keeling Policy - Information Transfer Policy  
 Shire of Cocos Keeling Policy - Patching and Vulnerability Management Policy  
 Shire of Cocos Keeling Policy - Remote Access Policy  
 Shire of Cocos Keeling Policy - Use of Encryption Policy  
 International Organisation for Standardisation (ISO) 27001



Australian Signals Directorate (ASD) Essential Eight Maturity Model  
 Australian Cyber Security Centre (ACSC) Information Security Manual

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Relevant Delegations	Manager of Governance Risk and Planning			
Council Adoption	Date	13/12/2023	Resolution #	10.1.4
Reviewed/Modified	Date		Resolution #	



## CPC16 - Change Management Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### POLICY SCOPE

The purpose of this document is to ensure that data backups are created for all Information and Communications Technology (ICT) systems belonging to The Shire of Cocos Keeling (The Shire). Backup frequency, backup storage, and backup testing are also defined within this policy.

This policy is applied to the entire ICT Security Framework at The Shire. It applies to all production systems, equipment, facilities, and information used by The Shire.

Users of this document are all employees, consultants, and or contractors of The Shire.

### INTRODUCTION

Change management or change control is a systematic approach to document, review, control, and reduce risks associated with changes to ICT systems.

Change management will provide the following benefits if implemented effectively:

- A historical record of ICT changes is documented.
- Associated risks are documented, rated, and reduced where possible.
- Changes are communicated to stakeholders.
- A rollback plan is formulated in case of any unforeseen issues are encountered.
- A technical review and approval of changes are carried out.

Examples of ICT changes requiring change management may include upgrading networking infrastructure, core business applications, office relocations, internet firewalls, or security systems. However, day-to-day support activities such as user account creation, computer replacements, and general support requests do not typically constitute a change requiring change management controls.

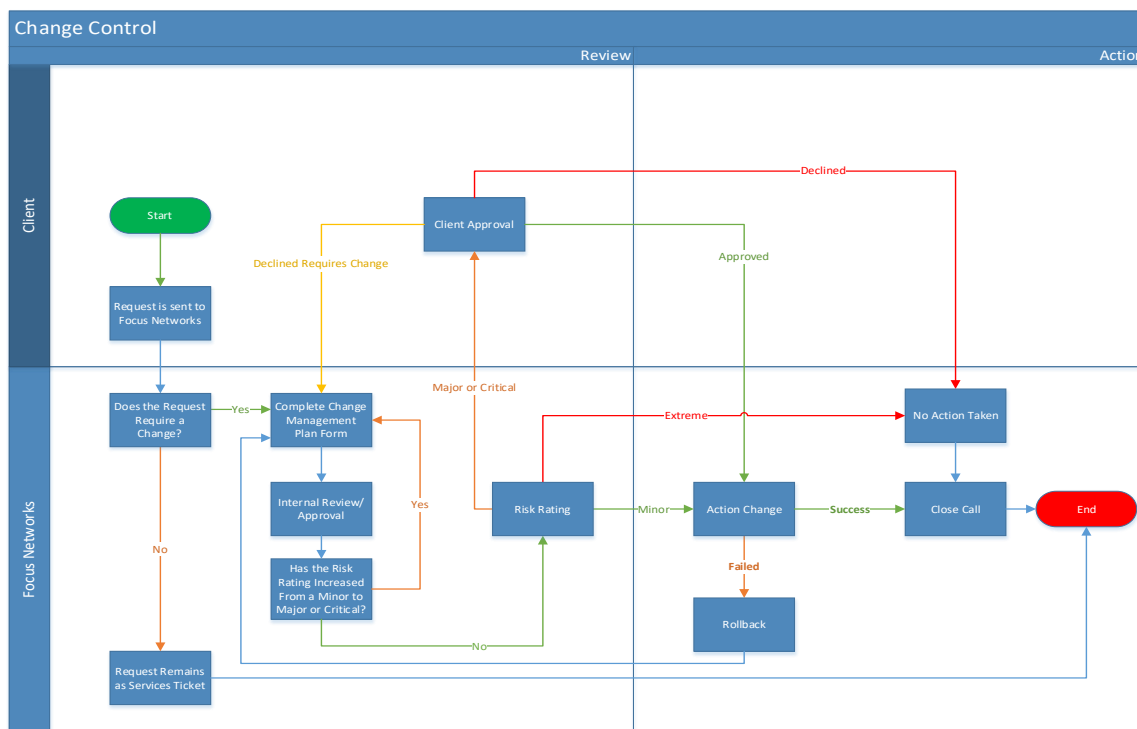
### POLICY STATEMENT

Each change to operational or production ICT systems must be made in the following way:

- Changes are documented in the ICT Managed Service Provider's help desk system.
- A Change Management Plan Form must be completed before changes, or in the case of emergency changes, the form must be completed after the fact.
- Employees of the ICT Service Provider may propose changes.
- A rollback plan is required where possible.
- A risk assessment must be completed to assess the associated risks and any adverse impacts of proposed changes.

- Changes must be reviewed by another Shire employee or the ICT Managed Service Provider's support team. Where appropriate, the reviewer should be a senior staff member.
- Changes may be approved by the Manager of Governance Risk and Planning or the ICT Coordinator.
- Implementation of changes is reviewed and updated in the Managed Service Providers - Help Desk System.
- Changes that impact end-user systems must be communicated 24 hours before any changes are made.
- Completion of Major changes is communicated amongst the support staff and to the ICT Coordinator.

## PROCESS MAP



## RELATED SOURCES

Shire of Cocos Keeling Policy - ICT Security Framework  
 Shire of Cocos Keeling Form – Change Management Form  
 International Organisation for Standardisation (ISO) 27001  
 Australian Signals Directorate (ASD) Essential Eight Maturity Model  
 Australian Cyber Security Centre (ACSC) Information Security Manual

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Relevant Delegations	Manager of Governance Risk and Planning			
Council Adoption	Date	13/12/2023	Resolution #	10.1.4
Reviewed/Modified	Date		Resolution #	

## CPC17 - Data Backup Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### POLICY SCOPE

The purpose of this document is to ensure that data backups are created for all Information and Communications Technology (ICT) systems belonging to The Shire of Cocos Keeling (The Shire). Backup frequency, backup storage, and backup testing are also defined within this policy.

This policy is applied to the entire ICT Security Framework at The Shire. It applies to all production systems, equipment, facilities, and information used by The Shire.

Users of this document are all employees, consultants, and or contractors of The Shire.

### DATA BACKUPS

Backup copies must be created for all production systems with the frequency specified in this policy document.

The Managed Service Provider is responsible for backing up the information, software, and system images.

#### Onsite Backups

- Onsite backup repositories are encrypted using AES-256-bit encryption.
- Onsite backup repositories are not to be domain-joined.
- Hourly backups are taken between 8 AM and 6 PM, seven days per week.
- Hourly backups are retained onsite for two weeks.

#### Offsite Backups

- Offsite backup repositories are encrypted using AES-256-bit encryption.
- Offsite backup replication is encrypted using AES-256-bit encryption.
- Offsite backup repositories are not to be domain-joined.
- Offsite backups are to be stored at the Next DC Data Centre.
- Onsite backups are replicated offsite to the Next DC Data Centre at least once daily.
- Offsite backups are retained based on the following retention policy:
  - Daily backups are retained for one month.
  - Weekly backups are retained for two months.
  - Monthly backups are retained for six months.
- End-of-financial-year and end-of-calendar-year backups are performed on tape media for long-term archival purposes. Tape backups are retained for seven years at the P2 Data Centre.

### **Public Cloud Backups**

- Microsoft Office 365, including Exchange Online, SharePoint Online, OneDrive for Business and Microsoft Teams, will be backed up to the Next DC P1 Data Centre.
- Microsoft Office 365 backups will occur a minimum of six times per day based on the best efforts of the public cloud infrastructure and associated contention rates.
- Microsoft Office 365 backups will be retained for seven years.
- AES 256-bit encryption is utilised for the transfer process.

For all other public cloud services, backup requirements must be outlined in terms of service and endorsed by the Manager of Governance Risk and Planning.

### **MONITORING AND TESTING OF BACKUPS**

The Managed Service Provider will review the backup logs and any error messages daily (Monday to Friday) and undertake appropriate troubleshooting measures to ensure backup systems are operating correctly.

The Managed Service Provider will perform regular restoration tests of the backup systems to confirm that backups are recoverable and restoration procedures are well understood. Care will be taken to test the different backup systems over time.

Data restoration tests are documented in an ICT Helpdesk Call / Data Restoration Log and will be completed annually. The frequency and results of the data restoration tests are to be reviewed in the Security Operations Meeting.

### **ICT DISASTER RECOVERY TEST**

A full ICT disaster recovery test will be carried out annually to thoroughly test system recoverability, time frames, and technical procedures. The ICT disaster recovery test will be performed in an isolated test network at the Disaster Recovery site / Next DC data centre.

The following will be documented as part of the testing.

- The number of virtual servers, storage, and system requirements.
- The total time frame required to perform the restoration.
- Technical difficulties encountered in the restoration process.
- Applications that were tested as part of the test.
- Attendance of key stakeholders to participate in the test.

Based on the ICT Disaster Recovery Test results, the ICT Coordinator or Manager of Governance Risk and Planning will review the results. The Managed Service Provider will investigate any technical difficulties encountered in the restoration process.

#### RELATED SOURCES

International Organization for Standardization (ISO) 27001  
 Australian Signals Directorate (ASD) Essential Eight Maturity Model  
 Australian Cyber Security Centre (ACSC) Information Security Manual  
 International Organization for Standardization (ISO) 22301 – Security and Resilience - Business Continuity Management Systems

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Relevant Delegations	Manager of Governance Risk and Planning			
Council Adoption	Date	13/12/2023	Resolution #	10.1.4
Reviewed/Modified	Date		Resolution #	

## CPC18 - Data Destruction and Disposal Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### POLICY SCOPE

This document aims to ensure that appropriate measures are taken to destroy or erase the information stored on Information and Communications Technology (ICT) systems belonging to The Shire of Cocos Keeling (The Shire).

This policy is applied to the entire ICT Security Framework at The Shire. It applies to all production systems, equipment, facilities, and information used by The Shire.

Users of this document are all employees, consultants, and or contractors of The Shire.

### POLICY STATEMENT

All data stored on mobile storage media (e.g., on CD, DVD, USB flash drive, memory card, etc.) and all equipment containing storage media (e.g., computers, mobile phones, tablets, etc.) must be erased or destroyed before it is disposed of.

The ICT Coordinator and Manager of Governance Risk and Planning is responsible for the following:

- Physical destruction of storage media when required.
- Confirming data erasure tools have been completed correctly before equipment disposal.
- Performing a factory reset on mobile phones or tablet devices.
- Updating the status of the asset in the ICT Asset Register.

Where ICT equipment is to be returned to a third party for disposal (such as e-waste or leasing companies), The Shire must retain documented evidence of the data destruction for each asset.

Data must be erased using one of the following techniques:

- The Gutmann Method.
- DoD 5220.22-M (3 passes).
- DoD 5220.22-M (7 passes).
- Physical Destruction.
- Active Kill Disk Software.
- DBAN Software.
- Manufacturer-supplied data erasure utility.

If the erasure is not secure enough, fails to complete successfully, or is not practical, the storage medium must be physically destroyed. Internal staff or a third-party contractor can complete physical destruction by crushing or drilling.

Where a third-party contractor is used, The Shire must retain evidence of the physical destruction of each asset.

All paper media is covered by The Shire's Recordkeeping Plan. The Recordkeeping Plan covers the erasure and destruction of records.

#### RELATED SOURCES

Shire of Cocos Keeling Policy - ICT Security Framework  
 Shire of Cocos Keeling Plan – Record-Keeping Plan  
 Shire of Cocos Keeling Form – Data Destruction and Disposal Form  
 International Organization for Standardization (ISO) 27001  
 Australian Signals Directorate (ASD) Essential Eight Maturity Model  
 Australian Cyber Security Centre (ACSC) Information Security Manual  
 NIST Special Publication 800-88 - Guidelines for Media Sanitization  
*Western Australian State Records Act 2000*

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Relevant Delegations	Manager of Governance Risk and Planning			
Council Adoption	Date	13/12/2023	Resolution #	10.1.4
Reviewed/Modified	Date		Resolution #	



## CPC19 - ICT Security Framework

RESPONSIBLE OFFICER	Chief Executive Officer
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### POLICY SCOPE

The purpose of this document is to outline the Information and Communications Technology (ICT) Security Framework, which introduces the related documents in the ICT Security Framework that belong to The Shire of Cocos Keeling (The Shire). The ICT Security Framework applies to all production systems, equipment, facilities, and information used by The Shire.

Users of this document are all employees, consultants, and or contractors of The Shire including the Elected Members.

### INTRODUCTION

A corporate ICT Security Framework is a management framework applied to an organisation's Information Technology and Communications systems. This framework seeks to effectively manage the operational activities and reduce the associated Information Security risks present within these systems.

The ICT Security Framework outlines industry standards and best practices to help organisations manage their cybersecurity risks. It provides a common language that allows staff at all organisational levels to develop a shared understanding of their cybersecurity risks.

The ICT Security Framework also helps businesses understand types of threats, vulnerabilities, and impacts and how to reduce these risks with customised measures outlined in their respective policies.

### ACCEPTABLE USE OF PHYSICAL ASSETS

Physical ICT assets must only be used for business purposes to conduct organisation-related tasks.

Each physical ICT asset is documented in the IT Asset Register.

ICT assets and equipment must not be taken offsite without permission of the Asset Owner or the Manager of Governance Risk and Planning.

Upon termination of an employment contract or contract suspension, all physical ICT assets must be returned to the ICT Coordinator or the Manager of Governance Risk and Planning.

## ACCEPTABLE USE OF SOCIAL MEDIA COMMUNICATIONS

The purpose of this document is to define the acceptable use of social media platforms and electronic communications methods for The Shire.

Further information can be found by reading the whole policy – Communications and Social Media Policy.

## PROHIBITED ACTIVITIES

It is prohibited to use information assets in a manner that unnecessarily takes up capacity, weakens the performance of the information system, or poses a security threat. Unless authorised by the Manager of Governance Risk and Planning, it is also prohibited to:

- Install or configure any Virtual Private Network (VPN) software to access another organisation.
- Use cryptographic tools (encryption) on a local computer or data removable storage device.
- Download or install programs or applications.

## ACCESS CONTROL POLICY

The purpose of this document is to define how access permissions to Information Systems are granted and reviewed for The Shire.

Further information can be found by reading the full policy document, **Shire of Cocos Keeling – Access Control Policy**.

## BRING YOUR OWN DEVICE POLICY

This document provides guidelines to ensure The Shire retains control over its information while it is accessed and stored on personally owned mobile devices.

Further information can be found by reading the full policy document, **Shire of Cocos Keeling – Bring Your Own Device Policy**.

## CHANGE MANAGEMENT POLICY

This document aims to define how changes to the ICT systems and assets are controlled, implemented, and documented for The Shire.

Further information can be found by reading the full policy document, **Shire of Cocos Keeling – Change Management Policy**.

#### CLEAR DESK GUIDELINES

If a staff member is not at their workplace or designated workspace, all paper documents, removable media, or information that is considered sensitive must be removed from the user's workspace and stored in an appropriate, secure location.

This guideline applies to any ICT equipment such as printers, fax machines, or photocopiers. These measures aim to prevent the disclosure of sensitive information.

All information, documents, and media must be stored following the **Shire of Cocos - Records Management Plan**.

#### CLEAR SCREEN GUIDELINES

If a staff member is not at their computer, all sensitive information must be removed from the screen by screen-locking the computer before they leave their workspace unattended.

If the person is absent from their workspace for a more extended period, i.e. (over two hours), users are asked to log off and shut down their computers at the end of the working day.

#### DATA BACKUP POLICY

The purpose of this document is to ensure that backup copies for The Shire are created at defined intervals, stored appropriately, and regularly tested.

Further information can be found by reading the full policy document, **Shire of Cocos Keeling – Data Backup Policy**

#### DATA DESTRUCTION AND DISPOSAL POLICY

This document aims to ensure that information stored on equipment and media belonging to The Shire is safely destroyed or erased. The policy also outlines how appropriate documentation related to data destruction and disposal is maintained.

Further information can be found by reading the full policy document, **Shire of Cocos Keeling – Data Destruction and Disposal Policy**. A record of disposed or destructed devices is recorded using the **Shire of Cocos Keeling – Data Destruction and Disposal Form**.

#### INCIDENT MANAGEMENT PLAN

The purpose of this document is to provide direction and planning advice to members of the Managed Service Providers - IT Team to ensure quick detection of and response to security events and incidents at The Shire.

Further information can be found by reading the full policy document, **Shire of Cocos Keeling – Incident Management Plan** Information Security-related incidents are recorded in the **Shire of Cocos Keeling - Incident Management Register**.

## RISK MANAGEMENT FRAMEWORK

This document aims to define the methodology for assessing and treating information risks within The Shire This document also outlines the acceptable level of risk The Shire is willing to accept concerning Information Security.

Further information can be found by reading the full policy document, *Shire of Cocos Keeling – ICT Risk Management Framework*. Shire of Cocos Keeling - Asset and Risk Register provides an up-to-date register of ICT risks and their associated treatments.

## MONITORING AND LOGGING OF INFORMATION SYSTEMS

All data created, stored, sent, or received through the information system or other corporate communication systems, including various applications, e-mail, Internet, fax, etc., whether personal or not, is considered the ownership of The Shire.

The Shire will retain appropriate system logs and actively monitor information systems and assets. The Managed Service Providers - ICT Department will regularly access and review the logging and monitoring of data. Such logging and monitoring are not considered a violation of a user's privacy.

Logs for standard information systems are retained based on the information below.

System Type	Log Type	Retention Period	Archive Retention
Anti-Virus	Trend Security Event Logs	60 Days	N/A - Cloud Portal
Anti-Virus	Trend Web Console Events	60 Days	N/A - Cloud Portal
Internet Firewall	SonicWALL GMS	4 Months	Backed Up Monthly for 6 Months
Multi-Factor Authentication	DUO Authentication Logs	180 Days	N/A - Cloud Portal
Windows Computer	Event Viewer - System	60 Days	Backed Up Monthly for 6 Months
Windows Computer	Event Viewer - Security	60 Days	Backed Up Monthly for 6 Months
Windows Computer	Event Viewer - Application	60 Days	Backed Up Monthly for 6 Months
Windows Computer	Event Viewer - Update Logs	60 Days	Backed Up Monthly for 6 Months

Windows Server	Event Viewer - System	60 Days	Backed Up Monthly for 6 Months
Windows Server	Event Viewer - Security	60 Days	Backed Up Monthly for 6 Months
Windows Server	Event Viewer - Application	60 Days	Backed Up Monthly for 6 Months
Windows Server	Event Viewer - Update Logs	60 Days	Backed Up Monthly for 6 Months

The Managed Service Providers - ICT Department will review critical event logs regularly on all business days to identify critical events of a security-related nature. These include, but are not limited to:

- Account Lockouts
- Accounts with out-of-date passwords
- Accounts with Expiring Passwords
- Computers with unsupported Windows version
- Computers with unsupported applications
- Clearing of event logs
- Failed login attempts
- Missing or uninstalled Anti-Virus
- Modification of scheduled tasks
- Registry changes

#### PASSWORD POLICY

This document outlines the requirements for selecting strong passwords or passphrases and using user login credentials, including how they are stored and managed.

Further information can be found by reading the full policy document, **Shire of Cocos Keeling – Password Policy**

#### PATCHING AND VULNERABILITY MANAGEMENT POLICY

This document aims to define how and when patches and updates are applied to The Shire's information systems. This policy also documents how vulnerability scanning is to be conducted to detect vulnerabilities and un-patched systems.

Further information can be found by reading the full policy document, **Shire of Cocos Keeling – Patching and Vulnerability Management Policy**.

