



MAJU PULU KITA | ADVANCE OUR ISLANDS

Shire of

Cocos Keeling Islands

POLICY MANUAL

2020



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## **POLICY MANUAL – INTRODUCTION**

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

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”. The Act does not define the term “policy” and hence, for the purpose of the City it shall mean: “A general rule or principles, adopted by the Council to provide clear direction to the Chief Executive Officer on the day to day management of the local government.

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

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

For this reason, it is important that a review process is in place and at the Shire of Cocos (Keeling) Islands this review takes place annually at the start of each calendar year to ensure the integrity and relevance of the policies 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 (CEO) 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.
- Budget implications.

Policies will:

- Be principles focussed and guide actions.
- Be a statement mandating decision making.
- Not be procedure.
- Not be confused with the terms “protocol” or “practice”.
- 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 annually by the Chief Executive Officer and presented to Council for consideration at the Councillor Workshop in January of each year for further review with an intent to adopt the updated policies at an Ordinary Meeting of Council.

### **New or Amended Procedures**

Where a need has been identified to establish or amend a procedure relating to an adopted policy, the CEO is to prepare a draft for consideration by Council at a Councillor Workshop for review prior to formally presenting the draft policy for Council to consider adopting.

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.

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

**CPA1**

### RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To provide authority for approval of CEO 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 5 consecutive days but not exceeding 8 consecutive weeks.

### POLICY

The Shire President, or in his/her absence, the Deputy Shire President is authorised to sign leave forms for the Chief Executive Officer for periods not exceeding 8 weeks.

The Deputy Chief Executive Officer will be appointed as Acting Chief Executive Officer in the absence of the Chief Executive Officer whilst on Annual Leave, Long Service Leave or an extended Sick Leave.

In the event that the CEO and Deputy Chief Executive Officer are on Leave at the same time, either the Manager of Works and Services or the Executive Support Officer, subject to the incumbents approval, will be appointed as Acting CEO or alternatively, a relief CEO can be sourced externally.

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

If the period of leave is in excess of 8 consecutive weeks a decision of Council is required.

### DEFINITIONS

Extended sick leave – a sick leave period amounting to five (5) consecutive working days or more.

### RELEVANT LEGISLATION/ LOCAL LAW

*Section 5.36 of the Local Government Act*

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	unknown	Resolution #	unknown
Reviewed/Modified	<b>Date</b>	26/3/2014	Resolution #	41/2014
Reviewed/Modified	<b>Date</b>	3/01/2018	Resolution #	118/06
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1

## After Hours Use of Shire Vehicles Policy

CPA2

### RESPONSIBLE OFFICER

Manager of works and Services

### OBJECTIVE

To ensure effective controls are in place for Shire passenger vehicles that are used for private non-Shire work related purposes.

### SCOPE

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

### POLICY

Shire vehicles are available to Shire staff 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, with the prior approval of the Manager of Works and Services.

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

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

It is the responsibility of the staff member or elected member to ensure they hold a valid and relevant driver's license. A copy of which must be lodged with the Shire prior to use of Shire vehicles.

All Shire vehicles are designated non-smoking at all times. The employee approved to use the Shire vehicle is also responsible for passengers do not smoke in Shire vehicles.

Any person that is convicted of drunk driving, careless driving, driving without a license, reckless driving and or dangerous driving 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 staff member found to be in breach of this policy could result in disciplinary and / or legal action leading up to and including termination of employment.

Any elected member found to be in breach of this policy could be reported to the standards panel under the rules of conduct regulations.

## DEFINITIONS

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

Executive Managers - Chief Executive Officer, Deputy Chief Executive Officer and Manager of Works and Services.

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	27/04/2016	Resolution #	10.4/A2
Reviewed/Modified	<b>Date</b>	30/8/2017	Resolution #	3008/05
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1

## Communications and Social Media Policy

CPA4

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

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

### SCOPE

The Communications and Social Media Policy applies to:

Any communication initiated or responded to by the Shire of Cocos (Keeling) Island; and Elected Members 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;
- 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 CEO

- 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 CEO may speak on behalf of the Shire where authorised to do so by the Shire President.

Communications by Elected Members, 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 elected member 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.

Elected member communications must comply with the *Shire of Cocos (Keeling) Islands Code of Conduct* and the *Local Government Act (Rules of Conduct) Regulations 2007*.

### **Social Media**

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

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

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

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 CEO, block that contributor for a specific period of time or permanently.

### **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.

### **Personal communications**

Personal communications and statements made privately in conversation, written recorded email or posted in personal social media have the potential to be made public, whether it intended or not. Therefore, on the basis that personal and private communications may be shared or become public at some time in the future, Elected Members must ensure that their personal or private communications do not breach the requirements of this policy, the Code of Conduct and the *Local Government (Rules of Conduct) Regulations 2007*.

### **Statements on Shire Matters**

An Elected Member 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 Elected Member, employee, contractor of the Shire or Shire stakeholder;
- Maintain a respectful and positive tone and not use offensive or objectionable language or expressions in reference to any Elected Member, employee, contractor of the Shire, Shire stakeholder or community member.

### **Breaches of Policy**

Comments which become public and breach this policy, the Code of Conduct or the *Local Government (Rules of Conduct) Regulations 2007*, may constitute a serious breach of the *Local Government Act 1995 (WA)(CKI)* and, in the case of Elected Members, may be referred to the Standard Panel for investigation; and in the case of employees be subject to disciplinary measures, including and up to termination of employment.

## 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, work experience student or a volunteer.

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

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

Elected Member – any member holding the office of Councillor.

## 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	23/01/2019	Resolution #	10.4.2
Reviewed/Modified	Date	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	

## Dealing with Family Members Policy

CPA5

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

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

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

### SCOPE

The Policy applies to all Employees at the Shire.

### POLICY

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

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

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

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

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

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

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

Wherever a discretionary power is being exercised, for example when considering a building applications, 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).

In order 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, step-father, step-mother, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister, step-brother, step-sister, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, aunt, uncles, niece, nephew, cousin.

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

## RELEVANT LEGISLATION/ LOCAL LAW

*Equal opportunities Act 1984*

*Section 5.40 of the Local Government Act 1995*

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

## Designated Senior Employees Policy

CPA6

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To identify positions Council has designated as senior employees.

### POLICY

Council designated the following positions to be designated senior employees as per section 5.37(1) of the Local Government Act (WA) (CKI) 1995:

- Chief Executive Office
- Deputy Chief Executive Officer
- Manager of Works and Services

### RELEVANT LEGISLATION/LOCAL LAW

Local Government Act (WA) (CKI) 1995

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	30/8/2017	Resolution #	3008/05
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1
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## Drug & Alcohol Policy

CPA7

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

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

### POLICY

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

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

#### Prescription and Pharmacy Medication

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

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

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

#### Awareness and Training

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

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

### **Drug and Alcohol Testing Triggers**

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

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

### **Testing Methods**

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

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

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

### **Employee Assistance**

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

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

### **Breaches of Policy**

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

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

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

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

## DEFINITION

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

Council - Shire of Cocos (Keeling) Islands

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

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

Risk of Impairment - The risk of a worker's reduced quality, strength or effectiveness due to the effects 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	<b>Date</b>	29/08/2018	Resolution #	0818/05
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>		Resolution #	

## Office Dress Standards Policy

CPA8

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 worn at all times 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 worn at all times. 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 purposes.