## REMOTE ACCESS POLICY

This document aims to define the approved methods of secure remote access to The Shire corporate network from remote locations. This Remote Access policy does not control the use of mobile phones outside the organisation's premises or accessing cloud-based applications.

Further information can be found by reading the full policy document, ***Shire of Cocos Keeling – Remote Access Policy***

## TRAINING AND AWARENESS PLAN

This document ensures adequate training and awareness are maintained across the ICT Operations Team, Elected Members, and all other staff at The Shire.

Further information can be found by reading the full policy document, ***Shire of Cocos Keeling – Training and Awareness Plan***

## USE OF ENCRYPTION POLICY

The purpose of this document is to define rules for the use of cryptographic controls employed to protect the confidentiality, integrity, and authenticity of data belonging to The Shire.

Further information can be found by reading the full policy document, ***Shire of Cocos Keeling – Use of Encryption Policy***

## RELATED SOURCES

The related sources for the IT Security Policy are the policies, forms, procedures, and plans outlined in this document.

International Organization for Standardization (ISO) 27001

Australian Signals Directorate (ASD) Essential Eight Maturity Model

Australian Cyber Security Centre (ACSC) Information Security Manual

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Relevant Delegations	Manager of Governance Risk and Planning			
Council Adoption	Date	13/12/2023	Resolution #	10.1.4
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## CPC20 - Incident Management Plan

RESPONSIBLE OFFICER	Chief Executive Officer
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### POLICY SCOPE

The purpose of this document is to provide direction and planning advice to members of the Managed Service Providers staff to ensure quick detection of and response to security events and incidents at Shire of Cocos Keeling (The Shire).

This policy is applied to the entire ICT Security Framework at The Shire. It applies to all production systems, equipment, facilities, and information used by The Shire.

Users of this document are all employees, consultants, and or contractors of The Shire.

### INTRODUCTION

An information security incident is a "single or a series of unwanted or unexpected information security events that have a significant probability of compromising business operations and threatening information security".

It is essential to carefully document and respond to these incidents to effectively resolve and mitigate downtime and data loss. If this is not accomplished, the duration and severity of such incidents can be significantly increased.

Finally, reviewing and learning from Information Security incidents should be important.

### RECEIPT AND CLASSIFICATION OF SECURITY INCIDENTS

Each employee, supplier, or another third party who is in contact with information and systems of The Shire must report any system weakness, incident, or event in the following way:

- All information and technology-related events must be reported to the Managed Service Provider
- Incidents, weaknesses, and events must be reported by phone or in person as soon as possible.
- Incidents and events are reviewed and classified as part of the Security Operations Meeting.

Incidents are classified as either:

- **Minor incident** – an incident unlikely to impact the confidentiality or integrity of information significantly and unlikely to cause long-term unavailability.
- **Major Incident** – an incident that may be likely to incur significant damage due to loss of confidentiality or integrity of information or may cause an interruption in the availability of information or processes for an unacceptable period.



## INFORMATION SECURITY INCIDENT TYPES

It is crucial to accurately document the type of incident to better plan and respond. The following table provides information that accurately categorises types of incidents in the Shire of Cocos Keeling - Incident Management Register.

Cat.	Incident Type	Description
1	Unauthorised Access	An individual gains logical or physical access without permission to a local government network, system, application, data, or another resource.
2	Denial of Service	An attack that successfully prevents or impairs the standard authorised functionality of networks, systems, or applications by exhausting resources. This activity includes being the victim of or participating in the Denial of Service (DoS).
3	Malicious Code	Successful installation of malicious software or malware (e.g., virus, worm, Trojan horse, or other code-based malicious entity) that infects an operating system or application.
4	Improper Usage	A person who knowingly or unknowingly violates acceptable computing use policies.
5	Attempted Access	Includes brute force password compromise attacks from external sources to a published, externally available information system. Brute force attempts do not necessarily lead to unauthorised access being gained but may instead result in account lockouts or require further mitigations to limit or stop the attack.
6	Lost or Stolen Equipment	Lost or stolen ICT equipment known to contain, or store unencrypted corporate data., e.g., laptops, external hard drives, and backup drives.
7	Critical Infrastructure Failure	The failure of critical ICT Infrastructures such as servers, core switches, firewalls, or power equipment affects the availability of critical ICT systems.
8	Other	Items that are considered security incidents that do not align with the above types can be categorised as other

## INCIDENT SEVERITY MATRIX

All information security incidents should be categorised according to severity level to determine the extent to which a formal response is required.

Severity levels are based on the perceived business impact of the incident. Severity levels may change as the investigation unfolds.

Below are general definitions and a description of each severity level as follows and can serve as a guideline for identifying the severity of an incident:



Level	Definition	Examples
<b>Major</b>	Incidents that have a significant or severe impact on business operations	<ul style="list-style-type: none"> <li>• Compromise of sensitive data</li> <li>• Widespread malware or ransomware attack</li> <li>• Unauthorised access to critical systems</li> <li>• DoS affecting the entire enterprise.</li> <li>• Website compromises</li> </ul>
<b>Minor</b>	Incidents that have a minimal impact with the potential for significant or severe impact on operations	<ul style="list-style-type: none"> <li>• Minor outages affecting a limited number of systems for a short duration.</li> <li>• Brute force attacks against public-facing services</li> <li>• Isolated virus infections</li> <li>• Accidental data deletion</li> </ul>

If a minor incident was reported, the person who received the information must take the following steps:

- Take measures to contain the incident.
- Analyse the cause of the incident.
- Take corrective actions to eliminate the cause of the incident.
- Inform persons involved in the incident, as well as the ICT Coordinator or Manager of Governance Risk and Planning.

The person who received information about a minor incident must be logged as a service request to document the incident in the Managed Service Providers ICT Helpdesk.

#### TREATING MAJOR INCIDENTS

In the case of major incidents likely to disrupt activities for an unacceptable duration, an incident should be recorded/reported in the Shire of Cocos Keeling - Incident Management Register, documenting the approaches outlined above.

- As the incident evolves, it may become necessary to escalate to parties outside of The Shire Escalations to third parties should be carried out under the direction of the ICT Coordinator or Manager of Governance Risk and Planning.

Contact details for third-party escalation points are shown below:

Name	Contact Details	Website	Comments
AUSCert	07 3365 4417	<a href="#">Home - AusCERT</a>	Membership-based Incident Management, Phishing takedowns, and security advisories
ASD Assist		Now replaced by Cyber.Gov	
ACSC	1300 292 371	<a href="https://www.cyber.gov.au/acsc/re">https://www.cyber.gov.au/acsc/re</a>	Government agencies can

"ReportCyber" (formally ACORN)		<a href="#">port/</a>	report incidents of Cybercrime, Security Incidents, and Data breaches
Office of the Australian Information Commissioner	1300 363 992	<a href="#">Notifiable data breaches - Home (oaic.gov.au)</a>	Notifiable Data Breaches must be reported as per OAIC guidelines.
Office of Digital Government	08 6552 5000 cybersecurity@dpc. wa.gov.au	<a href="#">Cyber Security Incident Response and Coordination   Western Australian Government (www.wa.gov.au)</a>	Cyber Security Incident Response and Co-ordination
Trend Micro	SUPPORT  1-800-864-6027	<a href="#">Support   Trend Micro Help Center</a>	Anti-virus technical support and isolated malware clean- ups.
Australian Federal Police	131 444	<a href="#">Contact us   Australian Federal Police (afp.gov.au)</a>	Cybercrime Reports and Information
Trend Micro	SUPPORT  1-800-864-6027	<a href="#">Support   Trend Micro Help Center</a>	Anti-virus technical support and isolated malware clean- ups.
Australian Federal Police	131 444	<a href="#">Contact us   Australian Federal Police (afp.gov.au)</a>	Cybercrime Reports and Information

## LEARNING FROM INCIDENTS

The ICT Coordinator or Manager of Governance Risk and Planning must regularly review all minor and major incidents during the Security Operations Meeting. These are documented in the Shire of Cocos Keeling - Incident Management Register.

The ICT Coordinator or Manager of Governance Risk and Planning must analyse each incident recorded in the Incident Management Register. Where possible, mitigation strategies will be documented and reviewed in the Incident Management Register.

## INCIDENT MANAGEMENT SCENARIO – BUSINESS EMAIL COMPROMISE (EXCHANGE ONLINE)

### Incident Resources

- [Responding to a Compromised Email Account](#)
- [Remediate malicious email that was delivered in Office 365 - Office 365 | Microsoft Learn](#)

### Containment Questions

- Has the attacker been removed?
- Which mailboxes are affected?

- Are there app passwords in use on the account?
- Has the compromise been leveraged into other areas of the system?

### Incident Response

- Are any of the following symptoms seen at the beginning, throughout and after the incident?
  - Suspicious activity, such as missing or deleted emails
  - Other users might receive emails from the compromised account without the corresponding email in the sender's Sent Items folder.
  - The presence of inbox rules that the intended user or the administrator did not create. These rules may automatically forward emails to unknown addresses or move them to the Notes, Junk Email, or RSS Subscriptions folders.
  - The user's display name might be changed in the Global Address List.
  - The user's mailbox is blocked from sending an email.
  - The Sent or Deleted Items folders in Microsoft Outlook or Outlook on the web (formerly known as Outlook Web App) contain common hacked-account messages, such as "I am stuck in London, send money."
  - Unusual profile changes were updated, such as the name, telephone number, or postal code.
  - Unusual credential changes, such as multiple password changes, are required.
  - Mail forwarding was recently added.
  - An unusual signature was recently added, such as a fake banking signature or a prescription drug signature.
- Does the compromised account have any additional authentication privileges?
- Is the compromised account used as a password reset address for any other services such as:
  - 3<sup>rd</sup> party cloud service providers
  - Statutory authorities
  - Domain or DNS registration
  - Any other service which may or may not be able to be used to further an attack
- What do the relevant logs reveal?
  - Unified audit logs in the Microsoft 365 Defender portal
  - Azure AD Sign-in logs and other risk reports in the Azure AD portal: Examine the values in these columns:
    - Review IP address
    - sign-in locations
    - sign-in times
    - sign-in success or failure

## INCIDENT MANAGEMENT SCENARIO – DDOS ATTACK ON HEAD OFFICE INTERNET CONNECTION

### Containment Questions

- Is the attack ongoing?
- What is the impact of the attack?
- What is Internet service or Internet IP address being attacked?

- What is the source of the attack?

### Incident Response

- Has Internet failover been able to take place?
  - What are manual intervention actions needed?
  - Create policy-based routes to route LAN traffic out of the alternate Internet Connection. Policy-based routes will ensure access to cloud-hosted applications stay accessible for office-based staff.
  - Is Remote Access for teleworkers affected?
- What business-critical and non-business-critical services are impacted?
  - Business Critical
  - Non-Business Critical
- Do impact services require inbound and outbound connectivity?
  - Consider Internet port forwards being re-created on the secondary Internet Connection
  - Does the secondary Internet link have an additional block of Internet IPs?
  - Does the secondary Internet link have enough available bandwidth?
- Are there any viable alternative internet connection options for services?
  - What technical limitations do they have?
    - e.g., Mandatory NAT Masquerading via ISP
    - e.g., Unable to configure port forwarding without proxying via third-party services.
- Liaise with Internet Service Provider Support
  - Confirm the traffic type and destination which makes up the attack.
  - Can the ISP block this traffic at their network perimeter to mitigate the attack?
  - Can the ISP provide any form of ongoing DDoS Detection and Prevention services?
  - Can the ISP issue a new block of Internet addresses to mitigate the attack?
- DNS Impacts
  - Is Internet or External DNS impacted?
  - Are DNS records changes required to utilise the secondary Internet link?
  - Is access to an external DNS console available?
  - How long will DNS changes take to propagate?

## INCIDENT MANAGEMENT SCENARIO – MALWARE OUTBREAK AT SATELLITE OFFICE LOCATION

### Containment Questions

- Are all known impacted machines offline?
- Who is working on-site to identify infected computers?
- Is the identity of the malware known?
- What is known about the malware?
- Validate corporate servers, and this malware incident does not impact other corporate offices.

## Incident Response

- Contact an Anti-Virus vendor to research the malware.
  - How new and widely understood is this malware?
  - How does it spread?
  - What indicators of compromise are documented?
  - What was the initial vector of this malware infection?
  - What is the impact of the malware?
  - Does this malware impact data?
  - What services are impacted by the malware?
  - Is it detectable by the existing Anti-Virus endpoint agent?
    - Are there any limitations to detection and removal?
  - Consider evidence collection (and integrity) if required.
- Run full anti-virus scans on all corporate computers and servers.
- Disconnect any affected machines or move affected machines to a Visitors / DMZ, which only allows restricted Internet access.
- Disconnect the affected site from the corporate network by disabling the WAN connection to the head office. Allow Internet access only for continued troubleshooting.
- Have attempts to identify impacted machines been made?
  - What is the confidence that this identification is accurate and can be relied upon?
- Are backups available and safe from malware?
- Scan all computers for any indicators of compromise, such as registry keys or malicious files associated with the malware.
- How did the malware enter the ICT environment?
  - Review time stamps of any Indicators of compromise to determine which machine(s) was infected first.
  - Review firewall connection logs related to infected machines.
  - Review local event logs related to infected machines.
  - Were any visitors, unknown machines or unknown devices present?
- Has the malware been removed?
  - What is required to become sufficiently confident that the malware has been eradicated?
  - Work with Anti-Virus vendor support on recommended remediation actions.
  - Consider re-imaging affected computers.

## INCIDENT MANAGEMENT SCENARIO – RANSOMWARE INFECTION OF CORPORATE FILE SERVER

## Incident Resources

- [Ransomware Response Checklist](#)
- [ACSC Ransomware](#)
- [ACSC Emergency Response Guide](#)

#### Containment Questions (In Addition to Above Malware Questions)

- Stop any Windows file sharing services or Distributed File Systems which may replicate the malware.
- Review firewall logs to investigate unknown outbound traffic that may send corporate data off-site.
- Consider blocking all Internet traffic or geo-blocking all Internet traffic.
- Consider shutting down corporate file servers or any other servers which show any Indicators of Compromise

#### Incident Response (In Addition to Above Malware Response)

- Cyber Insurance vendors should be notified of any ransomware incidents and updated as they unfold.
- Is community sourced (i.e., those working against the ransomware operators) decryption available?
- Has management been aware of this and considered its approach towards communication with the threat actors (if any), including advice from support organisations such as ACSC?
- Restore affected corporate data from backup media following adequate Malware clean-up has been affected.
- Review folder and security group permissions to ensure folder permissions have not been affected.

#### RELATED RESOURCES

Shire of Cocos Keeling Form – Incident Management Form  
 Shire of Cocos Keeling Policy – Information Security Framework  
 International Organization for Standardization (ISO) 27001  
 Australian Signals Directorate (ASD) Essential Eight Maturity Model  
 Australian Cyber Security Centre (ACSC) Information Security Manual

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Relevant Delegations	Manager of Governance Risk and Planning			
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## CPC21- Information Security Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### POLICY SCOPE

The purpose of this document is to define the principles and responsibilities for maintaining the security of the Information and Communications Technology (ICT) Framework at the Shire of Cocos Keeling (The Shire).

This policy applies to the entire ICT Security Framework at The Shire. It applies to all production systems, equipment, facilities, and information used by The Shire.

Users of this document are all employees, consultants, and or contractors of The Shire, including the Elected Members.

### INTRODUCTION

Provided below are several key terms and definitions related to the ICT Security Framework:

**Confidentiality** – characteristic of the information by which it is available only to authorised persons or systems.

**Integrity** – characteristic of the information changed only by authorised persons or systems in an allowed way.

**Availability** – characteristic of the information that can be accessed by authorised persons when needed.

**Information Security** – preservation of confidentiality, integrity, and availability of information.

**ICT Security Framework** – an overarching management framework that defines the planning, maintenance, and responsibilities for Information Security across all ICT systems and assets.

### ICT SECURITY FRAMEWORK OBJECTIVES

The general objectives of the ICT Security Framework are as follows:

- Reducing the damage caused by potential incidents.
- Ensuring goals align with The Shire’s business objectives, strategy, and business plans.
- Ensuring resources are available to implement the ICT Security Framework.
- Appropriate technical controls are in place to maintain overall system security and availability.



The Chief Executive Officer is responsible for reviewing these general ICT Security Framework objectives and setting new ones when required. Specific performance targets related to the ICT Security Framework are as follows:

- Perform a documented annual ICT Disaster Recovery Test.
- Perform a regular review of the ICT Risk Register.
- Perform regular vulnerability scanning.
- Undertake annual cyber awareness training.
- Undertake annual email phishing simulations.
- Maintain an Incident Management Register with an objective of less than:
  - Two major events per annum.
  - Five minor events per annum.
- Ensure regular Security Operations Meetings are conducted.

## INFORMATION SECURITY REQUIREMENTS

This policy and the objectives of the ICT Security Framework should align with legal, contractual, and regulatory requirements relevant to The Shire.

## RESPONSIBILITIES

Responsibilities for implementing, managing, and maintaining the ICT Security Framework objectives are as follows:

- As the executive sponsor, the Chief Executive Officer ensures that the ICT Security Framework objectives are adequately funded and resourced to implement the required systems and controls.
- The Chief Executive Officer must review the objectives of the ICT Security Framework on a regular basis or more frequently where required.
- The Manager of Governance Risk and Planning and ICT Coordinator is responsible for the operational coordination with the Managed Service Providers IT Department and for reporting Information Systems risks and incidents.
- With Human Resources support, will make appropriate information security training and awareness programs available for employees.
- All staff are responsible for reporting security incidents to the Managed Service Providers- ICT Helpdesk.

## RELATED SOURCES

Shire of Cocos Keeling Policy - ICT Security Framework  
 Shire of Cocos Keeling Plan – ICT Risk Treatment Plan  
 Shire of Cocos Keeling Plan – Training and Awareness Plan  
 International Organization for Standardization (ISO) 27001  
 Australian Signals Directorate (ASD) Essential Eight Maturity Model  
 Australian Cyber Security Centre (ACSC) Information Security Manual



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Relevant Delegations	Manager of Governance Risk and Planning			
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## CPC22- Password Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### POLICY SCOPE

The purpose of this document is to outline the requirements for selecting strong passwords or passphrases and the use of user login credentials, including how they are stored and managed within The Shire of Cocos Keeling.

This policy is applied to the entire Information Technology and Communication (ICT) Framework in use at The Shire of Cocos Keeling. It applies to all production systems, equipment, facilities, and information used by The Shire.

Users of this document are all employees, consultants, and or contractors of The Shire, including the Elected Members.

### INTRODUCTION

Password management is a set of principles and best practices that must be followed when creating, storing, and managing passwords. Users are obligated to use all measures outlined in this document where possible. Password management ensures appropriate passwords are created and consistently maintained.

This document outlines poor password practices that must be avoided to ensure compliance with good password security.

Administrators also have additional responsibilities involving password management outlined in this document.

### USER OBLIGATIONS

Users must apply sound security practices when selecting and using passwords. Users shall avoid the following practices:

- Passwords must not be disclosed to other persons, including managers or system administrators.
- Passwords must not be written down.
- User passwords must not be distributed through any insecure channel, i.e., oral or written means.
- Passwords used for private purposes must not be used for business purposes.

Users shall ensure the following principles and good practices are followed when selecting and using passwords:

- Passwords containing the following elements shall be used:
  - At least 14 characters.
  - At least one numeric character.
  - At least one uppercase.
  - At least one lowercase alphabetic character.
  - Using at least one special character or symbol.
- Passwords requiring multi-factor authentication should be changed every twelve months.
- Passwords used for external systems or websites should be unique and not shared with any other system or website.
- Passwords used for external systems or websites that do not contain financial or other sensitive data do not require regular password changes (provided the passwords are strong and unique).
- Temporary passwords provided by a manager or administrator must be changed as soon as possible.
- Passwords must be changed if there are indications that a password might be compromised. Indicators of compromise must be reported to the Managed Service Providers - ICT Service Desk.
- Where an external system or portal requires passwords of weaker standards than those prescribed in this policy, an exception must be approved by the Manager of Governance Risk and Planning.
- The use of a password management tool must be approved by the Manager of Governance Risk and Planning or ICT Coordinator.