## RELEVANT LEGISLATION/LOCAL LAW

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

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

RESPONSIBLE OFFICER

Chief Executive Officer

**OBJECTIVE**

This policy guides the Shire’s endeavours to ensure effective communication and engagement with all members of the public is achieved by recognising the need for public notices and community events to support linguistic and cultural diversity.

**SCOPE**

This policy is to provide guidance for all community meetings, workshops, notices and public events organised by the Shire of Cocos (Keeling) Islands.

**POLICY**

The Shire of Cocos (Keeling) Islands recognises the vital importance of clear, consistent and professional communication with all members of our community. This includes engaging with residents and stakeholders including; bringing awareness to Shire projects as well as encouraging community feedback.

**Notices**

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

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

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

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

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

**Meetings and public events**

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

Community and staff workshops organised by the Shire, should be scheduled with pray 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.

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	30/8/2017	Resolution #	3008/05
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>		Resolution #	

## Recognition of Service and Retirement Policy

CPA10

### RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

The objective of this policy is to establish guidelines and set out the circumstance 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

### SCOPE

The Policy applies to all Employees at the Shire (except designated senior staff)

### POLICY

Council provides for the retirement of employees through the contribution of 9.5% superannuation plus an additional contribution of up to 5% to match contributions from employees who voluntarily contribute up to 5%.

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

Upon resignation / retirement of an employee who has provided satisfactory service to Council for 5 (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 (twenty-five) years or more, the retiree is to be offered an appropriate farewell function

An appropriate farewell / presentation is to be organised for designated senior staff leaving council, at the discretion of the Shire President and Chief Executive Officer.

## DEFINITIONS

Employee – means an employee of the Shire

Shire – means the Shire of Cocos (Keeling) Islands

## RELEVANT LEGISLATION/LOCAL LAW

*Local government Act 1995 (Section 5.50)*

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

## Legal Representation for Council Members and Employees Policy

CPA11

### RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This policy provides a framework and guidance for the Shire to provide financial assistance to past and present elected members and employees who become respondents in legal proceedings as a result of their official duties.

### SCOPE

This policy applies to elected members and employees (including past 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 Council Member or employee if the following criteria are satisfied:

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

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

#### 2.0 Application for financial assistance:

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

- a) Where proceedings are brought against a Council Member or employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the Council Member or employee; or
- b) To enable proceedings to be commenced and/or maintained by a Council Member or employee to permit him or her to carry out his or her functions - for example where a Council Member or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the Council Member 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 Council Member 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 Council Member or employee.

### **3.0 Application for payment**

3.1 A Council Member 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, he/she is required to make an application, in writing, to the Shire 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 Council Member 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; and
- 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) 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) 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.

#### **4.0 Legal representation costs – Limit**

4.1 The 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 Council Member or employee may make a further application to the Council in respect of the same matter.

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

5.1 The Council may:

- a) Refuse;
- b) Grant; or
- c) Grant subject to conditions.

an application for payment of legal representation costs.

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, the Council may have regard to any insurance benefits that may be available to the applicant under the Shire's Council Members or employees insurance policy or its equivalent.

5.4 The Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.

5.5 The Council may, subject to clause 5.6, determine that a Council Member or employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved:

- a) Not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
- b) Given false or misleading information in respect of the application.

5.6 A determination under clause 5.5 may be made by Council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.

5.7 Where the Council makes a determination under clause 5.5, it may also determine that all or part of the legal representation costs paid by the Shire, are to be repaid by the Elected Member 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 the Council, any of the powers of the 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 Deputy Chief Executive Officer.
- 6.3 An application approved by the Chief Executive Officer under clause 6.1, or by the Director Corporate Services under clause 6.2, is to be submitted to the next ordinary meeting of the Council. The 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 Council Member or employee whose legal representation costs have been paid by the Shire is to repay the Shire –
- All or part of those costs – in accordance with a determination by the Council under clause 5.7; or
  - As much of those costs as are available to be paid by way of off-set – where the Council Member 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** means:

- A 'certified practitioner' under the Legal Practice Act 2003;
- From a law firm on the Shire's panel of legal service providers, unless the Council considers that this is not appropriate – for example where there is or may be a conflict of interest or insufficient expertise; and
- Approved in writing by the Council or the Chief Executive Officer under delegated authority.

**Elected Member or employee** means a person who is, or was, a commissioner, Council Member, an external committee member or employee of the Shire.

**Legal Proceedings** means civil, criminal or investigative proceedings.

**Legal Representation** means the provision of legal services, to or on behalf of a Council Member or employee, by an approved lawyer that are in respect of:

- a) A matter or matters arising from the performance of the functions of a Council Member or employee; and
- b) Legal proceedings involving a council Member 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.

**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 Council Member or employee.

#### RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995*

*Legal Practice Act 2003*

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	30/8/2017	Resolution #	3008/05
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>		Resolution #	

## New Councillor Training and Continuing Professional Development Policy

CPA12

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This policy provides guidance to elected members 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 all current elected members of the Shire of Cocos (Keeling) Islands.

### POLICY

#### PRESCRIBED TRAINING

Part 5, Division 10 of the *Local Government Act (WA) (CKI) 1995* makes 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 6 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.

Non-compliance with the Act can attract 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 the 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.

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.

## **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 costs associated (including travel and accommodation) that were met by Council, the name of the training provider or conference. The register will be signed by each Councillor and will be published on the Shire website and in the Annual Report.

## DEFINITIONS

Registered Training Organisation - An RTO is a training provider registered by ASQA (or a state regulator) to deliver VET services. RTOs provide quality training and qualifications that are nationally recognised. There are currently around 5000 RTOs in Australia. The national register, [training.gov.au](http://training.gov.au), maintains a complete list of RTOs.

## RELEVANT LEGISLATION/LOCAL LAW

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

Office Use Only				
<b>Relevant Delegations</b>				
<b>Council Adoption</b>	<b>Date</b>	26/02/2020	<b>Resolution #</b>	10.4.1
<b>Reviewed/Modified</b>	<b>Date</b>		<b>Resolution #</b>	
<b>Reviewed/Modified</b>	<b>Date</b>		<b>Resolution #</b>	

## Use of Council Chambers Policy

CPA13

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

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

### POLICY

The Council Chambers may be made available for Public Meetings on the following basis:

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 CEO has given written approval of said meeting.
2. The meeting is related to Council business, is associated with Council involvement or is at the request of the Administrator or Commonwealth Government.
3. A Councillor or an Executive Manager is an attendant of all meetings taking place during normal Shire office hours.
4. The Chief Executive Officer 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

Executive Managers – Chief Executive Officer, Deputy Chief Executive Officer, Manager of Works and Services

Office Use Only				
Relevant Delegations				
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

RESPONSIBLE OFFICER

Governance and Risk Coordinator

**OBJECTIVE**

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

**SCOPE**

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

The adoption of an e-Meeting Policy will future proof the Shire should restrictions resulting from a State of Emergency prevent in-person meetings.

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 (Administration) Regulations 1996* provides that the Council can resolve to suspend the operation of specified (listed) clauses of the Meeting Procedures Local Law for the duration of that e-Meeting. This procedure requires a Simple Majority as per cl.16.1 of the Shire's Meeting Procedure Local Law. (Absolute Majority is required under s.10.4 of the Act 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.

**POLICY**

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

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

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

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

- Cl.5.7 Public question time – members of the public are welcome to submit any questions in writing prior to the meeting. The question and response, if a response is available at the meeting, will be read aloud in the eMeeting and will be recorded in the minutes and a formal written response provided within two business days of the meeting. Where no response is available, the question will be taken on notice.
- Cl.5.9 Deputations – deputations will be able to be made to the Shire President or the Deputy Shire President or another Councillor as delegated by the Shire President. Where this is possible before the meeting, the purpose of the deputation will be reported to Council at the meeting at the appropriate time in the agenda. If this is not possible, any item relating to the deputation will be deferred if possible and the deputation will occur as soon as possible following the Council meeting. The purpose of deputation will be reported to the Council at the next Ordinary Meeting of Council.
- Cl.5.11 Presentations – presentations will be able to be made to the Shire President or the Deputy Shire President or another Councillor as delegated by the Shire President prior to the meeting if possible or immediately following the meeting. The details of the presentation will be reported to the Council at the next Ordinary Meeting of Council.
- Cl.5.13 Public inspection of agenda materials – agenda materials for Ordinary Meetings of Council will be available on the Shire's website 72 hours prior to the meeting. Where materials are tabled at the meeting, they will be made available on the Shire's website within 10 business day of the meeting.
- Cl.7.1 Members to be in their proper places – each Elected Member will advise the CEO of where they will be located during the meeting at least one hour prior to the meeting. Members should confirm to the CEO 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 CEO.
- Cl.12.4 Method of taking vote – each elected member 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:

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

e-Meeting means An Ordinary Meeting of Council or Special Meeting of Council that is held via teleconference or in any other electronic or digital format.

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

Deputation means 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 means 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 means a meeting of the Council, a committee of Council or the electors, as the context requires;

## RELEVANT LEGISLATION/LOCAL LAW

*Local Government (Administration) Regulations 1996*

Office Use Only				
<b>Relevant Delegations</b>				
<b>Council Adoption</b>	<b>Date</b>	24 June 2020	<b>Resolution #</b>	10.4.2
<b>Reviewed/Modified</b>	<b>Date</b>		<b>Resolution #</b>	
<b>Reviewed/Modified</b>	<b>Date</b>		<b>Resolution #</b>	

## Attendance at Events Policy

CPA15

### RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

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

### SCOPE

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

### POLICY

Elected Members and the CEO are often required to represent their local government and fulfil their leadership role in the community by attending events. However, to comply with legislation and to ensure transparency and accountability to the community it is essential that there are tangible benefits from spending Council funds on events and that there is no perception of bias from accepting complimentary tickets when matters affecting the donor come before Council.

Attendance at an event, whether as a representative of Shire of Cocos (Keeling) Islands or otherwise, as an Elected Member or CEO, where the Elected Member or CEO has not paid for the ticket or hospitality, is a gift and must be disclosed if the gift is valued over \$300 (either one gift or cumulative over 12 months from the same donor).

Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) does not need to be disclosed as an interest.

Invitations for an Elected Member or CEO to attend an event must be addressed in writing to Shire of Cocos (Keeling) Islands.

Invitations addressed to Elected Members or the CEO, but not submitted in writing to the Shire, are not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.

Events for Elected Members and the CEO authorised in advance of the event by

this policy are listed below and exclude the recipient of complimentary tickets from the requirement to disclose an interest:

- a. Shire hosted or sponsored ceremonies, functions, events and art exhibitions;
- b. Meetings and events hosted by clubs and not-for-profit organisations in the shire;
- c. Any free events held in the shire;
- d. Cultural events or festivals in the shire;
- e. Events run by schools within the shire;
- f. Events for which representation by the Shire President or the CEO has been requested; and
- g. Events run by other local governments, ALGA, WALGA and Local Government Professionals Australia.

### **Approval of attendance**

In making a decision on attendance at an event, Council will consider:

- a. who is providing the ticket to the event;
- b. the location of the event i.e. whether in the district or out of the district;
- c. the role of the Elected Member or CEO 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;
- 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 an Elected Member or CEO 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 Shire and the cost of attendance for events within the Shire.

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

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

- Concert;

- Conference;
- Function;
- Sporting event;

An occasion prescribed for the purposes of this definition by the *Local Government (Administration) Regulations 1996*

RELEVANT LEGISLATION/LOCAL LAW

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

Office Use Only				
Relevant Delegations				
Council Adoption	Date	26 August 2020	Resolution #	10.4.1
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	

## Complaints Handling and Public Interest Disclosures Policy

CPA16

### RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This policy establishes an effective complaint handling system that differentiates between service complaints and statutory complaints. The framework provides a structure for all complaints from members of the public to be resolved in a fair, efficient and structured manner.

### SCOPE

This policy applies to complaints from members of the public about all elected members, the CEO, staff, contractors and volunteers working on behalf of the Shire. This policy is not intended to replace and is unrelated to the Shire's internal complaints/grievance policy and procedures for employees of the Shire.

### POLICY

The Shire of Cocos (Keeling) Islands recognises it has a statutory obligation to carry out its functions in a fair, impartial, transparent, responsive and efficient manner for the benefit of all members of the community. When members of the community believe that their expectations have not been met, or where a statutory complaint is made by a member of the public or Council Member they have the right to expect that their concerns will be dealt with in a professional, respectful, satisfactory and timely manner.

The Chief Executive Officer is the designated Complaints Officer and complaints should be addressed to the Chief Executive Officer, unless they are about the Chief Executive Officer, in which case they should be lodged with the Shire President.

Where a complainant wishes to make a statutory complaint, and does not feel it is appropriate to lodge their complaint with the Chief Executive Officer or Shire President, complaints may be directed to the responsible authorities as outlined in the 'Statutory Complaints' section of this policy.

The Shire welcomes complaints with respect to customer service as a form of feedback, and will use this feedback to:

- provide opportunities for system and process improvement;
- provide equitable redress to customers for poor service and processes;
- provide an opportunity to actively resolve service complaints and reduce the incidence of recurring complaints.

Members of the community submitting a complaint to the Shire has a right to expect that:

- the Local Government will regularly provide updates on the progress of the complaint and the expected timeframes for resolution;
- they are provided with information on the Shire's complaints handling process;
- they will be treated with tact, courtesy and fairness; and
- appropriate confidentiality of the complaint will be maintained upon request.

### **Service Complaints:**

Service Complaints include a complaint about a Shire service or where an employee's behaviour does not align with the requirements of the Shire's Code of Conduct.

A Service Complaint does not include a matter that may be considered a statutory complaint (as outlined below).

Service Complaints may be made in writing or by appointment with the CEO in her/his capacity as Complaints Officer. The CEO is responsible for investigating and determining the complaint outcome.

Where the service complaint is related to the Chief Executive Officer, the complaint may be made directly to the Shire President, who will be responsible for coordinating an investigation and where necessary referring the outcome for Council's consideration.