#### PASSWORD MANAGEMENT BY ADMINISTRATORS

When administrators are allocating and using passwords, the following rules must be followed:

- Each user may use only his/her own uniquely allocated username.
- Each user must have the option to choose his/her password.
- The temporary password used for the first system log-on must be unique and strong.
- Temporary passwords must be communicated to the user securely, such as a secure password link that will automatically expire the credentials.
- If the user requests assistance setting up multi-factor authentication on a new mobile phone handset or number, the identity must be confirmed by validating the user's date of birth.
- If the user requests a password reset, the user's identity must be confirmed by validating the user's date of birth.
- The password management system must require the user to select strong passwords.
- The password management system must require the users to change their passwords every 12 months.
- The password management system must lock a user account for a short period following five incorrect login attempts.
- Multi-factor Authentication (MFA) must be required for remote access technologies defined in the Remote Access Policy.
- Multi-factor authentication (MFA) must be required to access Microsoft 365 public cloud resources.

- Multi-factor authentication (MFA) may be bypassed for office locations, with many users originating from a trusted corporate network.
- Passwords created by the software or hardware manufacturer must be changed during initial installation.

#### PRIVILEGED ACCESS PASSWORDS

Administration accounts, named administration accounts, and other privileged access accounts require additional safeguards to maintain appropriate security levels. Where applicable, the following additional requirements must be applied:

- Named Administrator accounts must have the following:
  - At least 14 characters.
  - At least one numeric character.
  - At least one uppercase.
  - At least one lowercase alphabetic character.
  - Using at least one special character or symbol.
  - Require the users to change their passwords every 12 months.
- Default Administrator accounts or a service account that is a member of an administrator role must have the following elements:
  - At least 24 characters.
  - At least one numeric character.
  - At least one uppercase.
  - At least one lowercase alphabetic character.
  - Using at least one special character or symbol.
  - Require the users to change their passwords every 24 months.
- Non-privileged Service Accounts must have the following elements:
  - At least 14 characters.
  - At least one numeric character.
  - At least one uppercase.
  - At least one lowercase alphabetic character.
  - Using at least one special character or symbol.
  - May utilise the “password never expires” option if required.

#### RELATED SOURCES

Shire of Cocos Keeling Policy - ICT Security Framework  
Shire of Cocos Keeling Policy – Access Control Policy  
Shire of Cocos Keeling Policy – Remote Access Policy  
International Organisation for Standardisation (ISO) 27001  
Australian Signals Directorate (ASD) Essential Eight Maturity Model  
Australian Signals Directorate (ASD) Hardening Microsoft Windows Workstations  
Australian Cyber Security Centre (ACSC) Information Security Manual

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## CPC23 - Patching and Vulnerability Management Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### POLICY SCOPE

The purpose of this document is to define how and when patches and updates are applied to Information and Communications Technology (ICT) systems belonging to the Shire of Cocos Keeling (The Shire). This policy also documents how vulnerability scanning is to be conducted to detect vulnerabilities and un-patched systems.

This policy is applied to the entire Information Technology and Communication (ICT) Framework in use at The Shire. It applied to all production systems, equipment, facilities, and information used by The Shire.

Users of this document are all employees, consultants, and or contractors of The Shire.

### INTRODUCTION

In a network of information systems and assets, if one system becomes compromised, this may result in other information systems being compromised. Having multiple security controls, such as patching and vulnerability management, is one of the most effective ways to safeguard against potential threats.

The Patching and Vulnerability Management Policy provides the steps required to implement successful patching and vulnerability management guidelines to protect and secure ICT systems and assets.

Patching and vulnerability management are implemented to reduce risks to the confidentiality, integrity, and availability of information systems and assets at The Shire.

Patching and vulnerability management is a process that must be followed regularly and routinely during nominated periods or maintenance windows.

### WINDOWS COMPUTER PATCHING

Windows updates to computers are first deployed to a small number of pilot computers. These machines receive updates within one week of being released from Microsoft, and these patches are installed between 9 AM Friday to 5 PM Monday. The allocation of pilot users is documented and reviewed during the Quarterly ICT Meeting.

Any issues related to the initial deployment of patches to the pilot computer group are to be reported to the Managed Service Providers - ICT Helpdesk. Support staff will troubleshoot and isolate any problematic patches and if necessary, withhold the specific patch from being released

to other computers.

One week following the release of patches to pilot computers, the patches will then be released to all remaining computers. These patches will be released between 9 AM Friday to 5 PM Monday.

The patch deployment effectiveness is documented and reviewed during the Quarterly ICT Meeting / Security Operations Meeting.

#### WINDOWS SERVER PATCHING

The Shire does not have any designated pilot servers due to the small environment and the associated costs of implementing and maintaining pilot server systems. As such, a reserved approach to installing patches on production server systems must be taken.

A scheduled outage window occurs on the last Tuesday of every month between 8 PM and 10 PM. An all-staff email is sent at least 24 hours before notifying all staff of the scheduled outage window and must identify which systems will be impacted during the outage.

The ConnectWise Automate system will automatically install updates during the designated outage window. A Focus Networks staff member will undertake manual checks to ensure updates have been completed and manually update any systems that may require intervention. The Server Update Checklist document will be completed to maintain a record of the updates and checks.

The ConnectWise Automate system will maintain a complete inventory of patches applied to each server system for future review and any troubleshooting.

#### NON-STANDARD MICROSOFT PATCHES

Non-standard Microsoft patches such as Windows Feature Releases, SQL Service Packs, and Exchange Rollups require manual intervention to limit the associated risks of deploying these patches.

Windows feature releases are reviewed periodically to ensure Microsoft currently supports them. A helpdesk call is generated, and computers requiring feature release updates are performed with appropriate end-user notifications.

Priority patches released outside the standard patching frequency sometimes called out-of-band patches, will be assessed based on the patch management priority and related Common Vulnerability Scoring System (CVSS) score.

If the associated severity is categorised as a High Impact/Severity, the ConnectWise Automate system will be configured to release the priority patch for installation on all computers for immediate installation.

### THIRD-PARTY APPLICATION PATCH MANAGEMENT

The ConnectWise Automate system provides periodic updates to the following third-party (non-Microsoft) applications. These applications include the following:

- Adobe Flash, Adobe Reader XI, Adobe Reader DC, and Adobe Shockwave.
- Apple iTunes.
- Google Chrome.
- Mozilla Firefox, Mozilla Thunderbird.
- Notepad++.
- Oracle Java.
- PDF Creator.
- PDF Forge.
- VLC Media Player.
- Skype for Business.
- Zoom.
- 7-Zip.

These patches will be released for installation on all computers between 9 AM Friday to 5 PM Monday.

### NETWORK DEVICE AND INFRASTRUCTURE PATCHING

Manufacturers of network devices and other ICT infrastructure will also release patches and updates from time to time. Examples of these types of assets and systems include:

- CCTV and Access Control Systems.
- Network Attached Storage (NAS) and Storage Area Network (SAN) appliances.
- Network Switches.
- Physical Servers or Hypervisors.
- Printers and Multi-Function Devices.
- Uninterruptable Power Supplies (UPS).
- VMware virtual appliances or any Linux-based distributions.
- Wireless Access Points.

The Managed Service Provider – Focus Networks will monitor the availability of patches and updates related to network devices and other infrastructure. These are typically communicated by the manufacturer or included in security bulletins and notifications from security organisations such as AusCERT and the Australian Cyber Security Centre.

### PATCH MANAGEMENT PRIORITY

The installation of patches must be prioritised based on the severity of the vulnerability the patch addresses.



In most cases, severity ratings are based on the Common Vulnerability Scoring System (CVSS). The CVSS score will determine the priority in which the associated patch is investigated and applied. This review is generally completed the Managed Service Provider who will arrange for an appropriate patching response.

Criticality	CVSS Score	Review Patch Details	Application of Patch
<b>Critical</b>	<b>9-10</b>	Within 24 hours of the patch release	Within 48 hours of the patch review
<b>High</b>	<b>7-8.9</b>	Within 48 hours of the patch release	Within one week of the patch review
<b>Medium</b>	<b>4-6.9</b>	Within one week of the patch release	Within one month of the patch review
<b>Low</b>	<b>0.1-3.9</b>	Within one month of the patch release	Within three months of the patch review

## VULNERABILITY SCANNING

Vulnerability scanning tools ensure that patching systems and remediation actions work effectively.

Managing vulnerabilities identified by vulnerability scans ensures that appropriate actions are taken to reduce the potential of these vulnerabilities being exploited and to reduce the risk of compromising confidentiality, integrity, and availability of The Shire's information assets.

The appropriate vulnerability scan type depends on the target type (i.e., hardware, software, source code) and the location, i.e., internal, or external to the network.

Type	Description
<b>Internal Vulnerability Scanning</b>	Scans of ICT infrastructure on protected networks or any hosted infrastructure to identify potential vulnerabilities
<b>External Vulnerability Scanning</b>	Scans of the perimeter of networks or any externally available hosted infrastructure to identify potential vulnerabilities in Internet-accessible ICT infrastructure

## INTERNAL VULNERABILITY SCANNING

Internal vulnerability scans are to be performed across inner network segments every quarter annually. A risk-based approach will determine which network segments are to be scanned but will typically include the following:

- Production servers.
- Corporate computers on the physically cabled network.
- Corporate computers on the wireless network.
- Infrastructure management network.
- Satellite office locations.
- CCTV equipment.

The vulnerability scan results will be reviewed in a meeting with the Managed Service Provider where the appropriate remediation actions will be documented and reviewed. A subsequent scan will ensure that the controls or changes have effectively removed the discovered vulnerability.

#### EXTERNAL VULNERABILITY SCANNING

ICT systems owned by The Shire, which are exposed to the internet via the corporate firewall or as a publicly hosted website, should be regularly scanned for vulnerabilities. As these systems are Internet-facing, the required external vulnerability scan should be performed from an external internet connection. All reporting data relating to vulnerabilities and associated information systems should be retained within Australian territories and not stored outside Australia for data sovereignty reasons. Some examples include:

- Public website [www.localgovernment.wa.gov.au](http://www.localgovernment.wa.gov.au).
- Any ancillary website – venue hire / GIS / Rec Centre websites.
- Static Internet addresses are configured on a router or firewall to terminate a Static Internet Address (at any office location).
- VPN gateways are used for client-to-site remote access, such as SSL, PPTP, or IPsec VPN access.
- VPN gateways are used for site-to-site remote access between two buildings or offices.
- Remotely accessible CCTV systems published to the internet for use by mobile applications or third-party access.
- IT Vision SynergySoft and Altus application modules.

These systems should be scanned weekly for vulnerabilities, and an associated report should be produced and reviewed by the Managed Service Provider / Systems Administrator every month.

The vulnerability scan results will be reviewed in the Security Operations Meeting, where the appropriate remediation actions will be documented and reviewed. A subsequent scan will ensure the controls or changes have been effective in removing the discovered vulnerability.

#### PENETRATION TESTING

Penetration testing will be undertaken by a suitably qualified third-party organisation based on the recommendation of audit report findings or at the request of the Audit and Risk Committee.

Penetration testing will also be considered following a significant Information Security Incident.

## RELATED SOURCES

Shire of Cocos Keeling Policy - ICT Security Framework  
 Shire of Cocos Keeling - Security Operations Meeting Agenda  
 International Organization for Standardization (ISO) 27001  
 Australian Signals Directorate (ASD) Essential Eight Maturity Model  
 Australian Cyber Security Centre (ACSC) Information Security Manual

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## CPC24 - Remote Access Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### POLICY SCOPE

The purpose of this document is to define the approved methods of secure remote access to the Shire of Cocos Keeling (The Shire) corporate network from remote locations. This Remote Access Policy does not control the use of mobile phones outside the organisation's premises or accessing cloud-based applications.

This policy is applied to the entire Information Technology and Communication Framework in use at The Shire. It applies to all production systems, equipment, facilities, and information used by The Shire.

Users of this document are all employees, consultants, and or contractors of The Shire.

### INTRODUCTION

This policy defines the rules and requirements for connecting to The Shire network resources from remote locations. These rules and requirements are designed to mitigate the potential risks to The Shire's information systems and damages that may result from the unauthorised use of The Shire network.

These risks and damages include the loss of sensitive or company confidential data, intellectual property, public image damage, critical Shires internal systems, and any financial liabilities that may be incurred.

### REMOTE ACCESS FOR EMPLOYEES

Remote access for employees should be documented and approved on the New User Account Access Form or documented in a help desk call. It is accepted that staff will regularly require the use of Remote Access technologies to carry out their day-to-day work functions.

### REMOTE ACCESS FOR CONSULTANTS OR CONTRACTORS

Remote access for external parties including consultants, contractors, and other third parties is to be treated with care. Remote access for contractors shall be documented on the New User Account Access Form or documented in a help desk call. All contractor and third-party access must be approved by the ICT Coordinator and The Manager of Governance Risk and Planning.

The remote access technology provided to contractors and third parties should specifically be chosen to provide the most limited form of remote access whilst still allowing the contractor to

perform their required tasks.

#### APPROVED REMOTE ACCESS METHODS

The following are approved technologies for remotely accessing The Shire's network resources:

##### ***SonicWALL SSL VPN***

The SonicWALL SSL VPN client may be installed on a Windows or Apple Macintosh computer. It is the user's responsibility to ensure the computer is patched and up to date with current anti-virus software before enabling the VPN connection.

The SSL VPN connection shall be authenticated using The Shire's supplied Active Directory user account and will be Multi-Factor Authenticated (MFA).

##### ***Microsoft Remote Desktop Connection***

A Microsoft Remote Desktop Connection using the Microsoft Remote Desktop Protocol (RDP) may be configured on a Windows or Apple Macintosh computer. It is the user's responsibility to ensure the computer is patched and up to date with current Anti-Virus software before enabling the VPN connection.

The Microsoft Remote Desktop Connection shall be authenticated using The Shire's supplied Active Directory user account and will be Multi-Factor Authenticated (MFA).

##### ***ConnectWise Automate Remote Access***

The Managed Service Provider may use the ConnectWise Automate tool to facilitate remote support and remote-control activities as required. Remote control of a computer that is logged on by a staff member, must be granted by the logged-on staff member.

Access to the ConnectWise Automate application will be controlled by the Managed Service Provider using named user accounts and be Multi-Factor Authenticated (MFA).

#### RELATED SOURCES

Shire of Cocos Keeling Policy – ICT Security Framework  
Shire of Cocos Keeling - Risk Register  
Shire of Cocos Keeling New User Account Access Form  
International Organization for Standardization (ISO) 27001  
Australian Signals Directorate (ASD) Essential Eight Maturity Model  
Australian Cyber Security Centre (ACSC) Information Security Manual

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## CPC25 - Training and Awareness Plan Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### POLICY SCOPE

The purpose of this document is to ensure an adequate level of Information Technology training and awareness is maintained across the **Shire of Cocos Keeling (The Shire)**.

This policy is applied to the entire Information Technology and Communication (ICT) Framework in use at **The Shire**.

It applies to all production systems, equipment, facilities, and information used by **The Shire**.

Users of this document are all employees, consultants, and or contractors of the Shire, including the Elected Members.

### INTRODUCTION

This training and awareness plan is used to document and record the Information Technology-related training and events undertaken by The Shire's staff.

Practical and regular training is essential to The Shire's ICT Security Framework.

### ICT OPERATIONS TRAINING AND AWARENESS

Under the terms of the IT Managed Services contract, Focus Networks has demonstrated that IT support staff are suitably trained and certified to carry out IT support functions for the Shire.

Under the ISO 27001 certification held by Focus Networks, it is a requirement for the service provider to undertake regular cyber security related training and events.

The following is a register of certifications held by the support and systems staff most involved in the ongoing support and projects for the Shire. The IT Managed Service Provider will keep an updated register of this training which is to be made available to the Town on request.

Relevant certifications held by key staff include:

Staff Member	Title	Certifications and Training
Bradley Parkes	Support Officer	Bachelor of Science (Cyber Security) CompTIA A+ Sangoma Switchvox Certified Essentials Sangoma Switchvox Sales Essentials
Brent Shore	Systems Administrator	9001 Quality Essentials 27001 Information Security Essentials

		Diploma of IT Networking Microsoft Certified Professional Microsoft Certified Solutions Associate (Windows Server 2012) Microsoft Certified Solutions Expert (Core Infrastructure) Security Agent (License No 59756) Security Consultants License (License No SG56708) SonicWall Network Security Administrator (SNSA) VSP – SV (Server Virtualization 2018) VTSP – SV (Server Virtualization 2018)
Jason Langoulant	Support Team Leader	Certificate IV in Computer Maintenance Microsoft Certified Solutions Associate (Windows Server 2016) Microsoft Certified Solutions Expert (Core Infrastructure) Microsoft Technology Associate SonicWall Network Security Administrator (SNSA)

#### STAFF TRAINING AND AWARENESS

To ensure staff understand the importance of Information Security and their contribution to **The Shire's** ICT Security Framework, the following awareness training must be applied to all staff and elected members.

Contractors, volunteers, and other parties may be required to undertake appropriate awareness training.

Training Platform	Training Method	Frequency
Onboarding Induction Training	PowerPoint Document Name	At Induction – before gaining computer account access
ProofPoint	Phishing Simulation Campaign	Once per annum
Cyber Awareness Posters	Informational posters placed in office locations	Ongoing

#### RELATED SOURCES



Shire of Cocos Keeling Policy - ICT Security Framework

Shire of Cocos Keeling Policy – Information Security Policy

International Organization for Standardization (ISO) 27001

Australian Signals Directorate (ASD) Essential Eight Maturity Model

Australian Cyber Security Centre (ACSC) Information Security Manual

Office Use Only				
Relevant Delegations	Manager of Governance Risk and Planning			
Council Adoption	Date	13/12/2023	Resolution #	10.1.4
Reviewed/Modified	Date		Resolution #	

## CPC26 - Use of Encryption Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### POLICY SCOPE

The purpose of this document is to define rules for the use of cryptographic controls, as well as the rules for the use of cryptographic keys, to protect the Information Communications and Technology (ICT) systems and authenticity of data in use at The Shire of Cocos Keeling (The Shire).

This policy is applied to the entire Information Technology and Communication Framework in use at The Shire. It applies to all production systems, equipment, facilities, and information used by The Shire.

Users of this document are all employees, consultants, and or contractors of the Shire.

### CRYPTOGRAPHIC CONTROLS

According to The Shire of Cocos Keeling (The Shire) Information policy and legal and contractual obligations, corporate ICT systems and corporate information must be protected by employing cryptographic controls where appropriate. The use of Cryptographic controls is summarised below:

Name of System	Cryptographic Tool / Encryption Standard	Key Size
<a href="https://shire.cc">https://shire.cc</a>	Let's Encrypt SSL Certificate	2048 bits
<a href="https://remote.cocos.wa.gov.au">https://remote.cocos.wa.gov.au</a>	SSL Wildcard *.cocos.wa.gov.au	2048 bits
<a href="https://synergyapi.cocos.wa.gov.au">https://synergyapi.cocos.wa.gov.au</a>	SSL Wildcard *.cocos.wa.gov.au	2048 bits
SonicWALL SSL VPN Client <a href="https://vpn.cocos.wa.gov.au">https://vpn.cocos.wa.gov.au</a>	SSL Wildcard *.cocos.wa.gov.au	2048 Bit
Veeam Backup & Replication	256-bit AES	56-bit key length in the CBC-mode
Site-to-Site Permanent VPNs	AES256	256 Bit

The Managed Service Provider is responsible for installing, maintaining, and renewing certificates and cryptographic controls on The Shire's internal systems.