In keeping with a commitment to Procedural Fairness, the Shire will ensure a fair and proper procedure is used when investigating and making a decision regarding complaints and that the decision-maker is free from bias when responding to a complaint.

When providing a decision about a service complaint the Shire will advise the complainant if there is a relevant external agency that has authority to review the decision, if the complainant is dissatisfied with the outcome. A right to review or the decision or an external agency may not however always be applicable. In some circumstance, it may be appropriate for the Council to review the decision about the complaint.

### **Statutory Complaints:**

A Statutory Complaint arises when an allegation is made in relation to statutory provisions contained in the *Local Government Act 1995* and the *Corruption, Crime and Misconduct Act 2003*.

Misconduct is defined in section 4 of the *Corruption, Crime and Misconduct Act 2003* and relates to the context of actions, or failure to act, by a public officer. A public officer includes a Council Member or an employee of the Shire.

Minor Misconduct conduct by a public officer that:

- adversely affects the honest or impartial performance of the functions of a public authority or public officer, whether or not the public officer was acting in their official capacity at the time of engaging in the conduct;
- involves the performance of functions in a manner that is not honest or impartial;

- involves a breach of the trust placed in the public officer; or
- involves the misuse of information or material that is in connection with their functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person; and
- constitutes, or could constitute, a disciplinary offence providing reasonable grounds for termination of a person's office or employment.

Serious Misconduct is conduct by a public officer who:

- acts corruptly or corruptly fails to act in the course of their duties; or
- corruptly takes advantage of their office or employment to obtain a benefit or to cause a detriment to any person; or
- acting in the course of their duties or while deliberately creating the appearance of acting in the course of their duties, commits an offence punishable by two or more years imprisonment.

The Shire may not be the responsible authority for the investigation or any potential resulting outcomes or actions in regard to Statutory Complaints.

The Chief Executive Officer is required under the relevant legislation to report matters that are suspected on reasonable grounds to have or may have occurred or may be likely to occur.

Type of Statutory Complaint	Making a Complaint	Responsible Authority / Shire Role
<p><b>Minor Misconduct by a Council Member</b></p> <p>OR</p> <p><b>Minor Breach by a Council Member</b> of behaviour obligations or Meeting Procedure Local Law requirements under the <i>Local Government Act 1995</i>.</p>	<p>Complaints may be made in writing or orally to:</p> <ul style="list-style-type: none"> <li>• the CEO if the complaint relates to a Council Member; OR</li> <li>• the Corruption and Crime Commission.</li> </ul> <p>Minor Breach allegations must relate to a matter that occurred within 6 months of the complaint being made.</p> <p>Legislation prescribes it as an offence if confidentiality about a complaint is breached OR for providing false or misleading information in a complaint.</p>	<p>The Chief Executive Officer, or nominated employee, duly appointed under s.5.120, must forward the complaint to the Local Government Standards Panel for its consideration. The CEO has no discretion to investigate or to not forward the complaint once made.</p> <p>Complaints will be investigated and determined by the Local Government Standards Panel.</p>
<p><b>Minor Misconduct by a Shire Employee</b> as defined in s.4 of</p>	<p>Complaints may be made in writing or orally to:</p>	<p>The CEO is responsible for reporting the matter</p>



Type of Statutory Complaint	Making a Complaint	Responsible Authority / Shire Role
<p>the Corruption, Crime and Misconduct Act 2003.</p>	<ul style="list-style-type: none"> <li>• the CEO if the complaint relates to an employee; OR</li> <li>• the Shire President if the complaint relates to the CEO; OR</li> <li>• the Public Sector Commission</li> </ul> <p>Legislation prescribes penalties if confidentiality about a complaint is breached OR for making false, misleading, malicious or reckless complaints.</p>	<p>to the Public Sector Commission, conducting an investigation and determine the outcome.</p> <p>If the complaint relates to the CEO the Shire President is responsible for reporting the matter to the PSC where appropriate. The Shire President will be responsible for coordinating an investigation and if the complaint is substantiated, ensuring the Council determines the outcome.</p> <p>If the complaint is made directly to the Public Sector Commission, the PSC will be responsible for actioning the matter.</p>
<p><b>Serious Misconduct by Council Member or Shire employee</b>, which may include a serious breach of the Local Government Act 1995.</p> <p>Serious misconduct may also include a contravention of a legislative requirement that imposes a penalty of 2 years imprisonment.</p>	<p>Complaints may be made in writing or orally to:</p> <ul style="list-style-type: none"> <li>• the CEO if the complaint relates to a Council Member or employee; OR</li> <li>• the Shire President if the complaint relates to the CEO; OR</li> <li>• the Corruption and Crime Commission</li> </ul> <p>Legislation prescribes penalties if confidentiality about a complaint is breached OR for making false,</p>	<p>The CEO (or the Shire President if the complaint relates to the CEO) must immediately notify the CCC (in relation to a Council Member or CEO) about a reasonably suspected serious misconduct and if related to a serious breach of the Local Government Act, to the DLGSC (in relation to a Council Member only).</p>

Type of Statutory Complaint	Making a Complaint	Responsible Authority / Shire Role
	misleading, malicious or reckless complaints.	The CCC and / or DLGSC will be responsible for investigating and determining the matter.
<p><b>Public Interest Disclosures</b> may be made in accordance with the <i>Public Interest Disclosures Act 2003</i>. (A source of guidance, not a source of authority.)</p> <p>A public interest disclosure may be made where the Shire, a public officer, a volunteer or contractor to the Shire has acted or may be going to act in a way that might involve:</p> <ul style="list-style-type: none"> <li>• improper conduct</li> <li>• an offence under law, including corruption</li> <li>• administration matters</li> <li>• irregular or unauthorised use of public resources</li> <li>• substantial mismanagement of public resources; or</li> <li>• conduct that involves a substantial and specific risk of injury, prejudice to public safety or harm to the environment.</li> </ul>	<p>The identity of the person making a disclosure is protected when making a public interest disclosure.</p> <p>Public Interest Disclosures must be made in accordance with the requirements of the Public Interest Disclosures Act 2003, which are described in the Shire’s Public Interest Disclosure manual available on the Shire’s website.</p> <p>Once a disclosure is made it cannot be withdrawn.</p> <p>Legislation prescribes severe penalties if confidentiality about a public interest disclosure is breached OR for making false, misleading, or reckless disclosures.</p>	<p>The DCEO is the Shire’s appointed Public Interest Disclosure Officer, responsible for receiving and coordinating disclosures.</p> <p>Disclosures may also be made to ‘named authorities’, including:</p> <ul style="list-style-type: none"> <li>• A police officer</li> <li>• Corruption and Crime Commission</li> <li>• Ombudsman WA</li> <li>• Public Sector Commission (if related to a Shire employee).</li> </ul>

**General Guidance when Making a Complaint:**

Complaints can be lodged via the complainant’s preferred method such as phone, email, in person or via the Shire’s Complaints Form which is available at each office (Home Island and West Island, and on the Shire’s website.)

Complaints about Council Member behaviour must be made on the forms prescribed by the Minister for Local Government. Forms can be obtained from the Chief Executive Officer. Completed complaint forms are to be provided to the Chief Executive Officer as the Shire’s prescribed Complaints Officer.

Relevant and sufficient information will need to be provided to ensure the complaint can be investigated and responded to appropriately. At a minimum the complainant will need to provide their name and contact details, what the complaint is about and information regarding time and place.

Anonymous complaints will only be investigated where reasonable and sufficient evidence is provided and which, in the opinion of the Complaints Officer, constitutes:

- A breach of statutory / legislative provisions;
- A matter on which the Shire is obligated to act as per the Local Government Act (WA)(CKI) 1995 or the Corruption, Crime and Misconduct Act 2003 or any other written law (i.e. Public Interest Disclosure (PID) legislation);
- A matter which, if not attended to, could reasonably constitute a risk to public health or safety of persons, animals or the environment.

The Shire respects the privacy of its customers, stakeholders and staff and personal identifiable information will be used only for the purposes of addressing the complaint.

If a complaint is the same as or similar to a prior complaint from the same complainant or if the complaint is considered by the Shire to be vexatious:

- the individual who submitted the complaint will be notified that their complaint has been considered to be either repetitive or vexatious, and as such will not be dealt with;
- if the complaint is considered repetitive, the individual who submitted the complaint will be notified where the information or advice previously given can be located; and
- if after being notified of the above, the individual continues to submit repetitive or vexatious complaints, the complaints will neither be acknowledged nor answered.

The Shire will not, unless the matter is considered misconduct or is otherwise stated in legislation, consider or investigate any complaints that are over two (2) years old [this accords with the time limit for general prosecutions of issues under the *Local Government Act (WA) (CKI) 1995*].

In addition, the following are not subject to this policy as other procedures prescribed in legislation are available to members of the public in relation to these specific types of complaints.

Type of Complaint	Contact:
Complaints related to a matter of administrative decision making by the local government where the applicant is dissatisfied with the outcome of the Shire's review of the original decision	WA Ombudsman
Prescribed decisions where the State Administration Tribunal is prescribed as responsible for decision reviews	State Administration Tribunal
Development and planning decisions	<a href="#">WA Planning Commission</a>

Dividing fence disputes	<a href="#">WA Building Commission</a>
Employment grievances	<a href="#">WA Industrial Relations Commission</a>

## DEFINITIONS

### Definition of a Complaint

A 'Complaint' is an expression of dissatisfaction with the standard of service, action or lack of, by the Council, Council Member or Shire staff, affecting an individual person or group of people. Issues the Shire will not consider as complaints under this Policy are:

- a request for Shire services or for information or explanation of policies or procedures or decisions of Council;
- reports of damaged or faulty infrastructure or of hazards (e.g.: damaged paved road, potholes in the road);
- a civil dispute between private parties including reports concerning neighbours or neighbouring property (e.g.: noise or unauthorised building works);
- the lodging of an appeal in accordance with procedure or policy;
- petitions;
- compliance enforcement action;
- issues relating to debt collection matters.

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	2/12/2015	Resolution #	10.4/A1
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>	08/08/2020		

## Customer Service Charter

### Mission

To deliver affordable and quality government services.

### Values

Our values provide a strong foundation for our Customer Service Charter.

### Our Values

#### Service

Provide the best service we can.  
We serve the community and each other.

#### Accountability

We take responsibility for our own actions.  
We do what we say we will do.  
Mistakes are an opportunity to learn.

#### Support

We support our team and our community.  
Look for opportunities to help each other.

#### Respect

We respect and value others.  
Our interactions are always respectful towards others.

#### Integrity

We will be honest and transparent with all our dealings.  
Maintain confidentiality.  
Trust each other.

#### Achievement

Being proactive and enabling the outcomes.  
Be creative and think outside the square.

The Shire of Cocos (Keeling) Islands is committed to maintaining the highest standards of service to ensure we meet the needs of our customers in a professional and ethical manner with courteous and efficient service.

When you contact us you can expect to be treated honestly and fairly. We encourage feedback on our customer service performance and welcome your input through submission of the Customer Feedback Form, surveys and formal correspondence.

### **Customer Service Principle:**

“No wrong door”. We operate as a team and will work together to ensure the customer does not have to navigate our internal staff structure. Whomever takes your enquiry will ensure it gets to the right person.

### **Our Commitment to you:**

- We will be guided by our values in all our interactions with you.
- We will respond to your enquiries promptly and professionally.
- We will keep you informed about the progress of your query, application, request or complaint.
- We will provide all our customers with fair and unbiased treatment.
- We will ensure our information, resources and services are accessible to all.
- We will take a genuine interest in your concern or query.
- We will maintain confidentiality and respect your rights for privacy.
- We will endeavour to keep notes of our conversations with you and to share those notes with you.

You can help us to meet our commitment to you by:

- Treating our staff with courtesy and respect.
- Being open and honest in your dealings with us.
- Letting us know when your details, such as your address, change.
- Respecting the rights of other customers.
- Providing us with feedback about our operation and services.
- Making an appointment if you wish to speak with a specific officer.

### **Service Standards:**

- **Contacting us in person:** You will be greeted by a staff member during opening hours. When you make an enquiry at the front counter, we aim to resolve it as soon as practicable. If your query requires technical advice or attention, we will refer you to the appropriate staff member. If the staff member is not available, contact will be made with you within two working days.

- **Contacting us by telephone:** We will answer calls promptly and professionally. We will aim resolve your enquiry immediately if possible, however if your query requires technical advice or attention, we will refer you to a relevant staff member. If the relevant staff member is not available, we will have your call returned within two working days. We will follow up phone enquiries with an email to you, wherever possible, to confirm that the information you have provided has been accurately captured.
- **Writing to us:** Your request will be acknowledged as soon as practicable (within 3 - 5 working days) and we will endeavour to provide an estimate of how long a detailed response or resolution will take.
- **Contacting us via our Website:** We will provide up to date information including forms, application forms and information sheets. Council meeting Agendas will be available on our website 72 hours prior to the meeting and Minutes will be available within ten working days following the meeting.
- **After hours:** Emergency contacts are available in the Council Contacts & Opening Hours section of the website.
- **Contacting Councillors:** Councillors are elected members of the community and a large part of their role is to represent the community. Councillors are keen to hear the views of local residents on issues which are of concern. You can contact your local Councillor by email or telephone; contact details are available on our website <https://shire.cc/en/your-council/meet-the-council.html>

## Complaint and Resolution Process

### Making a Complaint

A complaint is an expression of dissatisfaction, however made, about the standard of service, action or decision by the Council or its staff, affecting an individual or group. You can lodge a complaint via our website, by writing to us, by telephone or in person at the Administration Office.

### How will your complaint be investigated?

1. When we receive your complaint it will be recorded, and you will receive acknowledgment from us that your complaint has been received.
2. When we receive your complaint, we will direct your concern to the most appropriate person within the Shire of Cocos (Keeling) Islands who will be responsible for keeping you up to date on the progress of your complaint. Throughout the process, we may need to contact you to discuss your concerns or to ask for more information.