The Managed Service Provider ensures appropriate certificates and cryptographic controls are installed and maintained on The Shire's external systems, which third parties may maintain.

## CRYPTOGRAPHIC KEYS

The Managed Service Provider is responsible for prescribing the following rules regarding crucial management:

- Generating private and public cryptographic keys.
- Activation and distribution of cryptographic keys.
- Defining the time limit for using keys and their regular updating (following risk assessment).
- Archiving inactive keys, which are necessary for encrypted electronic archives.
- Destruction of keys.
- In the case of loss, corruption, or destruction of keys, they will be recovered by regenerating the public/private encryption key(s).

## RELATED SOURCES

Shire of Cocos Keeling - ICT Security Framework  
 International Organization for Standardization (ISO) 27001  
 Australian Signals Directorate (ASD) Essential Eight Maturity Model  
 The Payment Card Industry Data Security Standard (PCI DSS)  
 Australian Cyber Security Centre (ACSC) Information Security Manual

Office Use Only				
Relevant Delegations	Manager of Governance Risk and Planning			
Council Adoption	Date	13/12/2023	Resolution #	10.1.4
Reviewed/Modified	Date		Resolution #	

## CPC27 - Volunteer Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

The Volunteer Policy identifies the mutual obligations and responsibilities of both volunteers and the Shire of Cocos (Keeling) Islands (SCKI).

The focused involvement of volunteers is designed to enhance the ongoing development of Shire of Cocos (Keeling) Islands in meeting the needs of clients and the community through a diverse range of volunteering opportunities.

A volunteer is defined as a person who gives of their services without any express or implied promises of remuneration. Volunteers give freely of their time, talents, skills, and energy with no expectation of monetary compensation.

This policy applies to:

- All current and future volunteers engaging with and representing SCKI.
- Employees of SCKI who are responsible for the teams/areas utilising volunteers in any capacity.
- Any external third party where volunteers may be engaged with a defined task or activity.

### SCOPE

The SCKI recognises the significant personal benefits in volunteering. Participation in our community strengthens community cohesion and fosters understanding and acceptance of diversity and difference. SCKI is committed to providing opportunities for community participation and volunteerism to support improved health and wellbeing through all stages of life. Volunteering provides a means through which people are able to actively participate in activities and services of the SCKI in a way that benefits the SCKI and the community whilst enabling volunteers to meet their own expectations and fulfil a sense of personal achievement.

### Policy

The relationship between the organisation and its volunteers is one of trust, recognition, and mutual obligations. Volunteers take on agreed obligations and responsibilities and in return the organisation is committed to be responsive to the needs and expectations of those who volunteer their services. SCKI supports the principle that volunteers are managed, supported, and resourced in accordance with the National Standards for involving Volunteers in not-for-profit organisations and agrees with the principles of volunteering as defined by Volunteering Australia, namely:

- Is a benefit to the community and the volunteer,
- Is always a matter of choice,

- An activity that is unpaid and not undertaken for the receipt of salary, pension, government allowance or honorarium. A legitimate way in which citizens can participate in the activities of their community,
- Is a vehicle for individuals or groups to address human, environmental and social needs,
- An activity performed in the not-for-profit sector only,
- Do not replace paid workers nor constitute a threat to the job security of paid workers,
- Respects the rights, dignity, and culture of others, and
- Promotes human rights and equality.

SCKI will recognise that volunteers have expectations of their time and effort in the work that they undertake for the SCKI and acknowledge the obligation Council has in ensuring these expectations are met as far as practicable.

## DEFINITIONS

Effective relationships between volunteers and paid staff lead to enjoyable and productive workplaces. The involvement of volunteers within SCKI should not constitute a threat to job security or work satisfaction of paid staff. The role of volunteers compared with paid staff will be different and distinct but complementary. The roles that volunteer perform are designed to enhance and add value to the achievements made by paid staff.

Volunteers play an important role in the life of the services provided by SCKI and have a responsibility to comply with all the policies and procedures of SCKI. The volunteers are such expected to undertake the following requirements.

Undertake a National Police Check and Working with Children Check that is paid for by SCKI.  
Undertake and maintain a Volunteer Working with Children Check in accordance with SCKI is operational and standard for ongoing working with minors.

Take responsibility in complying with all health and safety requirements and reporting of any issues, thereby contributing to a safe work environment for other volunteers, paid employees, clients, and members of the public.

Be responsible in making a realistic commitment in terms of both time and areas of involvement and to honour those commitments.

To treat SCKI, personal, and confidential information in accordance with the Freedom of Information 1992 (WA) and the Health Records Act 2012 (WA) the Information Privacy Principles and the Health Privacy Principles contained within these Acts.

Volunteers are encouraged to complete and maintain currency for training and support opportunities that are provided by council and will provide an ongoing level of support to volunteers operating within SCKI.

Volunteers bring to the attention to management any issues that may have an adverse impact on their performance as a voluntary worker including personal health or circumstance, conditions within SCKI venues where volunteer activities are conducted and any other concerns which may have an impact on their experience as a volunteer.

Where a volunteer uses their own vehicle to carry out all or part of a service, the vehicle must be registered and maintained in a roadworthy condition. The onus for insurance coverage rests with the owner of the vehicle (or the volunteer), who should ensure appropriate third party, comprehensive and liability insurance is current and maintained while undertaking tasks on behalf of SCKI. Evidence of current registration and insurance must be provided to relevant SCKI Employees on request.

Volunteers are encouraged to utilise the SCKI vehicle only when undertaking the duties for the SCKI and have written consent by the Chief Executive Officer. A copy of current valid Driver's License must be provided to the SCKI prior to engagement.

The volunteer must adhere to the SCKI Code of Conduct while undertaking duties or tasks on behalf of SCKI.

### **Council Responsibilities**

SCKI recognises the important role that volunteers play in the life of the community and as such agrees to:

- Interview and engage volunteers in accordance with anti-discrimination and equal opportunity legislation.
- Provide volunteers with a healthy and safe workplace.
- Provide a formal induction to all volunteers before they are allocated tasks.
- Provide all relevant and supporting documents required to ensure volunteers success including organisational code of conduct, relevant policies and procedures and a current and relevant training to be completed.
- Define volunteer roles and develop clear role statements.
- As required, provide training to volunteers to improve their skill set and assist them in the performance of their voluntary role.
- Not require a volunteer to perform any role or task that they are not appropriately qualified or skilled to undertake or would be the responsibility of a paid employee.
- Provide appropriate public liability insurance coverage for volunteers, where applicable.
- Provide feedback on performance.
- Inform volunteers of their responsibilities and ensure that their work complements but does not undermine, the work of paid employees.
- Reimburse volunteers for pre-agreed out of pocket expenses in line with organisational procurement policies and procedures.
- Regularly acknowledge and recognise the contributions of volunteers.
- Provide all volunteers with information on grievance and unsatisfactory performance operational frameworks and procedures.

## 5. Accountability and Responsibility

- Accountability and responsibility for this policy is outlined below.

### 5.1. Council

- Responsibility to ensure this Policy is consistent with SCKI Strategic Plan and Corporate Business Plan.
- Responsibility for the decision to approve this Policy by SCKI Resolution.

### 5.2. Chief Executive Officer

- Overall responsibility for compliance with this policy.
- Overall responsibility for enforcing accountability.
- Overall responsibility for providing resources.
- Overall responsibility for performance monitoring.

### 5.3. Line Managers

- Responsibility for compliance with this policy.
- Responsibility for enforcing accountability.
- Responsibility for providing resources.
- Responsibility for performance monitoring.

### 5.4. Immediate supervisor

- Develop frameworks and procedures in compliance with this policy.
- Enforce responsibilities to achieve compliance within the procedures.
- Provide appropriate resources for the execution of the frameworks and procedures.

### 5.5. Employees, Contractors, and Volunteers

Participate where required in the development of frameworks and procedures in compliance with this policy. Comply with frameworks and procedures developed to achieve compliance with this policy.

## 6. Definitions

Volunteer: a person who gives freely of their time without recompense, either financial or any other form.

### RELEVANT LEGISLATION/LOCAL LAW

Section 2.7 of the *Local Government Act (WA) (CKI)* 1995 prescribes part of the role of a Council is to “determine the local government’s policies”.

*Freedom of Information Act 1992 (WA)*

*Health records Act 2012 (WA)*

Policies in the Policy Manual 2020 will inform and guide the decisions and activities of the Administration and form the basis of recommendations to Council.



Office Use Only				
Relevant Delegations	Chief Executive Officer			
Council Adoption	Date	13/12/2023	Resolution #	10.1.4
Reviewed/Modified	Date		Resolution #	

## CPFH1 - Investment Policy

RESPONSIBLE OFFICER

Manager Finance and Corporate Services

### OBJECTIVE

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

### SCOPE

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

### POLICY

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

All investments are to be made in accordance with:

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

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

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

#### **Authorised Investments:**

Authorised investments shall be limited to Australian currency denominated:

- Deposits (including flexi and at call deposits) with Authorised Deposit Taking Institutions (ADIs)
- Bonds that are guaranteed by the Commonwealth Government or a State or Territory and which have a term not exceeding 3 years.

### Prohibited Investments

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

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

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

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

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

### Portfolio Credit Risk Framework

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

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

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

### Reporting and Performance Monitoring

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

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

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

## DEFINITIONS

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

Authorised institution includes any of the following banking institutions:

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

## RELEVANT LEGISLATION/LOCAL LAW

*Australian Accounting Standards*

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

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	24/02/2016	Resolution #	10.1/F3
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPFH2 - Related Party Transactions Disclosure Policy

RESPONSIBLE OFFICER

Manager Finance and Corporate Services

### OBJECTIVE

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

### SCOPE

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

The policy is to be applied in:

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

### POLICY

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

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

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

Key management personal 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 personal who acquires the role partway through reporting period will also be subject to disclosure requirements for that period.

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

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

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

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

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

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

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

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

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

the related party transaction cannot be expressed in financial terms.

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

### **Privacy**

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

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

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

## DEFINITIONS

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

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

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

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

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

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

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

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

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

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

#### RELEVANT LEGISLATION/LOCAL LAW

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

#### RELATED DOCUMENTS

*Related Party Disclosure Form*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	8/11/2017	Resolution #	1117/10
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6



### CPFH3 - Recovery of Sundry Debts Policy

RESPONSIBLE OFFICER

Manager Finance & Corporate Services

#### OBJECTIVE

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

#### SCOPE

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

#### POLICY

##### **Sundry Debt Recovery**

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

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

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

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

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

#### RELEVANT LEGISLATION/LOCAL LAW

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

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPFH4 - Community Funding – Waste Management Policy

RESPONSIBLE OFFICER	Manager Finance and Corporate Services
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### OBJECTIVE

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

### SCOPE

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

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

### POLICY

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

#### Eligibility Criteria

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

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

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

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

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

#### Funding Amounts:

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

Example: 2023/24 Rates

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

#### DEFINITIONS

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

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

CPC7 Small Business Policy

Office Use Only				
Relevant Delegations				
Council Adoption	Date	30/08/2023	Resolution #	10.1.6
Reviewed/Modified	Date		Resolution #	

## CPFH5 - Drug & Alcohol Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

This Policy supports the Shire of Cocos (Keeling) Island's commitment to maintaining a safe and efficient working environment for all staff members and contractors.

### POLICY

No worker is to present themselves for work if they have consumed alcohol and/or other drugs and where they may be at risk of impairment during work hours. It is a condition of entry to all Council workplaces that all workers may be tested at any time for alcohol and/or drugs.

Alcohol and illicit drugs shall not be consumed at any Council workplace, in any Council owned vehicle or plant, or at any time as a worker of the Council whilst undertaking their respective duties. An exception for the consumption of alcohol will be made for special occasions or locations as determined by the CEO and where the provision of hospitality is within the bounds of normal customary hospitality.

#### **Prescription and Pharmacy Medication**

If the CEO suspects that there is a risk of impairment to a worker's ability to safely perform work as the result of use of prescription or pharmaceutical drugs, the CEO may take steps to address the issue in accordance with this Policy and associated procedures.

Where a worker is taking prescription and pharmacy medications for a legitimate medical purpose, the worker will not breach this Policy by attending work or duties subject to guidelines listed in the Drug and Alcohol Procedure.

Any information supplied by workers to the Shire in relation to prescription and pharmacy medication will be kept strictly confidential.

#### **Awareness and Training**

Council recognises that it is important to develop a workplace culture, through awareness and training where employees are prepared to encourage each other to be safe and not unfit for work. All employees shall be familiarised with this Policy and the Drug and Alcohol Procedure upon commencement of employment and annually thereafter.

All other workers shall be made aware of the components of this Policy and the Drug and Alcohol Procedure that may affect them whilst performing work in any capacity for Council.

## **Drug and Alcohol Testing Triggers**

Consistent with Council's obligation and commitment to ensuring a safe workplace, workers will be required to undergo drug and alcohol testing in the following circumstances in accordance with the Drug and Alcohol Procedure:

- As part of a Random Testing Program.
- In a case of Reasonable Suspicion.
- Post Incident; and/or
- Any testing as part of a return to work and/or rehabilitation program conducted under this policy and associated procedure.

## **Testing Methods**

All initial drugs testing undertaken will comprise of a saliva test. Confirmatory test may comprise of either a urine or saliva test.

Urine testing will be conducted in accordance with Australian/New Zealand Standard AS/NZS 4308:2008. Saliva testing will be conducted in accordance with Australian Standard 4760-2006.

Alcohol testing will be conducted in accordance with current random breath testing procedures in Western Australia (Australian Standard AS 3547-1997).

## **Employee Assistance**

Council recognises drug and alcohol dependency as a treatable condition. Workers who suspect they have an issue with drugs and/or alcohol are encouraged to seek advice regarding appropriate treatment options. Council offers employees the services under the EAP. The services provided by Council's EAP provider are strictly confidential.

Any Workers referred to EAP may access either a Council provided EAP at no cost to themselves, or a recognised program of their choosing at the employee's own expense).

## **Breaches of Policy**

Disciplinary action may be taken in accordance with the actions detailed in the Drug and Alcohol Procedure and Discipline Procedure for breaches of this policy including, but not limited to:

- The recording of a positive result from a drug and / or alcohol test.
- If found to have deliberately masked a substance.
- The falsification of medication information or details.
- Tampering with a sample for drug and / or alcohol testing; or refusing to comply with any requirements of this Policy.

The nature and frequency of a breach of this policy will determine the disciplinary action taken which may include one or more of the following:

- Standing down without pay.
- Formal written warning.
- Suspension.
- Dismissal.

## DEFINITION

**CEO (Chief Executive Officer)** - A person who holds an appointment under section 194 of the Local Government Act 2009.

**Council** - Shire of Cocos (Keeling) Islands

**Employee Assistance Program (EAP)** - A confidential, professional counselling service available to Council employees.

**Fitness for Work** - A state (physically, mentally, and emotionally) to perform assigned tasks competently and in a manner which does not compromise or threaten the health, wellbeing and safety of themselves or other persons.

**Risk of Impairment** - The risk of a worker's reduced quality, strength, or effectiveness because of drugs and/or alcohol consumption whilst performing their usual duties.

**Random** - Having no specific pattern, nor predetermined outcome.

**Suspicion Testing** - Testing undertaken on the suspicion that an employee may be at risk of impairment from drugs or alcohol.

**Worker** – Elected Member of Council, Employee, contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company assigned to work for Council, work experience student or a volunteer.

**Work Hours** - Any time where a worker is at the workplace for work purposes, and claiming remuneration, including time where the on-call allowance is received.

**Workplace** - A place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.

## RELEVANT LEGISLATION / LOCAL LAW

*Australian/New Zealand Standard AS/NZS 4308:2008 Australian Standard 4760-2006.*

*Australian Standard AS 3547-1997*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	29/08/2018	Resolution #	0818/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6



## CPFH6 - Office Dress Standards Policy – To be reviewed

RESPONSIBLE OFFICER

Chief Executive officer

### OBJECTIVE

The objective of the Shire of Cocos (Keeling) Islands Office Dress Standards Policy is to establish and maintain a professional and positive public image of the Shire's employees and to ensure compliance with occupational health and safety standards and the Shire's code of conduct.

### SCOPE

The requirements of this policy cover all employees of the Shire except for those employees that are required to wear personal protective equipment, clothing, and safety footwear.

### POLICY

All Shire employees are expected to maintain a minimum standard of 'smart business dress' in accordance with the Shire's code of conduct.

Shire issued shirts where issued must be always worn for ease of identification. shirts should be clearly visible to the Shire's customers and members of the public.

Eligible permanent employees will be issued as a maximum:

- 5 shirts in a choice of short sleeve or long sleeve.

Shire issued shirts becoming unserviceable and exceeding their life expectancy will be replaced on a "fair wear and tear basis". The minimum life expectancy for shire issued shirts is 12 months.

Shoes must be always worn. Footwear should be neat, tidy, and appropriate to the work environment. For example, if an employee is working in an environment where they are lifting or moving items, they must wear closed in shoes. Joggers or trainers are acceptable footwear for non-public contact areas or areas where the nature of employment involves excessive physical work or hours of standing. From a health and safety perspective, thongs and scuffs are not acceptable footwear under any circumstances.

It is compulsory for employees to wear personal protective equipment, clothing, and safety footwear if they have been issued with it.

Employees are also expected to take pride in their appearance and pay attention to personal grooming.

Examples of general acceptable business attire are:



- Tailored skirt, dress, shorts (knee length or longer) or trousers
- Shire of Cocos shirts

Examples of unacceptable business attire are:

- Torn, frayed or dirty clothing.
- Shorts (unless knee length or longer).
- Beach wear of any sort.
- Short skirts (shorter than knee length).
- Facial and body piercings including multiple ear piercings / jewellery unless for religious purposes or to honour cultural traditions, jewellery that could lead to an injury.
- Thongs and scuffs

No office dress standard can cover all contingencies so employees must exert a certain amount of judgement in their choice of clothing to wear to work.

Where a supervisor or manager considers an employee to be unsuitably dressed for work, he or she may ask the employee not to wear the inappropriate item(s) to work again or ask the employee to leave work and return suitably attired. If the employee persistently wears inappropriate clothing to work, disciplinary action may be taken against the employee.

## DEFINITIONS

Personal Protective Equipment and Clothing and safety footwear – any equipment, clothing and / or footwear issued by the Shire of Cocos (Keeling) Islands for health and safety purposed.

## RELEVANT LEGISLATION/LOCAL LAW

*Occupational Safety and Health Act 1984*  
*Occupational Safety and Health Regulations*

Office Use Only				
Relevant Delegations	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	30/08/2023	Resolution #	10.1.6

## CPFH7 - Recognition of Service and Retirement Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

The objective of this policy is to establish guidelines and set out the circumstances for the consideration of payments to employees in addition to contract or award on cessations of employment in accordance with section 5.50 of the *Local Government Act 1995 (WA) (CKI)*.

### SCOPE

The policy applies to all Shire employees.

### POLICY

#### **Designated senior employees.**

An appropriate farewell / presentation maybe organised for designated senior employees leaving Council, at the discretion of the Shire President and Chief Executive Officer.

#### **All other employees**

Council is supportive of recognising the service of employees whose employment with the Shire is finishing by providing a suitable gift and / or function in accordance with this policy.

Upon resignation / retirement of an employee who is not a senior employee has provided satisfactory service to Council for five years or more, the Chief Executive Officer may authorise a suitable gift to be presented to that employee to the value of \$50 per completed year of service. The following is a guide to the value of the gift:

5 years	\$250
10 years	\$500
15 years	\$750
20 years	\$1000.

In addition, any employee that has provided satisfactory continual service to council for 25 years or more is to be offered an appropriate farewell function.