3. We will do our best to maintain confidentiality. Where it is necessary to share the nature of your complaint in order to resolve it, or in the interests of natural justice, we will advise you of how we will share your complaint and with whom before taking any such action.
4. Providing us with current contact details (such as a telephone number or email address) will ensure we provide a response as soon as possible.
5. After investigating, we will respond and aim to resolve your complaint, giving reasons for our response.
6. We will do our best to resolve your complaint within ten working days but if we require more information or time, we will keep you informed of our progress.

**Customer Feedback Form** - See attached.

## **Public Sector Commission**

Should you have a concern of misconduct or of a serious nature and you do not feel you can bring that concern to the CEO, staff or a Councillor, you are welcome to contact the Public Sector Commission (PSC) for advice. The PSC is the agency that responds to and investigates allegations of misconduct in the public sector. They can be contacted via the PSC's Advisory service on 08 6552 8888. The PSC will be able to indicate whether your concerns are within the jurisdiction and if it would be appropriate to make a report to the PSC, or to direct it elsewhere.

For further information or to discuss our Customer Service Charter, please feel free to contact the CEO on [ceo@cocos.wa.gov.au](mailto:ceo@cocos.wa.gov.au) or 08 9162 6649 or the Coordinator of Governance and Risk on [governance@cocos.wa.gov.au](mailto:governance@cocos.wa.gov.au)



## Customer Service Feedback Form

This form can be used for feedback, suggestions or complaints regarding the Shire policies, procedures, fees & charges, employees, contractors or the quality of the services and/or works provided.

It is important to note that a complaint is not the same as a request for service, a request for information, an inquiry seeking clarification of an issue or seeking a review of a Council or Council Officer's decision or conditions relating to a decision.

**Name of Customer/s:** \_\_\_\_\_

**Address in full:** \_\_\_\_\_

\_\_\_\_\_ **Phone** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Feedback or Complaint:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Add separate page if you require more space)

**Recommendation or suggestion:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Add separate page if you require more space)

**Customer's Signature:** \_\_\_\_\_



## Importation of Poultry and other Species to Cocos (Keeling) Islands Policy

CPC1

RESPONSIBLE OFFICER

Chief Executive Officer

### POLICY STATEMENT

To promote a process in conjunction with AQIS that allows Council to have input into the importation of poultry and other species to the Cocos (Keeling) Islands.

### OBJECTIVE

To ensure that there is controls on the importation of poultry and other species to the Islands.

### GUIDELINES

Prior to a resident considering the importation of poultry, or any other species, to Cocos (Keeling) Islands the resident must first make application in writing 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 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 at 50 chickens to allow a number of residents to apply to import chickens.

Office Use Only				
Relevant Delegations				
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

## Motor Vehicles on Home Island Policy

CPC2

### RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

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

### SCOPE

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

### POLICY

1. The importations of passenger vehicles and utilities for private/non-commercial use to Home Island will not be approved and Council will refuse to issue a motor vehicle registrations licence to passenger vehicles and utilities for private/non-commercial use arriving on Home Island after 1st March 2008.
2. Emergency vehicles be 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				
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

## Prevention of Cats Being Imported to Cocos (Keeling) Islands Policy

CPC3

RESPONSIBLE OFFICER

See local law

### POLICY STATEMENT

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.

### OBJECTIVE

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

### GUIDELINES

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

Office Use Only				
Relevant Delegations				
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

## Shipping and/or Sea Containers Policy

CPC4

RESPONSIBLE OFFICER

Chief Executive Officer

### POLICY STATEMENT

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 Town Planning Scheme.

### OBJECTIVE

To ensure residents are aware of the controls/guidelines that are in place and where applications comply with the provisions and intent of this Policy.

### GUIDELINES

- This policy is based on shipping and/or sea containers up to 6 metres in length for all zones within the Shire of Cocos (Keeling) Islands Town Planning Scheme.
- 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 4 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 4 weeks, no formal Shire approval is required; however it 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.
- Container(s) shall be wholly located within the boundaries of any property the subject of an application for approval.
- Container(s) shall be adequately tied down during cyclone season.
- Container(s) shall be maintained in good and orderly condition to the satisfaction of Council.

- Use of container(s) 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:

- Container(s) are to be in good condition prior to location upon any property.
- Container(s) shall be situated at the rear of the property unless otherwise determined by the Shire.
- Container(s) are not to be located over sewerage lines or other utilities.
- A maximum of one (1) sea container will be considered per property.
- Container(s) shall comply with the setback requirements contained within 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**

- Container(s) 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.
- Container(s) 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 container(s) shall relate directly to, and be ancillary to, the predominant use of the property as approved by Council.
- Container(s) are not to be located over sewerage lines or other utilities.
- In the General Rural areas a maximum of one (1) 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**

- Container(s) 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.
- Container(s) shall comply with the setback requirements contained within Town Planning Scheme relevant for the zone in which they are located.
- Container(s) 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.

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	unknown	Resolution #	unknown
Reviewed/Modified	<b>Date</b>	26/3/2014	Resolution #	41/2014
Reviewed/Modified	<b>Date</b>	24/06/2019	Resolution #	10.4.6
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1

## Community Funding Program

CPC5

Responsible Officer

Community Development Coordinator

### OBJECTIVE

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

### SCOPE

The Shire of Cocos (Keeling) Islands is committed to supporting incorporated not-for-profit organisations/associations located within the Shire of Cocos (Keeling) Islands by providing grants up to \$2000 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;
- The Applicant organisation submits their applications 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; 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.)

**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).

**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 CFP Committee consisting of three Councillors. The Community Development Coordinator will provide administrative support to this Committee.

The Committee will make recommendations to the CEO who will make CFP 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 funding agreement which will outline milestones for payments, how the Shire should be acknowledged and acquittal requirements.

**DEFINITIONS**

**RELEVANT LEGISLATION/LOCAL LAW**

**Office Use Only**

<b>Relevant Delegations</b>				
<b>Council Adoption</b>	<b>Date</b>	25/08/2020	Resolution #	10.4.2
<b>Reviewed/Modified</b>	<b>Date</b>	26/02/2020	Resolution #	10.4.1
<b>Reviewed/Modified</b>	<b>Date</b>		Resolution #	

## Home Island Housing Policy

CPC6

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This policy will inform Trustee decision-making regarding the provision, allocation and management of housing on Home Island.

### POLICY SCOPE

This policy applies to all houses owned by the Land Trust Home Island.

### GUIDELINES

#### General Guidelines

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

#### 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 name 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 Cocos (Keeling) Islands for a minimum of 3 years before being considered for a rental house.
- d) That houses will be allocated in accordance with:
  - a. the date of the application received (noting that no verbal request will be accepted); and
  - b. 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**

All rates and charges shall be in accordance with the adopted Budget for the current financial year. (Refer to Budget notes for detail).

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 his/her relatives for a period not longer than 6 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 6 months period.
- b) If the tenant decides not to return, Council will allocate the house in accordance with the waiting list.
- c) A bond of \$500.00 will be required. If the original tenant does not return from the mainland within 6 months, the bond will be forfeited, the relatives evicted, and the house given to a person on the House 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 tenants 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 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 property in accordance with the statutory requirements, relevant law and Building Code.

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	25/9/1997	Resolution #	6.1.1
Reviewed/Modified	<b>Date</b>	26/3/2014	Resolution #	41/2014
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1

## Camping Policy

CPC7

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

This policy aims to:

- facilitate camping as an experience for residents and visitors to Cocos, for people who enjoy nature based experiences and are equipped to be self-sufficient, recognising that the Shire's camp sites have limited facilities; and
- balance making camping available to residents and visitors with the Shire's capacity to provide and maintain core service infrastructure (e.g. toilets, shelters, BBQs);
- 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 CEO 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 CEO 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.
  - 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;
    - 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 of Cocos (Keeling) Islands 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 the Local Government Act 1995 s.6.16.
- b) Each resident of 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: Person who has a permanent residence on the Cocos (Keeling) Islands.

Adult: any person over the age of 18 years old

Impound fees: A fee set by the Council as part of the Annual Schedule of Fees and Charges

#### RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995 s.3.37 and 3.39, authority and power to remove and impound goods*

*Caravan Parks and Camping Grounds Regulations 1997*

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

Office Use Only				
<b>Relevant Delegations</b>				
<b>Council Adoption</b>	<b>Date</b>	11/11/ 2020	<b>Resolution #</b>	10.4.1
<b>Reviewed/Modified</b>	<b>Date</b>		<b>Resolution #</b>	
<b>Reviewed/Modified</b>	<b>Date</b>		<b>Resolution #</b>	

## Annual Airfares Entitlement Policy

CPE1

### RESPONSIBLE OFFICER

Deputy Chief Executive officer

### OBJECTIVE

To provide eligible employees with a return annual airfare entitlement from Cocos to Perth. Given the remote & isolated location of the Cocos (Keeling) Islands this policy serves to give employees the opportunity to travel off-island for periods of annual leave. The policy also works towards Council's strategic objective to retain employees and promote the Shire of Cocos (Keeling) islands as an employer of choice.

### SCOPE

This policy applies to all 'eligible employees' as defined below.

### POLICY

The Shire of Cocos (Keeling) Islands will provide all eligible employees with an annual return 'flexi fare' airfare from the Cocos Islands to Perth. Alternatively, Employees can book their own return travel to Perth or the location in which they lived prior to their employment with the Shire and have the value of the return 'flexi fare' flight to Perth paid to them. This reimbursement payment can be spent on accommodation, meals or transportation. If the employee has booked his/her own flight he/she must provide the Shire with a signed Remote Area Holiday Transport Declaration. In all cases, the airfare must be used for an annual leave period of 3 days or more. For any eligible part time employee, this entitlement will be on a pro-rata basis

Eligible employees will become entitled to an annual airfare entitlement after 12 months of continuous service and on their anniversary date for each 12-month period thereafter. The day & month of the eligible employee's commencement becomes their anniversary date. Eligible employees who were already employed with the Shire when this policy was first implemented in July 2011 will have an anniversary date every year of 1 July.

An eligible employee may accrue no more than two years annual airfares. Any entitlement will expire if unused for more than two years. An eligible employee may choose to use two entitlements at the same time to allow a member of their immediate family to travel with them.

## DEFINITIONS

Eligible employee – means all permanent full time & permanent part time employees. Employees working less than 15 hours a week for the Shire will not be considered eligible employees. Contract employees are not considered eligible employees as provisions for annual airfare entitlements are included in their individual employment contracts.

Immediate Family – spouse, child/adopted child, parent, sibling – Jo checking FBT implications. Amend definition to include something about FBT implications so that it is clear why we have chosen this definition of immediate family.

Flexi Fare – A flexi fare is a K class airfare with Virgin Australia.

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	27/4/2016	Resolution #	10.1/F3
Reviewed/Modified	<b>Date</b>	30/8/2017	Resolution #	3008/05
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1

## Ferry Travel Allowance Policy

CPE2

RESPONSIBLE OFFICER

Deputy Chief Executive Officer

### 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 addresses the issue of work-related inter-island ferry travel, the employee will be excluded from this policy.

### POLICY

This allowance is only paid to an employee who is required to travel across the lagoon from their normal place of residence to report to a designated worksite. When an employee travels during normal work hours no allowance can be claimed.

The allowance will be a ½ hour normal pay for each one-way trip.

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	unknown	Resolution #	unknown
Reviewed/Modified	<b>Date</b>	26/3/2014	Resolution #	41/2014
Reviewed/Modified	<b>Date</b>	8/11/2017	Resolution #	1117/09
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1

## Fitness for Work Policy

CPE3

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To facilitate the provision of a safe, healthy and productive place of work through the effective management of employees 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 each individual has a responsibility to maintain personal "fitness for work".

Shire employees are required to attend work in a good physical and mental condition so duties are performed in a safe, efficient and productive manner. Employees should be aware that many factors may affect fitness for work, and these can often interact with each other.

These may include:

- General health and fitness
- Secondary employment or volunteer activities
- Recreational activities and sport
- Medications
- Insufficient sleep / fatigue
- Excessive work hours / demands
- Injury or illness (work or non-work related)
- Consumption of alcohol or other drugs

An employee who attends work in an unfit manner is operating outside the Shire's Policy and may be subject to counselling and / or disciplinary action, depending on the degree of awareness and the severity of the risk to safety.

The Shire reserves the right to direct and employee, who it believes is unable to safely perform their duties due to some form of impairment to attend a medical practitioner of the Shire's choice prior to continuation of duties.

## DEFINITIONS

Employee – means an employee of the Shire

Shire – means the Shire of Cocos (Keeling) Islands

## RELEVANT LEGISLATION/LOCAL LAW

*Occupational Safety and Health act 1984*

*Occupational Safety and Health Regulations 1996.*

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	2/12/2015	Resolution #	10.4/A1
Reviewed/Modified	<b>Date</b>	22/02/2020	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>		Resolution #	

## Internet and Email Usage Policy

CPE4

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To provide a framework for appropriate access to and use of the internet and email systems.

### SCOPE

The Internet and Email usage policy applies to the accessing of the internet and email systems by all employees in the performance of their work, specifically this includes:

- Internal and external email traffic
- Internet access
- Network access

### POLICY

The Shire of Cocos (Keeling) islands is committed to providing its staff with appropriate corporate applications and business tools, including access to internet and email systems, provided that:

- Employees use the internet responsibly and productively. Internet access is limited to job related activities only and personal use is not permitted. Job related activities could include research and educational tasks that may be found via the internet that would help in an employee's role.
- All internet data that is composed, transmitted and / or received by the Shire of Cocos (Keeling) Islands computer system is considered to belong to the Shire of Cocos (Keeling) Islands and is recognized as part of its official data. It is therefore subject to disclosure for legal reasons or to other third parties.
- The equipment, services and technology used to access the Internet are the property of the Shire of Cocos (Keeling) Islands and reserves the right to monitor Internet traffic and monitor and access data that is composed, sent or received through its online connections.
- Emails sent via the emails system should not contain content that is deemed to be offensive. This includes, though is not restricted to, the use of vulgar or harassing language / images.
- All sites downloads may be monitored and / or blocked by the Shire of Cocos (Keeling) Island's if they are deemed to be harmful and / or not productive to business.
- The installation of software such as instant messaging technology is strictly prohibited.
- Unacceptable use of the internet by employees includes, but is not limited to:
  - a) Access to sites that contain obscene, hateful, pornographic, unlawful, violent or otherwise illegal material.
  - b) Sending or posting discriminatory, harassing, or threatening messages or images on the internet or via the Shire of Cocos (Keeling) Islands email service

- c) Using computers to perpetrate any form of fraud, and / or software, film or music piracy.
- d) Stealing, using, or disclosing someone else's password without authorization.
- e) Downloading, copying or pirating software and electronic files that are copyrighted or without authorization.
- f) Sharing confidential material, trade secrets, or proprietary information outside of the organisation.
- g) Hacking into unauthorised websites.
- h) Sending or positing information that is defamatory to the Shire, its products/ services, colleagues and / or customers.
- i) Introducing malicious software onto the shire's network and / or jeopardizing the security of the Shire's electronics communication systems.
- j) Sending or positing chain letters, solicitations, or advertisements not related to business purposes or activities.
- k) Passing off personal views as representing those of the Shire of Cocos (Keeling) Islands.