### DEFINITIONS

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

## RELEVANT LEGISLATION/LOCAL LAW

*s5.50 of the Local Government Act 1995 (WA) (CKI)*

## RELATED DOCUMENTS

*Shire of Cocos (Keeling) Islands Designated Senior Employees Policy (CPA6)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPFH8 - Annual Airfares Entitlement Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

To provide eligible employees with a return annual airfare entitlement from Cocos to Perth. Given the remote & isolated location of the Cocos (Keeling) Islands this policy serves to give employees the opportunity to travel off-island for periods of annual leave. The policy also works towards Council's strategic objective to retain employees and promote the Shire of Cocos (Keeling) islands as an employer of choice.

### SCOPE

This policy applies to all 'eligible employees' as defined below.

### POLICY

The Shire of Cocos (Keeling) Islands will provide all eligible employees with an annual return 'flexi fare' airfare from the Cocos Islands to Perth. Alternatively, Employees can book their own return travel to Perth or the location in which they lived prior to their employment with the Shire and have the value of the return 'flexi fare' flight to Perth paid to them. This reimbursement payment can be spent on accommodation, meals, or transportation. If the employee has booked his/her own flight, he/she must provide the Shire with a signed Remote Area Holiday Transport Declaration. In all cases, the airfare must be used for an annual leave period of 3 days or more. For any eligible part time employee, this entitlement will be on a pro-rata basis.

Eligible employees will become entitled to an annual airfare entitlement after 12 months of continuous service and on their anniversary date for each 12-month period thereafter. The day & month of the eligible employee's commencement becomes their anniversary date. Eligible employees who were already employed with the Shire when this policy was first implemented in July 2011 will have an anniversary date every year of 1 July.

An eligible employee may accrue no more than two years annual airfares. Any entitlement will expire if unused for more than two years. An eligible employee may at the discretion of the Chief Executive Officer choose to allow their spouse or child to travel by using an entitlement of one fare to Perth and back or visa versa.

### DEFINITIONS

Eligible employee – a person engaged by the Shire on a permanent basis, either part time or full time who have a minimum of 12 months continuous service with the Shire. Contract employees are not considered eligible employees as provisions for annual airfare entitlements are included in their individual employment contracts.

Fringe Benefits Tax Assessment Act 1986 Section 60A(5) Allowance to Employee's Spouse or Child:

- (a) a remote holiday transport fringe benefit in relation to an employee consists of the provisions of an allowance to the spouse or a child of the employee.

Flexi Fare – A flexi fare is a K class airfare with Virgin Australia.

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	27/4/2016	Resolution #	10.1/F3
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPFH9 - Ferry Travel Allowance Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

To provide an allowance for Shire employees who are required to travel by ferry to work on an island that is not the island on which they normally reside.

### SCOPE

This policy applies to Shire employees who are required to travel to and/or from work by ferry as they normally live on an island other than the island on which they are required to work. Where an employee's individual employment contracts address the issue of work-related inter-island ferry travel, the employee will be excluded from this policy.

### POLICY

This allowance is only paid to an employee who is required to travel across the lagoon from their normal place of residence to report to a designated worksite. When an employee travels during normal work hours no allowance can be claimed.

The allowance will be a ½ hour normal pay for each one-way trip.

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	unknown	Resolution #	unknown
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	8/11/2017	Resolution #	1117/09
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPFH10 - Fitness for Work Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To facilitate the provision of a safe, healthy, and productive place of work through the effective management of employee's fitness for work risk.

### SCOPE

The Policy applies to all Employees at the Shire.

### POLICY

The Shire of Cocos (Keeling) Islands is committed to providing a safe and healthy place of work for its employees and others in the workplace. This commitment extends to the Shire's obligation as an employer under the Occupational Safety and Health Act 1984.

The Shire and its employees have a responsibility for the provision of a safe, healthy, cost effective and productive workplace. This means that everyone has a responsibility to maintain personal "fitness for work".

Shire employees are required to attend work in a good physical and mental condition, so duties are performed in a safe, efficient, and productive manner. Employees should be aware that many factors may affect fitness for work, and these can often interact with each other.

These may include:

- General health and fitness
- Secondary employment or volunteer activities
- Recreational activities and sport
- Medications
- Insufficient sleep / fatigue
- Excessive work hours / demands
- Injury or illness (work or non-work related)
- Consumption of alcohol or other drugs

An employee who attends work in an unfit manner is operating outside the Shire's Policy and may be subject to counselling and / or disciplinary action, depending on the degree of awareness and the severity of the risk to safety.

The Shire reserves the right to direct and employee, who it believes is unable to safely perform their duties due to some form of impairment to attend a medical practitioner of the Shire's choice prior to continuation of duties.

## DEFINITIONS

Employee – means an employee of the Shire

Shire – means the Shire of Cocos (Keeling) Islands

## RELEVANT LEGISLATION/LOCAL LAW

*Occupational Safety and Health act 1984*

*Occupational Safety and Health Regulations 1996.*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	Date	22/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6



## CPFH11 - Internet and Email Usage Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

To provide a framework for appropriate access to and use of the internet and email systems.

### SCOPE

The Internet and Email usage policy applies to the accessing of the internet and email systems by all employees in the performance of their work, specifically this includes:

- Internal and external email traffic
- Internet access
- Network access

### POLICY

The Shire of Cocos (Keeling) islands is committed to providing its staff with appropriate corporate applications and business tools, including access to internet and email systems, provided that:

- Employees use the internet responsibly and productively. Internet access is limited to job related activities only and personal use is not permitted. Job related activities could include research and educational tasks that may be found via the internet that would help in an employee's role.
- All internet data that is composed, transmitted and / or received by the Shire of Cocos (Keeling) Islands computer system is considered to belong to the Shire of Cocos (Keeling) Islands and is recognized as part of its official data. It is therefore subject to disclosure for legal reasons or to other third parties.
- The equipment, services and technology used to access the Internet are the property of the Shire of Cocos (Keeling) Islands and reserves the right to monitor Internet traffic and monitor and access data that is composed, sent, or received through its online connections.
- Emails sent via the emails system should not contain content that is deemed to be offensive. This includes, though is not restricted to, the use of vulgar or harassing language / images.
- All sites' downloads may be monitored and / or blocked by the Shire of Cocos (Keeling) Island's if they are deemed to be harmful and / or not productive to business.
- The installation of software such as instant messaging technology is strictly prohibited.
- Unacceptable use of the internet by employees includes, but is not limited to:
  - a) Access to sites that contain obscene, hateful, pornographic, unlawful, violent, or otherwise illegal material.
  - b) Sending or posting discriminatory, harassing, or threatening messages or images on the internet or via the Shire of Cocos (Keeling) Islands email service.

- c) Using computers to perpetrate any form of fraud, and / or software, film, or music piracy.
- d) Stealing, using, or disclosing someone else's password without authorization.
- e) Downloading, copying, or pirating software and electronic files that are copyrighted or without authorization.
- f) Sharing confidential material, trade secrets, or proprietary information outside of the organisation.
- g) Hacking into unauthorised websites.
- h) Sending or positing information that is defamatory to the Shire, its products/ services, colleagues and / or customers.
- i) Introducing malicious software onto the shire's network and / or jeopardizing the security of the Shire's electronics communication systems.
- j) Sending or positing chain letters, solicitations, or advertisements not related to business purposes or activities.
- k) Passing off personal views as representing those of the Shire of Cocos (Keeling) Islands.

Employees should not use personal electronic devices to access the Shire's internet network or any other internet networks during working hours without the prior approval of a senior staff member.

If an employee is unsure about what constitutes acceptable internet usage, then he / she should ask his / her supervisory for further guidance and clarifications.

Violations of this policy could result in disciplinary and / or legal action leading up to and including terminations of employment. Employees may also be held personally liable for damages caused by any violations in relation to their conduct. All employees are required to acknowledge receipt and confirm that they have understood and agreed to abide by this policy.

Office Use Only				
Relevant Delegations	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	30/08/2023	Resolution #	10.1.6

## CPFH12 - Shire Employees Undertaking Secondary Employment Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To outline the Shire's position in relation to staff who seek to undertake secondary employment.

### SCOPE

The Policy Applies to all employees of the Shire.

### POLICY

The Shire of Cocos (Keeling) Islands recognises the right of individual employees to pursue activities outside of normal work time, including secondary employment, and wishes to support its members in their every endeavour.

However, the Shire also acknowledges that there are risks to the organisation where its employees are undertaking secondary employment. These include the potential for conflict where the secondary employer is applying for an approval from the Shire or providing goods or services to the shire and conflict with Occupational Health and Safety requirements, particularly through fatigue.

Shire employees, who wish to commence secondary employment, whether paid or unpaid, require the prior written approval of the Chief Executive Officer.

Employees undertaking secondary employment must:

- Always ensure that there is no actual (or perceived) conflict or incompatibility between their personal interest and the impartial fulfilment of their professional duties.
- Be available for their regular and or/rostered hours with the Shire.
- Be fit for work and able to perform all the duties of their position with the Shire.
- Ensure that Shire service delivery is not adversely affected by their secondary employment.

Employees must not:

- Engage in employment with or for any person or body outside of the Shire, where such employment may actually or potentially form part of or relate to the duties or responsibilities that are reasonably expected of their employment with the Shire.
- Engage in secondary employment activities during their Shire workday (including sending or receiving emails or phone calls),
- Use Shire equipment or resources (including human resources) for the purpose of their secondary employment.
- Use, pass on or attempt to benefit from any confidential information obtained through their Shire Employment

- Wear the Shire uniforms in the course of the secondary employment or otherwise state or imply that the secondary employment is connected to or endorsed by the Shire.

## DEFINITIONS

“Secondary employment” is any employment that a person engages in, outside of their position at the Shire of Cocos (Keeling) Islands. This includes working for another employer, running their own business, working in a family business, or working as a consultant, but excludes any voluntary work for a charity / community group or emergency services group, providing there is adherence to all other criteria of this policy.

## RELEVANT LEGISLATION/LOCAL LAW

*Occupational Safety and Health Act 1984*  
*Occupational Safety and Health Regulations*

Office Use Only				
Relevant Delegations	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	30/08/2023	Resolution #	10.1.6

## CPFH13 - Superannuation Contribution Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To enable the Shire to be an employer of Choice that offers a range of benefits and entitlements for its employees.

The Shire shall provide superannuation payments to all Employees regardless of their mode of employment.

### SCOPE

The Policy applies to all employees at the Shire (except designation senior employees).

### POLICY

The Shire offers a superannuation contributory scheme to all employees who voluntarily contribute up to 5% of their salary to superannuation. The Shire will match Employee contributions on a percentage-by-percentage basis up to a maximum of 5%.

All employees can contribute to their superannuation via salary sacrifice (pre-tax amount) or salary deduction (post-tax amount) as allowed under any specified salary sacrifice options and the Australian Taxation guidelines.

The superannuation Choice option is available to Employees in accordance with Local Government (Amendment of Part VIA – Employee Superannuation Regulations 2006).

The Shires superannuation default fund is WA super (trading name for the WA Local Government Superannuation Plan).

### DEFINITIONS

Employee – means an employee of the Shire.

Shire – means the Shire of Cocos (Keeling) Islands

### RELEVANT LEGISLATION/LOCAL LAW

Local Government Act 1995

Local Government (Amendment of Part VIA – Employee Superannuation) Regulation 2006

Office Use Only				
Relevant Delegations	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	30/08/2023	Resolution #	10.1.6

## CPFH14 - Travel Allowance Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

To guide the allowances provided to Shire representatives to cover out of pocket expenses for meals and incidentals when travelling on local government business.

### SCOPE

This policy applies to any Council Members or Shire employees required to stay overnight in a place other than their normal place of residence while on Shire business.

### POLICY

A meal and incidentals allowance will be paid to employees and Councillors when travelling on local government business and required to stay overnight in a place other than their normal place of residence.

The amount of allowance provided, each for meals and incidentals, will be equivalent to what the Commissioner of Taxation approves as the non taxable rate based on the annual income of the employer or Councillors as per the Public Service Award 1992

Where meals are provided at conferences, workshops, or other events that the employee or Councillor are required to attend on local government business, the Shire will not provide an allowance for that meal if the Councillor or employee should choose to eat elsewhere.

If whilst on Council business the employee or Councillor request alternative arrangements for personal reasons the Travel Allowance is only payable for the days spent attending to approved local government business.

Office Use Only				
Relevant Delegations	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	30/08/2023	Resolution #	10.1.6



## CPFH15 - Recruitment and Selection Policy

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This Policy ensures that the recruitment and selection of employees is transparent, equitable and upholds the values of the organisation and ensures legislative requirements are met whilst utilising methods designed to select the best candidate for the position.

### SCOPE

The Recruitment and Selection Policy applies to all recruitment and selection activities carried out by the Shire for paid positions including:

- Full time, part-time and casual; and
- Contract positions.

### POLICY

The Shire is committed to ensuring recruitment and selection of prospective employees is consistent and compliant with section 5.40 of the Local Government Act 1995 in addition to all other relevant employment legislation.

Effective employee selection and the subsequent management of employees are critical to the success of the Shire's and the provision of services to the community. This success depends on the Shire's ability to identify, attract, retain and develop employees.

The Shire is committed to an effective and professional method of selecting employees that is consistent with organisational values.

The Shire aims to attract and appoint highly skilled and motivated employees who will aim to meet agreed objectives and performance improvement goals. For every recruitment and selection decision, the Chief Executive Officer will aim to ensure the best person for the job is appointed.

#### **Equal Employment Opportunity**

Selection to positions within the Shire is based on the principles of appointment and merit and the provision of equal employment opportunity. The appointment of employees must be made based on the individual capacity of the person having regard to the knowledge, skills, qualifications, experience and potential for future development of that person in their employment.

Selection based on merit means that the grounds for the decision must directly relate to the inherent requirements of the position and prevents those decisions being made on unjustified discriminatory grounds such as:

- Race, colour, national or ethnic origin or nationality.
- Gender, sexual preference, marital status, pregnancy, status as parent or carer.
- Religious or political belief or activity, industrial activity.
- Age, physical features, disability.
- Personal association with any other person (including family, friends, colleagues, or other association).

### **Recruitment Authorisation**

To ensure alignment with the Shire's strategic goals and budget allocations, new positions identified must be authorised by the Chief Executive Officer.

Vacancies created by a resignation are not automatically filled. The supervisor will need to review the position to determine if it is still required and if so, whether any changes are required to ensure the best strategic alignment and most effective use of limited staffing resources. This review must be presented to the Executive Management Team for consideration prior to recruitment progressing.

### **Encouragement to Existing Employees to Apply for Vacancies**

The Shire is committed to fostering the process of developing and promoting existing employees where possible and the Shire will provide every opportunity for employees to advance and develop to their full potential. Internal applicants are encouraged to consider positions where they can meet the selection criteria; however internal applicants will not be given any preferential treatment or consideration in any external recruitment process.

### **Confidentiality**

All enquiries and applications for vacancies from internal and external applicants will be treated with the strictest confidentiality.

### **Conflicts of Interest**

No person shall be appointed, other than by a merit selection process. It is acknowledged that family members of existing employees may apply for vacant positions within the Shire, however family relationships will not have any bearing or carry any weight in the final recruitment decision or outcome.

Where there is any potential conflict of interest between a panellist and a candidate (or a perceived conflict) this must be declared as soon as possible.

Conflict of interests that should be declared include (but not limited to): family relationships, close personal friendships, common business interests/partnerships etc.

The panel will collectively determine if the conflict of interest or the potential for the perception of a conflict of interest is too great for the member to remain on the panel. In this case the panellist will remove themselves from the process. If a consensus cannot be reached by the panel, the CEO will be consulted.

### Recruitment Strategy

The most appropriate strategy for recruitment will be adopted to ensure the timely and effective use of resources and to maximise the successful performance of the role for the Shire. The recruitment methodology (advertising placements, internal applications, external applications etc.), will be determined by a range of elements, including the role, required skills and abilities, cost effectiveness, existing skill base and organisational needs. At the discretion of the Chief Executive Officer, vacant positions may be filled by:

- An internal recruitment process.
- An external recruitment process involving external advertising or the use of a recruitment agency for senior positions; or
- By direct selection.

### Process

**Selection principles** will be based on the current position description that describes the inherent requirements of the position.

**Recruitment panels** should ideally consist of 3 panellists (1 as chairperson) and where practical of mixed gender.

**Recruitment methodology** may include (but not limited to): Interviews, simulations/tests, aptitude or psychometric testing, reference checks, police/WWC clearances, pre-employment medicals etc.

### Translation

In recognition that a significant proportion of Cocos (Keeling) Islands residents speak Cocos Malay, all recruitment advertising will be in both English and Cocos Malay and all shortlisted applicants will be offered translation during an interview except where high standards of written and verbal English are an essential criterion for the position.

### Probationary Period

All new employees may be appointed subject to a probationary period to be determined by the recruitment and selection panel (generally 6 months).

## Definitions

**CEO (Chief Executive Officer)** - A person who holds an appointment under section 194 of the Local Government Act 2009.

**Council** - Shire of Cocos (Keeling) Islands.

**Employee** – person engaged by the Shire on a permanent or casual basis either full or part time, a contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a

labour hire company assigned to work for Council. (In this specific case, the definition excludes volunteers and work experience students).

#### Relevant Legislation/Local Law

*Local Government Act 1995 – Section 5.40*

*Fair Work Act 2009*

*Equal Employment Opportunity Act 1984*

*Age discrimination Act 2004*

*Sex Discrimination Act 1984*

*Racial Discrimination Act 1975*

*Disability Discrimination Act 1992*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	5 December 2018	Resolution #	Date
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPFH16 - Employee Performance and Development Review Policy

RESPONSIBLE OFFICER	Chief Executive Officer
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### OBJECTIVE

This policy is designed to ensure that employee performance and development reviews are conducted in an effective and consistent manner. A successful employee performance development review process will assist the Shire meets it vision, values, and strategic focus by enabling employees to be engaged and motivated.

Performance and development reviews provide a framework for employees to set performance objectives which are meaningful in their current role, contribute to career goals, and align to the Shire's strategic direction.

The Shire recognises that continuing to focus on the career development of its employees is a beneficial strategy in retaining employees and developing each employee's potential.

### SCOPE

This policy applies to all Shire employees except for the Chief Executive Officer and temporary and casual employees that are engaged for less than a year.

### POLICY

#### 1. Commitment

The Shire is committed to conducting performance reviews in a fair and consistent manner. Employees and their line manager will develop a performance plan consisting of performance objectives (related to overall business objectives), performance standards, and a development plan to ensure the employee has the skills and knowledge to meet the specified objectives.

Each employee will be appraised on a bi-annual basis to discuss performance objectives and development plans with their immediate line manager.

The Shire will commit to ensuring that line managers are equipped to undertake the performance and development review process.

#### 2. Performance and development review procedure

##### 2.1 Frequency of employee performance and development reviews

Employee performance and development reviews will be conducted as outlined below, unless special permission to delay the review has been sought from the CEO. Permission will be only granted in certain circumstances such as prolonged higher duties arrangements and periods of leave.

Employee performance and development reviews will be scheduled as follows:

- during induction and on-boarding process – within three months of commencement
- the mid-year review – May each year, and
- the annual review – November each year.

## 2.2 Objective setting and review

New employees, or employees who have changed roles or had significant changes made to their duties and responsibilities, will have their initial performance development, and review discussion and agree to performance objectives within the first three months of their appointment.

This will provide the employee with clarity about the organisational objectives and how their performance can contribute to achieving these objectives.

Performance objectives will provide the Shire with an opportunity to:

- formally set the expectations, requirements, and objectives of the role
- outline the overall business and strategic objectives of the Shire, function, and role
- provide specific role or project aims and milestones, and
- establish a training and development program.

Performance objectives will be developed using the **SMART** model outlined below.

**Specific** – clearly defined and understood by the employee and the line manager.

**Measureable** – able to be measured in terms of progress or achievement, so the employee and line manager can identify to what extent the objective has been achieved at the mid-year and annual reviews.

**Attainable** – the employee and line manager are of the view the performance objective is achievable.

**Relevant** – related to the position description, the employee's role and broader team, and aligned to organisational objectives.

**Time bound** – a timeframe needs to be agreed and documented when setting objectives.

The employee and their line manager must agree to the performance objectives and measures, and identify any training and development required.

## 2.3 Position descriptions

Position descriptions are a key reference when formulating performance objectives. As part of the performance review process the Shire will review the position description to ensure that it accurately reflects the employee's role and responsibilities.

#### 2.4 Mid-year and annual review meetings

Employee performance and development reviews will be conducted in a confidential manner. Employees will be given at least a week's notice of the performance review meeting so they can prepare accordingly. The meeting will be conducted with the employee and their line manager.

The performance and development review will be recorded on the **Employee Performance and Development Review Form**. A record of the review will be placed on the employee's personnel file.

#### 2.5 The mid-year review:

The purpose of the mid-year review meeting is to:

- Allow the employee and line manager to formally come together and discuss the employee's progress against the agreed objectives
- Allow the employee and line manager to comment on and discuss the expected behaviours
- Review training and development needs and strategies

#### 2.6 The annual review:

The purpose of the annual review meeting is to:

- Allow the employee and the line manager to agree on the final assessment of the employee during the full review period, which is usually twelve months
- Ensure the line manager formally tasks the employee for the next review period, and to set up training and development needs and strategies
- Encourage the employee to provide constructive feedback to their line manager in relation to their leadership, support, and guidance

The final assessment is based on:

- the extent to which performance objectives have been met (taking into account management of any obstacles), and
- a judgment of the expected behaviours being demonstrated.

#### 2.7 Informal feedback meetings

During the 12-month review period, regular informal discussions and two-way communication must take place. Quality conversations will include:

- sharing feedback and observations
- identifying how to overcome obstacles which may be preventing the achievement of performance objectives within the timeframe and/or budget allocated
- clarifying performance expectations where there are gaps, and
- discussing professional development or career opportunities.

Having regular discussions ensures there are no surprises for either the employee or the line manager during the formal annual review meeting.



### **3. Training and development**

The Shire commits to providing training and development in line with the requirements of the role, budgetary limitations, and operational needs of the organisation for effective strategic planning. Where training and development opportunities are identified as part of the employee performance and development review process this should be provided to the line manager for review and action.

### **4. Organisational values and behaviours**

The Shire will ensure the employee performance and development review measures the employee's ability to demonstrate and adhere to organisational values as outlined in the strategic plan. The review will also measure the employee's behaviour in line with the Shire's values, policies and expected standards of behaviour.

### **5. Responsibilities**

#### **5.1 Responsibilities of employees**

Employees must actively participate in the performance objective setting process, performance, and development review meetings, and working towards the objectives set through the review process.

#### **5.2 Responsibilities of line managers**

Line managers must schedule and conduct the employee performance and development review meeting in line with the timeframes set out in this policy and to give honest and constructive feedback on an ongoing basis. To assign objectives effectively, the line manager must:

- ensure the objectives are within the employee's capacity
- discuss objectives with the employee before finalising, and
- provide context for the employee's objectives i.e., to give an overview of the big picture.

### **6. Underperformance**

Where unsatisfactory performance is identified by the Shire, this will be dealt with by individual mentoring and support. Sustained and/or serious underperformance may lead to disciplinary action and/or termination of employment

### **7. Variation to this policy**

This policy may be cancelled or varied from time to time. The Shire's employees will be notified of any variation to this policy by the normal correspondence method.

#### **Definitions**

**CEO (Chief Executive Officer)** - A person who holds an appointment under section 194 of the Local Government Act 2009.

**Line Managers** - Community Development Coordinator, Governance Risk & Planning Coordinator, Finance & Corporate Services Manager, Infrastructure Manager, Infrastructure Coordinator.



## Relevant Legislation/Local Law

Local Government Act (WA) (CKI) 1995

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	30/08/2023	Resolution #	10.1.6
Reviewed/Modified	Date		Resolution #	

## CPFH17 - Rating Policy

RESPONSIBLE OFFICER

Manager Finance and Corporate Services

### OBJECTIVE

The objective of this policy is to provide an administrative framework to outline the principles and methodology used in respect to rates raised and waived under the *Local Government Act 1995 (WA) (CKI)*.

In setting rates, Council considers the long-term vision for the Shire, financial sustainability and the likely impacts on the community.

### SCOPE

This policy applies to all land within the Shire of Cocos (Keeling) Islands.

### POLICY

Rates are calculated on property values determined independently by the Valuer General.

Council determines the amount of revenue required from rate collection each year to meet its financial, operations and statutory responsibilities for the coming financial year.

Rates and associated charges (including instalment arrangements and interest charges) are disclosed in the Annual Budget as resolved by Council and prescribed by the *Local Government Act 1995 (WA) (CKI)*.

#### Differential General Rating

Differential rating allows a local government to rate on the basis of land use, zoning or a combination of both. The rate is expressed as a rate per dollar of the valuation.

#### Minimum General Rating

The minimum amount payable of a general rate or differential rate is determined by Council, irrespective of the valuation. This classification is to ensure all ratepayers make a minimum contribution for all non-exclusive services.

#### Interim Rates

Interim valuations shall only be applied where additional levies of at least \$20.00 result in the year in which the new valuation takes effect. Where additional levies of less than \$20.00 apply, the interim valuation is to be applied from 1 July in the next financial year.

### **Rating of Council Facility Leases**

All Council lease agreements shall be subject to the application of municipal rates as per the conditions included within the lease agreement.

### **Rates Concessions (Rateable Land)**

A concession under this policy will be assessed in accordance with section 6.47 of the *Local Government Act 1995* and the *Rates and Charges (Rebates and Deferments) Act 1992*.

Eligibility for pensioner and senior concessions will be assessed by the Water Corporation. Once the Shire has been notified of a ratepayers eligibility, the concession will be applied to the relevant rates notices. A concession will be forfeited if rates are not paid in full by 30 June in each rateable year.

It is the responsibility of the Ratepayer to notify the Water Corporation of any changes in circumstance that may affect eligibility.

### **Rates Exemption (Non Rateable Land)**

Any exemption under this policy will be assessed in accordance with section 6.26 of the *Local Government Act 1995 (WA) (CKI)*.

Non rated land will be determined based on law, by way of Act or Agreement or by Council (by way of application).

All applications for exemption under s6.26 of the *Local Government Act 1995 (WA) (CKI)*, must be in writing on the prescribed form and contain a declaration as to the accuracy of the information contained therein.

Applications for exemption should be received by Council no later than 31 March each year prior to the Rates Notice being issued the following financial year. This ensures any potential exemptions can be assessed prior to finalising the Council budget.

Applications submitted after the due date may still be reviewed and adopted by Council.

It is the responsibility of the Ratepayer to notify Council of any changes in eligibility related to land use.

Refer to the Shire Rates Exemptions Policy for further guidance on how Council will determine eligibility for an exemption. Council will determine its own definition of 'Public Purpose' and what is of benefit to the community for the purpose of the Rates Exemption policy.

Council's software systems must indicate on its rate records if a property has non rateable status and a register should be maintained. The rate record should indicate which section of 6.26 that it applies to and the date it was applied. The register should explain what the land use is and how it applies to the particular section of 6.26, the date it was applied by Council, the next scheduled review date that is required.

Reviews of non-rateable land will be conducted annually, biannually or triennially. No more than 3 years should pass without a review being conducted as the circumstances of the land use may change and Council may be incorrectly providing a non rateable status. Consideration needs to be given to the review period when assessing an application. If it is likely that circumstances may change within a year (i.e. a lease expiry), the review should be conducted annually.

### **Back Rating of Properties**

Where a property settlement has occurred and the vendor and purchaser are not aware that a valuation adjustment is pending (advice has not been given to the Agent or the owner that a revaluation/interim rate is pending), back rates raised shall only be backdated to the date of settlement, thus not effecting the previous owners.

Those ratepayers subjected to back rates of more than two financial years are to be given the option to pay by instalments over an extended period, other than the standard instalment option.

The fee for instalments would not apply in this instance however penalty interest would be calculated on any alternative instalment payments that remains unpaid after the due date as per the agreement made with Council and continue to accrue until such time as the instalment is paid.

### **Payment of Rates**

The Shire levies rates once a year and issues an annual rates notice to all ratepayers. Rates are levied as early as possible in each financial year and are typically due for payment in the following months each year if instalment options are chosen:

- August
- November
- January
- March

In the event that rates are levied earlier or later, due dates for payment shall be set in accordance with section 6.50 of the *Local Government Act 1995 (WA) (CKI)*.

The CEO, under Delegated Authority 2.1.14 *Recovery of Rates or Service Charges*, and in accordance with s6.56 (1) of the *Local government Act 1995*, may recover rates, as well as costs of proceedings for the recovery, in a court of competent jurisdiction. Council is to be notified of the commencement of any legal action to recover rates or charges.

### **Objection Rights**

#### **Objection and Review Process**

A person (or organisation) can object to land being classed by the local government as rateable under s. 6.76(1)(a)(ii).

- The person making the objection has to be the person named in the rate book as the owner of the land or the agent or attorney of that person (s. 6.76(3)).

- This objection must be made in writing within 42 days of the service of the rate notice and must identify the land and set out fully the grounds for objection (s. 6.76(2)). The person can apply to the local government for an extension of the 42 day objection period under s. 6.76(4).
- The local government can allow (fully or in part) or disallow the objection and must notify the applicant.
- After service of this notice, if the applicant is dissatisfied with the decision they can apply to the State Administrative Tribunal within 42 days for a review under s.6.77. The Tribunal may allow an extended period for application if reasonable cause is shown.

Pursuant to section 32 of the *Valuation of Land Act 1978*, a person may object to the valuation on which their rates assessment was based. An objection to the valuation of land is to be directed to the Valuer-General at Landgate and is to be made in writing within 60 days of service of the rates notice under section 6.41.

#### DEFINITIONS

Water Corporation means the Water Corporation established by the *Water Corporations Act 1995* section 4(1);

Rateable year: means a period commencing 1 July and ending on the next following 30 June.

#### RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995 (WA) (CKI)* - Sections 6.26, 6.47, 6.48

*Rates and Charges (Rebates and Deferments) Act 1992*

*Local Government (Financial Management) Regulations 1996* – Regulations Part 5 - 69A

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

*Valuation of Land Act 1978*

#### RELATED DOCUMENTS

Shire of Cocos (Keeling) Islands – Application for Rates Exemption

Shire of Cocos (Keeling) Islands – Objection to Differential Rating Classification

Shire of Cocos (Keeling) Islands – Rates Exemption Policy

#### OFFICE USE ONLY

Relevant Delegations	Nil			
Council Adoption	Date	13/12/2023	Resolution #	10.1.4
Reviewed/Modified	Date		Resolution #	

## CPFH18 - Rating Exemptions Policy

RESPONSIBLE OFFICER

Manager Finance and Corporate Services

### OBJECTIVE

The objective of this policy is to provide guidance for assessing an application requesting an exemption from rates under s6.26 of the *Local Government Act 1995 (WA) (CKI)*. (The Act)

### SCOPE

This policy applies to all land within the Shire of Cocos (Keeling) Islands.

### POLICY

In accordance with the Shire Rating Policy, a claimant is required to evidence their right to an exemption under section s6.26 of the *Local Government Act 1995 (WA) (CKI)* by providing information upon which the Shire can make an objective assessment as to their eligibility.

#### Eligibility for Exemption

When assessing an applicants eligibility for an exemption, the points relevant to the Shire of Cocos (Keeling) Islands within s6.26 of the *Local Government Act 1995 (WA) (CKI)* are highlighted in yellow below.

In accordance with s6.26 of the *Local Government Act 1995 (WA) (CKI)*, all land within a district is rateable land except:

- (a) land which is the property of the Crown and —
  - (i) is being used or held for a public purpose; or
  - (ii) is unoccupied, except —
    - (I) where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 ha or a Miscellaneous licence held under that Act; or
    - (II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;
- (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and

(e) land used exclusively by a religious body as a school for the religious instruction of children; and

(f) land used exclusively as a non-government school within the meaning of the *School Education Act 1999*; and

(g) land used exclusively for charitable purposes; and

(h) land vested in trustees for agricultural or horticultural show purposes; and

(i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the *Financial Management Act 2006*) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and

(j) land which is exempt from rates under any other written law; and

(k) land which is declared by the Minister to be exempt from rates.

The focus of the above exemptions is upon the use of the land in question. The below section outlines the relevant points to be considered when assessing an application for exemption.

#### S6.26 (a) – Crown Land used for a public purpose

In the first instance, for Commonwealth owned land to be considered exempt, it must be titled as Crown Land (not a freehold title). Where a government department purchases land in a certificate of title the land is not automatically revested as Crown land and (subject to the legislation controlling the Department) the Department has all the rights and obligations of every land owner.

For land that is considered Crown Land under the *Land Administration Act 1997*, the land must also be considered as held for public purpose in order to qualify for an exemption.

Whilst there is no legal definition of ‘public purpose’, some guidance and relevant case law is provided in the ‘Rates and Charitable Land Use Exemption Applications, Best Practice guideline’ issued by WALGA in November 2021.

Council will take into consideration the following points when considering whether land is held for public purpose:



- Ability to demonstrate the use of the land was for a public benefit
- Accessibility of the land / service to a sufficient segment of the community
- Exclusive use of land for a public / charitable purpose
- Private residences / accommodation will not be considered as 'use for public purpose' when considering exemption eligibility.

S6.26 (d) – Land used or held exclusively by a religious body as a place of public worship

For the purposes of the Shire of Cocos (Keeling) Islands this includes the Mosque sites on both Home Island and West Island. No other places of worship are currently identified.

S6.26 (g) – Land used exclusively for charitable purposes

In the case of a charitable land use application, Section 6.26(2)(g) of the Act does not establish an '*as of right*' entitlement to a rate exemption on the basis of a claimant organisation's structure, purpose, objectives or the apparent land use.

Rates exemptions will only be provided to not for profit community groups or associations that operate as a body corporate or an Incorporated Association. Exemptions will not be provided to an individual.

Whilst there is no legal definition of 'charitable purpose', some guidance and relevant case law is provided in the 'Rates and Charitable Land Use Exemption Applications, Best Practice guideline' issued by WALGA in November 2021.

Council will take into consideration the following points when considering whether land is held for a charitable purpose:

- Ability to demonstrate the use of the land was for a public benefit
- Accessibility of the land / service to a sufficient segment of the community
- Exclusive use of land for a charitable purpose
- Any fundraising is locally based and is not of a commercial nature
- Volunteer based service provision

Exemptions will not apply to not for profit organisations for

- Residential properties not used in the primary services delivery of the community group or associations activities or services will not be eligible for a concession.
- Vacant land

S6.26 (j) – exempt from rates under any other written law

Certain land may be exempt from rates under other WA or Commonwealth legislation.

Other written law relative to land on Cocos (Keeling) Islands include:

*Water Corporation Act 1995* – section 7: "No local government rate or charge is to be imposed or levied on any land vested in, or under the management and control of, the corporate that is used or reserved exclusively for the purpose of providing works, undertakings or facilities necessary to the performance of the functions of the corporation".



S6.26 (k) – declared by the Minister to be exempt from rates

The Minister may from time to time, under subsection (2)(k) of the Act, declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.

Notice of any declaration made under subsection (4) is to be published in the Gazette.

If Ministerial approval is granted, the Council must apply a non-rateable status for that property, to the extent of the decision.

### **Application Process**

Council is only able to grant an exemption from rates under section 6.26 of the Act.

A claimant is required to evidence their right to an exemption by providing information upon which the Local Government can make an objective assessment as to their eligibility.

Council may request additional information from an organisation making an application if it considers it necessary to do so. Information requested is not limited to, but typically include copies of the Constitution of the Organisation, recent financial statements of the organisation and information demonstrating precisely how land subject to the application is used.

A rate exemption claimant ('the applicant') must apply in writing in a form approved by Council, and provide any supporting documentation according to the checklist on the form. General rules for application may include the following considerations:

1. An objection should be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.
2. If the applicant is applying for more than one property, a separate application must be completed for each property. This supports the principle that it is 'land use', not the claimant that is being assessed.
3. Check Section 6.26 of the Local Government Act to see what subsection applies to the application received.
4. If any information has not been provided or is unclear, the applicant is required to provide the additional information before the application can be assessed.
5. If the applicant is recorded as the owner of the property on the rate record, confirm the ownership details on the title via Landgate's website.
6. If the property is leased, ensure a copy of the lease has been provided with the application and check whether the lessee is responsible for payment of the rates in the terms of the lease. If necessary, a site check may be conducted to confirm the use of the property.

7. Check with Governance department of Council to ensure property use aligns and complies with any relevant development / land use approval.

8. Care should be taken not to focus too greatly on the fact that commercial activity is associated with the land use. The basis for an exemption is in regard to the activity that is taking place on the land not the status of the applicant. The fact that a not for profit is conducting an activity on the land is not the singular determining factor in the non-rateable status. The legislation states that it is the 'land use' that qualifies eligibility on a property and as such an application must be considered on that basis.

### **Making a Determination**

Once the application is returned and regarded as complete, consideration is then given to determining whether non-rateable status applies, or is to be declined.

- Council may delegate authority for a rate exemption application to be determined by the CEO; or
- where no such delegation exists, applications are to be referred to Council together with an Officer Recommendation to either approve or decline the request.

If the property has been used for the exemption purpose as of 1 July of a financial year, the non-rateable status may be applied from that date regardless of when the application for exemption was made. In the instance where there has been a change of use of the land during a financial year an exemption can only be approved to take effect from the date of the change of use.

If the application is refused, the applicant will need to be notified in writing of the decision and the action to be noted on the rate record for that property.

Where the application is refused, the applicant may object under s. 6.76 of the Local Government Act 1995 to the rate record of the local government in question, on the basis that the land or part of the land was not rateable land. Further, the applicant has the right to appeal a decision made under s. 6.76 to the State Administrative Tribunal (SAT).

If the application is approved, the applicant is to be notified in writing, with the correspondence including details of the date the exemption is to apply from, the section of the Act applicable to the exemption, the review period (3 years) and the amount of rates reversed. With regards to the review period consideration must be given to the likelihood of the land use circumstances changing within a year, two years or three years.

The Shire rate record will be updated to reflect the new non-rateable status of the subject land, with a notation of the amount of rates foregone.

Landgate Valuation Services will be notified of any rates exemptions that are approved or no longer applicable. Landgate will remove the property from Roll 1 and place them onto Roll 2 when an exemption is approved and vice versa when an exemption is no longer applicable. This is required so Landgate's records are accurate and Council will not be charged for valuations that are not required. The Shire rates officer will send the notification to Landgate.

## DEFINITIONS

**Crown Land:** all land in Western Australia for which there is no certificate of title under the TLA or a memorial or grant registered under the *Registration of Deeds Act 1832*. Where a government department purchases land in a certificate of title the land is not automatically vested as Crown land and (subject to the legislation controlling the Department) the Department has all the rights and obligations of every land owner.

**as of right:** (law) By virtue of an entitlement or authority which arises from certain legal conditions or circumstances; by operation of law

## 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)*

*Valuation of Land Act 1978*

*Land Administration Act 1997*

## RELATED DOCUMENTS

Shire of Cocos (Keeling) Islands – Application for Rates Concession

Shire of Cocos (Keeling) Islands – Application for Rates Exemption

Shire of Cocos (Keeling) Islands – Objection to Differential Rating Classification

Shire of Cocos (Keeling) Islands – Rating Policy

WALGA – Nov 2021 - Rates and Charitable Land Use Exemption Applications, Best Practice guideline

[CRW-01 Crown Land - General | Landgate](#)

Office Use Only				
Relevant Delegations				
Council Adoption	Date	13/12/2023	Resolution #	10.1.4
Reviewed/Modified	Date		Resolution #	

## CPG1 - Communications and Social Media Policy

RESPONSIBLE OFFICER

Manager Governance Risk & Planning

### OBJECTIVE

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

### SCOPE

This policy applies to:

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

### POLICY

The purposes of the Shire's official communications include:

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

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

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

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

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

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

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

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

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

### **Social media**

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

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

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

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

## **Notices**

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

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

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

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

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

## **Meetings and public events**

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

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

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

## **Record keeping**

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

## **Personal communications**

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



### Statements on Shire matters

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

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

### Breaches of policy

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

## DEFINITIONS

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

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

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

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

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

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

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

#### RELEVANT LEGISLATION/LOCAL LAW

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

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

#### RELATED DOCUMENTS

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

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	23/01/2019	Resolution #	10.4.2
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6



## CPG2 - New Councillor Training and Continuing Professional Development Policy

RESPONSIBLE OFFICER

Manager Governance Risk & Planning

### OBJECTIVE

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

### SCOPE

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

### POLICY

#### ELECTED MEMBER INDUCTION

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

#### PRESCRIBED TRAINING

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

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

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

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

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

## **CONTINUING PROFESSIONAL DEVELOPMENT**

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

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

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

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

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

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

## **EXPENSES**

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

### **Travel**

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

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

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

### **Registration**

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

### **Accommodation**

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

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

### **Meals and Incidental Expenses**

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

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

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

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

### **Transport**

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

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

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

### **ACCOMPANYING PERSONS/ENTERTAINMENT COSTS**

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

### **ACQUITTAL OF EXPENSES**

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

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

### **REPORTING**

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

## **DEFINITIONS**

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

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

## **RELEVANT LEGISLATION/LOCAL LAW**

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

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

### CPG3 - Use of Council Chambers Policy

RESPONSIBLE OFFICER

Manager Governance Risk & Planning

#### OBJECTIVE

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

#### SCOPE

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

#### POLICY

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

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

#### DEFINITIONS

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

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	<b>Date</b>	unknown	Resolution #	unknown
Reviewed/Modified	<b>Date</b>	26/3/2014	Resolution #	41/2014
Reviewed/Modified	<b>Date</b>	30/8/2017	Resolution #	3008/05
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	<b>Date</b>	30/08/2023	Resolution #	10.1.6



## CPG4 - e-Meetings During States of Emergency Policy

RESPONSIBLE OFFICER

Manager Governance Risk & Planning

### OBJECTIVE

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

### SCOPE

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

### POLICY

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

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

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

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

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

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

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

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

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

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

#### e-Meeting protocols:

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

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

## DEFINITIONS

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

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

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

Deputation – any person or group wishing to be received as a deputation as per Cl5.9 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 Cl5.11 of the *Shire of Cocos (Keeling) Islands Meeting Procedures Local Law 2019*.

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

## RELEVANT LEGISLATION/LOCAL LAW

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

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

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	24 June 2020	Resolution #	10.4.2
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPG5 - Attendance at Events Policy

### RESPONSIBLE OFFICER

Manager Governance Risk & Planning

### OBJECTIVE

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

### SCOPE

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

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

### POLICY

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

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

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

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

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

### **Approval of attendance**

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

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

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

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

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

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

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

## **DEFINITIONS**

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

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

## RELEVANT LEGISLATION/LOCAL LAW

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

## RELATED DOCUMENTS

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

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

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	<b>Date</b>	26/08/2020	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	<b>Date</b>	30/08/2023	Resolution #	10.1.6

## CPG6 - Importation of Poultry and other Species of Birds Policy

RESPONSIBLE OFFICER

Manager Governance Risk & Planning

### OBJECTIVE

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

### SCOPE

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

### POLICY

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

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

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	Unknown	Resolution #	Unknown
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6



## CPG7 - Prevention of Cats and Dogs Being Imported Policy

RESPONSIBLE OFFICER

Manager Governance Risk & Planning

### OBJECTIVE

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

### SCOPE

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

### POLICY

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

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

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	Unknown	Resolution #	Unknown
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPG8 - Shipping and/or Sea Containers Policy

RESPONSIBLE OFFICER

Manager Governance Risk & Planning

### OBJECTIVE

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

### SCOPE

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

### POLICY

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

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

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

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

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

Containers shall be adequately tied down during cyclone season.

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

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

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

### **Residential**

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

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

### **General Rural**

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

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

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

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

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

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

#### RELEVANT LEGISLATION/LOCAL LAW

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	Unknown	Resolution #	Unknown
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	24/06/2019	Resolution #	10.4.6
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPG9 - Occupational Safety and Health Policy

RESPONSIBLE OFFICER	Manager Governance Risk & Planning
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### OBJECTIVE

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

### SCOPE

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

### POLICY

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

#### 1. Objectives

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

#### 2. Responsibilities

##### 2.1 Councillors

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

##### 2.2 CEO

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

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

### 2.3 Managers and Supervisors

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

### 2.4 Employees, Contractors, and Volunteers

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

## DEFINITIONS

Shire – Shire of Cocos (Keeling) Islands

OSH – Occupational Safety and Health

## RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995*

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

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

Office Use Only				
Relevant Delegations				
Council Adoption	Date	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	Date	9/11/2017	Resolution #	1117/09
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6



## CPG10 - Personal Protective Equipment and Clothing Policy

RESPONSIBLE OFFICER

Manager Governance Risk & Planning

### OBJECTIVE

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

### SCOPE

This policy applies to all permanent Shire employees.

### POLICY

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

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

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

Eligible permanent employees will be issued as a maximum:

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

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

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

### **Replacement Periods**

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

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

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

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

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

### **Responsibilities**

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

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

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

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

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

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

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

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

RELEVANT Legislation/Local Law

*Occupations Safety and Health Act 1984*

*Occupations Safety and Health Regulations 1996*

Office Use Only				
Relevant Delegations				
Council Adoption	Date	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPG11 - Building Heights Policy

RESPONSIBLE OFFICER

Manager Governance Risk & Planning

### OBJECTIVE

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

### GUIDELINES

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

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

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

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

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

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

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

## POLICY

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

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

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

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

## RELEVANT LEGISLATION/LOCAL LAW

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

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

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	30/3/2011	Resolution #	35/2011
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPG12 – Caretaker’s Dwelling Policy

RESPONSIBLE OFFICER

Manager Governance Risk & Planning

### OBJECTIVE

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

### SCOPE

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

### POLICY

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

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

A Caretaker’s Dwelling shall comply with the following:

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

improve or enhance the business's contribution to economic growth and development.

- (v) The Caretaker's Dwelling may only be occupied by the owner/operator. For periods of leave of six months or less the owner/operator must seek approval from the Shire's Chief Executive Officer for an authorised person in charge of the business to occupy the site to ensure the business is maintained and continues to operate. For periods of leave exceeding six months, the owner/operator must seek approval from the Council for an authorised person in charge of the business to occupy the site to ensure the business is maintained and continues to operate.
- (vi) At no time should the owner derive an income from the Caretaker's Dwelling.
- (vii) Caravans or mobile homes are not acceptable as temporary or permanent Caretaker's Dwellings.
- (viii) The total habitable floor area of the Caretaker's Dwelling, measured from the external face of walls, shall be limited to a maximum plot ratio area of 100 square metres of habitable space as defined in the Residential Design Codes (R-Codes).
- (ix) Incidental residential development such as carports, open verandas and the like will be permitted on the basis that the total area of the lot set aside for residential purposes (including the Caretaker's Dwelling, gardens, outbuildings, and the like) does not exceed an area of 200 square metres.
- (x) A Caretaker's Dwelling will only be considered on lots that have a site area of 2000 square metres or more.
- (xi) Caretaker's Dwellings are limited to one Caretaker's Dwelling per lot or total lease area and are not permitted on lots within a strata scheme.
- (xii) The applicant must submit plans and specifications for Development Approval and Building Approval for of the proposed development for Council's approval.
- (xiii) The Caretaker's Dwelling is to be connected to mains water, sewerage, and power. Options for alternate services will be considered by Council where services are remote from the site, and it is economically unfeasible to connect. The application is to provide detail information of alternate environmentally sustainable systems to provide sufficient power, water supply and wastewater treatment such as composting, or low water use toilets, and approved grey water reuse system.
- (xiv) The applicant is to provide evidence of capacity for accessing water supply sufficient for consumption and firefighting via a combination of:
  - a. a minimum rainwater storage capacity of 10,000 litres (90,000 litres where not connected to mains water) with the appropriate roof plumbing system to ensure that roof runoff capture is maximised; and/or
  - b. approved de-salination equipment; and/or
  - c. Alternative/s that will assure Council that there is sufficient water supply for consumption and firefighting.
- (xv) Where a property is within a Special Control Area – Water Lens, the applicant is to demonstrate the following objectives are met.  
*Shire of Cocos (Keeling) Islands Local Planning Scheme 1* clause 5.1.3 the objectives of the Special Control Area are:



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

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

- (i) Justification for the proposed caretakers dwelling detailing the need for a caretaker/s and how this is associated with the business.
- (ii) Building plan showing footprint of proposed dwelling i.e., square meters, number of bathrooms, toilets, kitchens, laundry and bedrooms, outbuildings and associated setbacks, and paved surfaces including driveways, car parks, garages, verandas, and alfresco areas.
- (iii) A site plan showing the features of the site including remnant vegetation cover, existing and proposed development areas including existing and proposed wastewater system(s) and onsite water features and sources including waterways, wetlands, drains, dams, and bores.
- (iv) Details of any proposed vegetation clearing, environmental buffers, site earthworks and services, including for water supply, wastewater management and stormwater management.
- (v) Acknowledgement that all the services and amenity offered in residential areas may not be 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	<b>Date</b>	24/04/2019	Resolution #	10.4.2
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>	30/08/2023	Resolution #	10.1.6

## CPG13 - New Bed and Breakfast Establishments Policy

RESPONSIBLE OFFICER

Manager Governance Risk & Planning

### OBJECTIVES

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

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

### SCOPE

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

### POLICY

#### General

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

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

Planning approval may be withheld or refused by Council if:

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

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

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

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

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

### Signage

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

## DEFINITIONS

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

## RELEVANT LEGISLATION/LAW

*Building Code of Australia*

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

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

## RELATED DOCUMENTS

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

*Growth & Essential Services Policy (CPP7)*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPG14 - New Holiday Homes Policy

RESPONSIBLE OFFICER

Manager Governance Risk & Planning

### OBJECTIVES

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

The policy aims are:

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

### SCOPE

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

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

### POLICY

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

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

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

## CONDITIONS OF APPROVAL

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

Conditions of approval include:

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

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

## HOLIDAY HOMES REGISTER

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

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

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

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



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

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

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

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

#### **FURTHER INFORMATION**

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

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

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

#### **DEFINITIONS**

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

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

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

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

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

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

#### RELEVANT LEGISLATION/LOCAL LAW

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

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

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

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPG15 - South End Precinct Commercial Development Policy

RESPONSIBLE OFFICER

Manager Governance Risk & Planning

### OBJECTIVE

The South End Precinct Commercial Development policy aims to:

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

### SCOPE

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

### POLICY

#### 3.1 Approvals, Permits and Licencing

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

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

3.2.2 Development Approval is required for uses where:

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

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

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

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

### **3.3 Leases**

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

### **3.4 Location and Siting**

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

### **3.5 Waste Management**

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

### **3.6 Trading Hours**

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

### **3.7 Liquor Licensing**

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

### **3.8 Noise**

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

### **3.9 Advertising**

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

### **3.10 Power**

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

## DEFINITIONS

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

- adventure sports and tour businesses.
- mobile vendors (e.g., food trucks) for special events and specific periods at the discretion of the Shire; and
- 'Pop up' restaurants/bars and other seasonal or temporary commercial uses.

## RELEVANT LEGISLATION/LOCAL LAW

*Environmental Protection (Noise) Regulations 1997 (WA) (CKI)*

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

## RELATED DOCUMENTS

*Shire of Cocos (Keeling) Islands Application for Development Approval Form*

*Shire of Cocos (Keeling) Islands Approved Schedule of Fees and Charges*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	24/04/2019	Resolution #	10.4.4
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPG16 - Adopt a Spot Funding Policy

RESPONSIBLE OFFICER	Manager Governance Risk & Planning
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### OBJECTIVE

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

The inclusion of the Adopt a Spot program will have a financial impact as the guidelines for Adopt a Spot includes a commitment to pay on a per bag basis. The funding will be capped to five (5) applicants per financial year.

### SCOPE

The Shire of Cocos (Keeling) Islands is committed to supporting incorporated not-for-profit organisations/associations and businesses located within the Shire of Cocos (Keeling) Islands by providing grants up to \$1000 to assist with the delivery of projects that address identified community needs.

Projects should benefit the Cocos community and align with the Shire's strategic plan goals. In exceptional circumstances, applications outside the scope of this policy may be considered by the Committee and recommended to Council if there is evidence of direct and significant benefit to the Cocos Community.

### POLICY

#### Eligibility:

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

- The Applicant organisation is a community-based incorporated not-for-profit organisation/association located within the Shire of Cocos (Keeling) Islands; Unincorporated groups should find a suitable organisation to auspice them by prior arrangement with the Shire.
- The project will take place within the Shire of Cocos (Keeling) Islands.
- The Applicant organisation has no outstanding debts with the Shire of Cocos (Keeling) Islands.
- The Applicant organisation has completed and properly acquitted any project for which funding was previously received.
- The Applicant organisation undertakes the project for the benefit of the wider community.
- Applications can be accepted all year round.
- The Applicant organisation must fill out all the prescribed forms: Prior to commencing the clean up the Registration, Volunteer registration and Risk Assessment is to be completed. The Clean Up Report to be submitted after each clean-up day undertaken by the organisation and handed to the Community Development Coordinator for processing.



- The Shire to provide \$10.00 per rubbish bag picked up. Standard rubbish bag size as per Marine Debris Clean Up Bag. A maximum funding allocation of \$1,000 per group per financial year will be allocated. The Shire will supply the appropriate PPE and the rubbish bags for the group.

The existing conditions as per the pre-requisite of the Shire of Cocos Keeling Islands Community Funding Programs remain unchanged and are as follows:

- The Applicant organisation is another tier of government or if the grant would directly benefit another tier of government.
- The applicant organisation is funded by other tiers of government, or if the grant would directly benefit an organisation funded by another tier of government.
- The Applicant organisation has an outstanding grant that has not been acquitted properly.
- The application is for a clean-up event that has already been undertaken.

#### Assessment:

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

All applications (compliant and non-compliant) will be provided to the Chief Executive Officer and the Community Funding Program Committee which consists of three Councillors. The Community Development Coordinator will provide administrative support to the Committee.

The Committee will make recommendations to the CEO who will make Adopt a Spot payments under delegated authority.

#### Dispute resolution:

Where the Committee is unable to arrive at a decision or the CEO feels the Committee's recommendation is outside the scope of this policy, the matter will be presented to Council.

#### Funding agreements:

All successful applicants will be provided with a Service Agreement which will outline the Objectives of the Adopt a Spot Program and payment agreement. The Shire also requests that the applicant provides a adhere to a high standard of 'Duty of Care' to its volunteers and complete a Clean Up report for every clean-up day undertaken.

### DEFINITION

This Policy brings attention to the current Adopt a Spot Funding Program. The Adopt a Spot Policy will ensure that applicants participating in the funding program will have a clear and concise arrangement in relation to value per bagged rubbish and the maximum funding received per round for every applicant for consideration.

### RELEVANT LEGISLATION / LOCAL LAW

Section 2.7 of the *Local Government Act (WA) (CKI)* 1995 prescribes part of the role of a Council is to “determine the local government’s policies”.

Policies in the Policy Manual 2020 will inform and guide the decisions and activities of the Administration and form the basis of recommendations to Council.

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	30/08/2023	Resolution #	10.01.6
Reviewed/Modified	Date		Resolution #	

## CPG17 - Corporate Credit Card Policy

### RESPONSIBLE OFFICER

Manager Governance Risk & Planning

### OBJECTIVE

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

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

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

### SCOPE

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

### POLICY

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

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

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

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

### Cardholder Responsibilities:

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

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

#### **Finance Responsibilities:**

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

#### DEFINITIONS

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

#### RELEVANT LEGISLATION/LOCAL LAW

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

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

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

#### RELATED DOCUMENTS

Request for Credit Card / Cardholder Agreement Form  
Corporate Credit Card Register  
Purchasing Policy – CPG17  
Credit Card Acquittal Form

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	27/01/2016	Resolution #	10.4/A1
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPG18 - Purchasing Policy

RESPONSIBLE OFFICER

Manager Governance Risk & Planning

### OBJECTIVE

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

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

### SCOPE

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

### POLICY

#### 1. Purchasing Requirements

##### 1.1 Legislative / Regulatory Requirements

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

##### 1.2 Purchasing Thresholds

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

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

**Table 1 – Procurement Requirements.**



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

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

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

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

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

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

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

The general principles for obtaining verbal quotations are:

- Ensure that the requirement/specification is clearly understood by the Shire employee seeking quotations.
- Ensure that the requirement is clearly, accurately, and consistently communicated to each of the suppliers being invited to quote.

- Read back the details to the supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded with the requisition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **3. LGIS Services**

The suite of LGIS insurances is established in accordance with section 9.58(6)(b) of the *Local Government Act 1995 (WA)(CKI)* and are provided as part of a mutual, where WALGA member local governments are the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a member-based service and is not defined as a purchasing activity subject to this policy. Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this policy is required.

#### 4. Approval Limits

The Chief Executive Officer, Senior Designated Employee, and Coordinator have authority to sign purchase orders within their relevant area of responsibility within the following limits:

Officer	Limit of Authority for Purchases
Chief Executive Officer	\$250,000
Senior Designated Employee	\$50,000
Coordinator	\$5,000

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

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

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

#### 6. Ethics and Integrity

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

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

- Full accountability shall be taken for all purchasing decisions and the efficient, effective, and proper expenditure of public monies based on achieving value for money.
- All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire's policies and *Code of Conduct*.
- Purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly, and consistently.
- All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements.
- Any actual or perceived conflicts of interest are to be identified, disclosed, and appropriately managed.
- Any information provided to the Shire by a supplier shall be treated as commercial-in-confidence and should not be released unless authorized by the supplier or relevant legislation.

#### 7. Value for Money

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

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

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

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

## 8. Sustainable Procurement

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

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

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

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

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

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

#### RELEVANT LEGISLATION/LOCAL LAW

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

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

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

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

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

#### RELATED DOCUMENTS

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	26/09/2018	Resolution #	0918/07
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	20/08/2020	Resolution #	10.4.5
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.5
Reviewed/Modified	Date	27/07/2022	Resolution #	10.1.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6



## CPI1 - Temporary Signs Policy

RESPONSIBLE OFFICER	Manager Infrastructure
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### OBJECTIVE

To manage the number of temporary/portable advertising signs in such a manner that will enable businesses to advertise and provide information to the public without compromising public safety and visual amenity.

### SCOPE

This policy applies to the use of temporary/portable signs.

### POLICY

Prior to erecting any sign, permission must be obtained from the Shire of Cocos (Keeling) Islands (the Shire).

Permission is not required for any business wanting to erect one temporary/ portable sign under the following conditions:

The sign must:

- be maintained in a good condition.
- only contain content relating to the business or the business activity.
- be erected immediately adjacent to the building or business.
- only be erect during the hours that business is trading.
- be a minimum 30m away from any intersection;
- be free standing but can be able to be fixed temporary to prevent it blowing over; and
- be placed as to not obstruct or impede the vision of a driver of a vehicle.

The temporary/portable sign must not:

- obstruct or impede the reasonable use of the road verge.
- be placed on any footpath.
- be rotating or illuminating; or
- be affixed to any existing signpost, power, or light pole.

Before placing a temporary/portable sign the business must have a current insurance policy with a minimum amount of five million dollars for public liability.



## Penalties

- An authorised officer of the Shire can impound a sign found to be in breach of this policy.
- If the owner of the impounded sign is known, they will be notified within one working day.
- An impoundment fee in accordance with the Shire's Approved *Schedule of Fees and Charges* will be required to be paid for the return of the sign.
- Impounded signs will be kept for a minimum of 21 days and may be destroyed after this time if not collected beforehand.

## DEFINITIONS

Portable sign – a portable advertising device which is located outside of the premises from which the commodity or service described on the sign may be obtained.

Temporary sign – used only for a short period of time and is not a permanent fixture.

## RELEVANT LEGISLATION/LOCAL LAW

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

## RELATED DOCUMENTS

*Shire of Cocos (Keeling) Islands Approved Schedule of Fees and Charges*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	23/11/2016	Resolution #	10.4/1A
Reviewed/Modified	Date	30/8/2017	Resolution #	3008/05
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPI2 - Asset Management Policy

RESPONSIBLE OFFICER

Manager Infrastructure

### OBJECTIVE

The Shire of Cocos (Keeling) Islands (the Shire) manages a range of built assets on behalf of the community. This policy sets the guidelines for implementing consistent asset management processes to attain positive and sustainable service outcomes.

### SCOPE

This policy applies to all Shire activities in relation to Council-owned assets where their components have a useful life of more than one year and a replacement cost greater than \$5,000.

### POLICY

Council is committed to implementing a systematic asset management methodology to apply appropriate asset management practices across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, renewed, and disposed of in accordance with Council's priorities for service delivery.

Council owns a range of assets including:

- Transport assets – roads, paths, drainage, boat ramps.
- Property assets – land and buildings.
- Recreation assets – ovals, parks, playgrounds.
- Fleet and information technology (IT) assets – vehicles, plants, equipment, computers etc.

Management of these assets at the Shire aims to ensure adequate provision is made for their long-term replacement by:

- ensuring that Council's services and infrastructure are provided sustainably, with the appropriate quality levels of service to residents, visitors and the environment.
- safeguarding Council assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial treatment of those assets.
- creating an environment where all Shire employees are an integral part of the overall management of Council assets by creating and sustaining an asset management awareness.
- meeting and surpassing legislative requirements for asset management.
- ensuring resources and operational capabilities are identified and responsibility for asset management is allocated; and

- demonstrating transparent and responsible asset management processes that align with demonstrated best practice.

The Shire will achieve the policy objectives by:

- linking asset management strategies and plans to its *Strategic Community Plan* and *Corporate Business Plan*.
- establishing and maintaining a multi-functional asset management working group.
- providing the necessary resources, staff, and training to maintain appropriate asset information and establish future funding requirements and priorities; and
- ensuring decisions regarding the procurement of new or upgraded assets consider whole-of-life costs.

## PRINCIPLES

- A consistent *Asset Management Strategy* must exist for implementing systematic asset management and appropriate asset management best-practice throughout all Departments of Council.
- All relevant legislative requirements together with political, social, and economic environments are to be taken into account in asset management.
- Asset management principles will be integrated within existing planning and operational processes.
- *Asset Management Plans* will be developed for major service/asset categories. The plans will be informed by community consultation and financial planning and reporting.
- An inspection regime will be used as part of asset management to ensure agreed service levels are maintained and to identify asset renewal priorities.
- Asset renewals required to meet agreed service levels and identified in adopted asset management plans and long-term financial plans will be fully funded in the *Long-Term Financial Plan*.
- Service levels agreed defined in adopted *Asset Management Plans* will be fully funded.
- Asset renewal plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.
- Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued, and depreciated in accordance with applicable Australian Standards.
- Future life cycle costs will be reported and considered in all decisions relating to new services and assets, and the upgrading of existing services and assets.
- Future service levels will be determined in consultation with the community.

- Training in asset and financial management will be provided for Councillors and relevant employees.

#### RELEVANT LEGISLATION/LOCAL LAW

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

#### RELATED DOCUMENTS

*Integrated Planning and Reporting Framework*

*Shire of Cocos Keeling Islands Asset Management Plan - General Assets 2012*

*Shire of Cocos Keeling Islands Asset Management Plan - Property 2013*

*Shire of Cocos Keeling Islands Asset Management Plan - Road Assets 2013*

*Shire of Cocos Keeling Islands Asset Management Strategy 2013*

*Shire of Cocos Keeling Islands Corporate Business Plan 2018/2019 – 2021/2022*

*Shire of Cocos Keeling Islands Long Term Financial Plan 2013 - 2028*

*Shire of Cocos Keeling Islands Strategic Community Plan 2013 - 2023*

*Shire of Cocos Keeling Islands Workforce Plan 2012 – 2022*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	23/10/2013	Resolution #	110/2013
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	11/11/2020	Resolution #	10.4.8
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

### CPI3 - Naming of Roads, Reserves and Structures Policy

RESPONSIBLE OFFICER

Manager Infrastructure

#### OBJECTIVE

To ensure that there is an orderly process in the naming of roads, reserves and structures in the district of the Shire of Cocos (Keeling) Islands, and to restrict the ad-hoc naming of structures to ensure that proposed naming has relevance to a person/s who have contributed significantly to the community over a period.

#### SCOPE

This policy applies to the name of roads, reserves and structures in the district of the Shire of Cocos (Keeling) Islands.

#### POLICY

Proposed names for roads, reserves and structures are to comply with the latest version of Landgate's *Policies and Standards for Geographical Naming in Western Australia*, for the Geographic Names Committee to approve it.

All proposed road, reserves and structures naming or renaming requests are to be submitted in writing to the Shire, including the contact's name and address details of the applicant. The request is to provide adequate information to enable the road, reserve, or structure to be clearly identified and is to include a reason for the request.

Requests by residents to name any roads, reserves or structures within the Shire must be referred to Council for appropriate endorsement or authorisation.

When proposing names for roads, reserves and structures, the names should be based upon.

- the names of past Councillors.
- the names of local identities or people who have contributed to the development of the community or Shire.
- Cocos Malay words; or
- any other name approved by the Geographic Names Committee and Council.

When proposing names for roads, reserves and structures the following is to be considered:

- Names should not be offensive or likely to cause offence and should not be that of a living person or current company/business.
- Assets should not be named after commercial enterprises.

- Names should not be derogatory or offensive on the grounds of race, ethnicity, religion or gender.
- Names of living persons should not be approved by Council as Landgate's *Policies and Standards for Geographical Naming in Western Australia* states that the use of a person's name who has not been deceased for at least two years will not be considered.

Council should ensure that names are:

- relatively short.
- relevant to the purpose for which they are recommended.
- not easily confused with or duplicating names within the region or nearby localities; and
- consistent with Landgate's *Policies and Standards for Geographical Naming in Western Australia*.

#### RELATED DOCUMENTS

*Landgate Policies and Standards for Geographical Naming in Western Australia*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	30/3/2011	Resolution #	35/2011
Reviewed/Modified	Date	26/3/2014	Resolution #	41/2014
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPI4 - Publishing of Delegated Legislation and State-wide Public Notices Policy

RESPONSIBLE OFFICER

Manager Infrastructure

### OBJECTIVE

To ensure all delegated legislation and state-wide public notices are dealt with in a consistent manner, with all relevant documents being accessible from the same location for convenience of reference.

### SCOPE

This policy applies to all delegated legislation and state-wide public notices created by the Shire.

### POLICY

#### Publication of delegated legislation

All delegated legislation of the Shire is to be published as *Notifiable Instruments* on the *Federal Register of Legislation*, as the official record of all legislative documents. No delegated legislation is to be published in the *Western Australian Government Gazette* or the *Indian Ocean Territories Government Gazette*, which replaced the *Christmas Island and Cocos Keeling Islands Gazettes*.

All delegated legislation published as *Notifiable Instruments* on the *Federal Register of Legislation* will be available on the Shire's website.

#### Publication of state-wide public notices

When the Shire is required to give state-wide public notice such as per section 1.8 of the *Local Government Act (WA)(CKI)*, the notice will be published within *The Atoll Newsletter*. Publishing the notice within *The Atoll Newsletter* will constitute state-wide public notice as consistent with the definition of *state* contained in the *Interpretations Act 1984 (WA)(CKI)*.

### DEFINITIONS

Delegated legislation – matters adopted by Council under the authority of legislation, which are legally enforceable in a Court of law, and includes:

- local laws; and
- local planning schemes.

Federal Register of Legislation - the authorised whole-of-government website for Commonwealth legislation and related documents. It contains the full text and details of the lifecycle of individual laws and the relationships between them. The register is managed by the Office of Parliamentary Counsel in accordance with the *Legislation Act 2003 (Cth)*.



Notifiable Instruments - laws on matters of detail made by a person or body authorised to do so by enabling legislation. Under the *Legislation Act 2003 (Cth)* all Notifiable Instruments and their compilations must be registered on the Federal Register of Legislation.

State-wide public notice – as defined in s1.8 of the *Local Government Act 1995 (WA)(CKI)*, or other legislation includes:

- advising of intention to adopt or confirmation of adoption of a matter in accordance with legislation, etc; and
- inviting submissions for public comment, tenders for acquisition or disposal etc.

Legal advice has been received (Department of Local Government and Community, 30 June 2015) noting that the definition of *state* as contained in the *Interpretation Act 1984 (WA)(CKI)* (below) means the Territory, the advice was that the Shire may advertise those elections notices requiring state-wide public notice in a newspaper that circulates generally in the Territory. The department considers that the Shire's publication *The Atoll Newsletter* would meet this requirement.

**the State, this State or Western Australia:**

- (a) when used in a geographical sense – means the Territory; and
- (b) when used in any other sense – means the Territory unless the context precludes that meaning.

**RELEVANT LEGISLATION/LOCAL LAW**

*Interpretations Act 1984 (WA)(CKI)*

*Local Government Act 1996 (WA)(CKI)*

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

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	8/11/2017	Resolution #	1117/08
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	27/04/2022	Resolution #	10.4.2
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPI5 - Coastal Development Policy

RESPONSIBLE OFFICER

Manager Infrastructure

### INTRODUCTION

Determinations on developments in coastal zones must consider coastal risks. The risk arising from vulnerability of built assets is influenced by the level of preparedness and response of the community and its recovery capacity. While the scientific community has established that anthropogenic climate change is occurring, uncertainty remains about the magnitude and extent of the impacts from these processes and changes.

Despite the uncertainty, early consideration of coastal hazards and the management of appropriate planning responses can provide economic, environmental, and social benefits.

National and international coastal planning practices are increasingly adopting a risk management approach to deal with uncertainty associated with the potential adverse impacts and their timeframes, arising from coastal hazards. This ensures that risks arising from coastal hazards are appropriately factored into decision-making processes for sustainable land use and development in the coastal zone. The Western Australian Government's coastal planning policy, State Planning Policy 2.6 Coastal Planning Policy (SPP 2.6) requires a risk management approach and provides the framework for coastal hazard risk management and adaptation planning (CHRMAP).

There are a potentially wide range of policy considerations which a local government is entitled to consider when deciding what strategies, it will, and will not, adopt in response to coastal hazard risk, including financial constraints and social factors. Provided the local government's decision has due regard to relevant considerations and has a reasonable basis, the risk of the decision attracting liability is minimised. Development and planning decisions should be based on planning merits, and not with the purpose of limiting the extent of any legal liability. Nevertheless, prudent, evidence and policy-based planning decisions are by their nature likely to minimise legal liability.

### BACKGROUND

The coastal planning requirements set out in this policy are informed by the future Cocos (Keeling) Islands Coastal Vulnerability Study (CVS). A subsequent Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) is currently under development and at draft stage expected to be complete by December 2023.

The CVS will consider the coastal inundation and erosion hazards across the Cocos (Keeling) Islands, whilst the CHRMAP will provide a holistic approach to manage and mitigate coastal hazard risk and will be developed in consultation with the local community and key stakeholders.

This policy is to be used to guide Council's assessment of all development applications.

Until such time as the CVS is finalised, Council will consider all the islands to be at risk of coastal inundation and erosion. The CVS will inform the CHRMAP with more detailed risk information that will further guide Council in decision making.

#### RELEVANT LEGISLATION/LOCAL LAW

Planning and Development (Local Planning Schemes) Regulations 2015; Schedule 2 Deemed provisions for local planning schemes, Part 9 Procedure for dealing with applications for development approval.

Section 67. Matters to be considered by local government (relevant to this policy).

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

(q) the suitability of the land for the development considering the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk.

#### OBJECTIVES

1. To ensure coastal land is continuously provided for public access, recreation, and conservation.
2. To ensure public safety and reduce risk associated with coastal erosion and inundation.
3. To encourage appropriate land use and development of land considering the risk from coastal erosion and inundation.
4. To encourage land use and development that does not accelerate coastal erosion or increase inundation risks; or have a detrimental impact on the functions of public reserves.
5. To ensure that development addresses the *State Planning Policy No. 2.6 Coastal Planning Policy* (as amended).
6. To be risk adverse and transparent about the issues regarding the development of land at risk from coastal erosion and inundation.
7. To inform and guide the community of the risks to the islands of sea level rise and the potential current and future impact on all land within the Shire of Cocos (Keeling) Islands.

#### APPLICATIONS SUBJECT TO THIS POLICY

This policy applies to all development applications of which the Shire of Cocos (Keeling) Islands is the responsible authority for given the low-lying coral atoll environment of the local government area.

## APPLICATION REQUIREMENTS

All future development within the Shire of Cocos (Keeling) Islands requires development approval. This position will be reviewed once a mapped CVS is approved.

## POLICY STATEMENT

1. Development does not occur unless:
  - a) the development is located, designed, and constructed to withstand coastal hazard impacts; or
  - b) the development is temporary, readily relocatable, or able to be demolished and removed; or
  - c) the development can mitigate the risks to people and property to an acceptable or tolerable level based on the scientific information available at the time of application.
2. Design responses are not to have a detrimental impact on the amenity of neighbouring land or the amenity of the locality generally. This includes adversely impacting storm surge inundation levels on adjoining properties.
3. Development maintains or enhances public access to the foreshore.
4. Proponents must demonstrate relative to the scale and nature of their development that it prevents directly, indirectly, and cumulatively an increase in the severity of coastal hazards and the potential for damage to the site or to other properties.
5. Buildings are to be designed to withstand structural loads associated with a storm surge inundation. The Shire may, at its discretion, require buildings to be certified by a coastal engineer as adequate to withstand potential erosive action during coastal inundation and/or erosion.
6. Lower levels of buildings potentially prone to storm surge inundation are to be permeable to allow water to flow through. This would not apply if the design response included fill to the extent that the finished floor level (FFL) of the building is located above the potential level of inundation.
7. Any development approval is to be conditioned requiring all structures be removed at the cost of the proponent once the current risk of erosion poses a risk to a development or structure, as defined by the following triggers:
  - a) Where a public road is no longer available or able to provide legal access to the property.
  - b) When water, sewage or electricity to the lot is no longer available as they have been removed/ decommissioned by the relevant authority due to coastal hazards.
  - c) Where structural integrity of the building has been compromised.

8. Any development approval shall (by a condition) require the following notifications to be placed on the Certificate of Title, pursuant to Section 70A of the Transfer of Land Act 1893, or lease documentation:  
VULNERABLE COASTAL AREA - This lot is in an area likely to be subject to coastal erosion and/or inundation over the 100-planning timeframe (2110).
9. Any development with an estimated cost above \$250,000 shall require an independent assessment by a coastal engineer to certify the suitability of the proposed development or await the finalisation of the Shire's CHRMAP and specific measures to be taken or not taken for the subject land parcel(s).
10. Any new development not deemed as infill development will be assessed against the current or likely future capacity of the Cocos (Keeling) Islands' essential services at the time of application in accordance with the Growth & Essential Services Policy.

#### VARIATIONS

Applications seeking variations to this Policy shall be determined in accordance with the objectives of this Policy.

#### CONSULTATION

For development applications that do not comply with the acceptable development provisions contained within this Policy, Council may require that neighbours and government agencies be consulted.

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	31/03/2021	Resolution #	10.14.1
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6

## CPI6 - Growth & Essential Services Policy

RESPONSIBLE OFFICER

Manager Infrastructure

### INTRODUCTION

A well planned and coherent settlement pattern and careful management of urban growth and change are critical in delivering wider social, economic, and environmental objectives. For example, to create liveable, efficient, and attractive communities there needs to be (but not limited to) choice in housing and lifestyle opportunities, easy access to employment, services and recreational opportunities for people of all ages and abilities, a strong and shared sense of community, and good urban design and neighbourhood planning.

Planning for new growth should be co-ordinated with the cost-efficient provision of infrastructure and services such as roads, public transport, water supply, sewerage, electricity, telecommunications, drainage, open space, schools, health, and recreational facilities.

### BACKGROUND

There is continued pressure for development on the Cocos (Keeling) Islands for tourism projects, holiday homes and for people seeking a lifestyle change from mainland Australia.

Due to the small essential service schemes on both Home and West Islands, any change of land use or new development has the potential to significantly impact the capacity of essential services. West Island is currently at or near capacity for all essential services (water, wastewater & the power distribution network). The new water source (a desalination plant proposal) and treatment plant design (upgrade of existing plant) has factored in growth and tourism into the design, and this will allow for additional developments in the future. However, both these upgrades require Australian Government funding to enable these works to be carried out so the timeline on these works is currently unknown.

Home Island has some capacity to support further land use changes and development, however, without knowing the full extent of potential application, it is difficult to predict the impact on service demand. New developments would require further modelling and analysis at the time of application.

### RELEVANT LEGISLATION/LOCAL LAW

Planning and Development (Local Planning Schemes) Regulations 2015; Schedule 2 Deemed provisions for local planning schemes.

Part 9 Procedure for dealing with applications for development approval.

Section 67. Matters to be considered by local government (relevant to this policy).

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- the amenity of the locality including the following —
- social impacts of the development.
- the availability and adequacy for the development of the following —
- public transport services.
- public utility services.
- the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.
- any other planning consideration the local government considers appropriate.

## DEFINITIONS

Public transport services – includes buses, taxis, hire cars, ferry, air travel and freight services.

Essential services – has the same meaning as “Public utility services” and includes power, water, wastewater, telecommunications authorities, and any other authorities that the Shire considers as essential services.

## OBJECTIVES

1. To coordinate new development with the efficient, economic, and timely provision of infrastructure and services.
2. To provide guidance to stakeholders on what sort of development will be supported by Council based on the current availability and adequacy of Cocos (Keeling) Islands’ essential services.
3. To consult with the agencies responsible for providing essential services to the Cocos (Keeling) Island as defined in this document for advice on the current availability and adequacy of such services to facilitate a development at the time of application.

## APPLICATIONS SUBJECT TO THIS POLICY

This policy applies to all development applications of which the Shire of Cocos (Keeling) Island is the responsible authority for.

## APPLICATION REQUIREMENTS

All development applications involving the use of essential services whether they be for a change of use and/or development works, and regardless of whether the development will be self-sufficient are to show evidence of engagement with and comments from the agencies responsible for providing essential services to the Cocos (Keeling) Islands.

Furthermore, Shire officers will refer all lodged Development Applications, for a period of 42 days prior to formal submission to Council for a determination, to the Acting Assistant Director, IOT



Government Arrangements, Department of Infrastructure, Transport, Regional Development and Communications, who will coordinate a response from the agencies responsible for providing essential services.

#### POLICY STATEMENT

In considering an application for development approval, Council shall have due regard to the objectives of this policy and any advice from the agencies responsible for providing essential services to the Cocos (Keeling) Islands.

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	31/03/2021	Resolution #	10.4.3
Reviewed/Modified	Date	28/04/2021	Resolution #	10.4.1
Reviewed/Modified	Date	30/08/2023	Resolution #	10.1.6