Employees should not use personal electronic devices to access the Shire's internet network or any other internet networks during working hours without the prior approval of a senior staff member.

If an employee is unsure about what constitutes acceptable internet usage, then he / she should ask his / her supervisory for further guidance and clarifications.

Violations of this policy could result in disciplinary and / or legal action leading up to and including terminations of employment. Employees may also be held personally liable for damages caused by any violations in relation to their conduct. All employees are required to acknowledge receipt and confirm that they have understood and agreed to abide by this policy.

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

## Shire Employees Undertaking Secondary Employment Policy CPE5

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:

- Ensure at all times 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 of 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 the course of their Shire workday (including sending or receiving emails or phone calls),
- Use Shire equipment or resources (including human resources) for the purpose of their secondary employment

- Use, pass on or attempt to benefit from any confidential information obtained through their Shire Employment
- Wear the Shire uniforms in the course of the secondary employment or otherwise state or imply that the secondary employment is connected to or endorsed by the Shire.

## DEFINITIONS

“Secondary employment” is any employment that a person engages in, outside of their position at the Shire of Cocos (Keeling) Islands. This includes working for another employer, running their own business, working in a family business, or working as a consultant, but excludes any voluntary work for a charity / community group or emergency services group, providing there is adherence to all other criteria of this policy.

## RELEVANT LEGISLATION/LOCAL LAW

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

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

## Superannuation Contribution Policy

CPE6

RESPONSIBLE OFFICER

Deputy 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 (pot –tax amount) as allowed under any specified salary sacrifice options and the Australian Taxation guidelines.

The superannuation Choice option is available to Employees in accordance with Local Government (Amendment of Part VIA – Employee Superannuation Regulations 2006).

The Shires superannuation default fund is WA super (trading name for the WA Local Government Superannuation Plan).

### DEFINITIONS

Employee – means an employee of the Shire

Shire – means the Shire of Cocos (Keeling) Islands

### RELEVANT LEGISLATION/LOCAL LAW

Local Government Act 1995

Local Government (Amendment of Part VIA – Employee Superannuation) Regulation 2006

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

## Travel Allowance Policy

CPE7

### RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

To guide the allowances provided to Shire representatives to cover out of pocket expenses for meals and incidentals when travelling on local government business.

### SCOPE

This policy applies to any Council Members or Shire employees required to stay overnight in a place other than their normal place of residence while on Shire business.

### POLICY

A meal and incidentals allowance will be paid to employees and Councillors when travelling on local government business and required to stay overnight in a place other than their normal place of residence.

The amount of allowance provided, each for meals and incidentals, will be equivalent to what the Commissioner of Taxation considers to be 'reasonable amounts for domestic travel expenses' for the substantiation exception in Subdivision 900-B of the Income Tax Assessment Act 1997 (ITAA 1997), for that income year. For all employees and Councillors, the middle 'employee's annual salary' bracket will be used to determine relevant allowances.

Where meals are provided at conferences, workshops, or other events that the employee or Councillor are required to attend on local government business, the Shire will not provide an allowance for that meal if the Councillor or employee should choose to eat elsewhere.

If whilst on Council business the employee or Councillor request alternative arrangements for personal reasons the Travel Allowance is only payable for the days spent attending to approved local government business.

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	unknown	Resolution #	unknown
Reviewed/Modified	<b>Date</b>	26/3/2014	Resolution #	41/2014
Reviewed/Modified	<b>Date</b>	30/8/2017	Resolution #	3008/05
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1

## Recruitment and Selection Policy

CPE8

RESPONSIBLE OFFICER

Deputy 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 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 on the basis of the individual capacity of the person having particular regard to the knowledge, skills, qualifications, experience and potential for future development of that person in their employment.

Selection on the basis of 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. In the event that 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 criteria 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 #	10.4/A2
Reviewed/Modified	Date		Resolution #	
Reviewed/Modified	Date		Resolution #	

## Corporate Credit Card Policy

CPF1

### RESPONSIBLE OFFICER

Deputy Chief Executive Officer

### OBJECTIVE

The objective of the Shire of Cocos (Keeling) Corporate Credit Card Policy is to ensure effective controls, policies and procedures are in place with respect to the issue and use of corporate credit cards.

### SCOPE

The requirements of this policy cover all employees that are issued with and / or use the corporate credit card.

### POLICY

A corporate credit card will be issued to the Chief Executive Officer, and to other employees approved by the Chief Executive Officer. Cardholders are responsible for the use of the corporate credit card and must ensure the safe keeping of the card at all times. Loss or theft of the corporate credit card must be reported immediately to the Shire's bank.

The Shire of Cocos (Keeling) Islands corporate credit card is to be used by the cardholders for the payment of expenses associated with official Shire business activities only.

The corporate credit card must not be used for:

- Personal or non-work-related expenditure;
- Obtaining cash advances; or
- Purchase over the internet unless it is a trusted site.

Among the permitted uses are:

- In person, across the counter retail purchases;
- Internet/telephone business related purchases;
- Mail order purchases and subscription;
- Official travel, accommodation and related expenses; or
- Entertainment and business hospitality expenses.

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

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

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

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

#### RELEVANT LEGISLATION/LOCAL LAW

*Local Government (Financial Management) Regulations 11(1)(a)*

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	27/01/2016	Resolution #	10.4/A1
Reviewed/Modified	<b>Date</b>	30/8/2017	Resolution #	3008/05
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1

## Funding Contributions – Resident Further Education Policy

CPF2

RESPONSIBLE OFFICER

Deputy Chief Executive Officer

### OBJECTIVE

To assist students who graduate from the Cocos (Keeling) Islands District High School to further their education past the compulsory periods of Years 11 & 12, by contributing funds to cover some costs involved with further study off island. A “Funding Contribution Further Education” Application Form has been prepared for use by those applying for these funds and the following guidelines aim to ensure a fair process for allocation of funds.

### SCOPE

This policy applies to students under the age of 25 who have completed all of their high schooling, year 7 to year 10, at the Cocos (Keeling) Islands District High School. Students must continue to be a permanent resident of the Cocos (Keeling) Islands to be eligible for financial assistance under this policy.

### POLICY

- Students must 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.
- There is a limit of \$1,000.00 per student per calendar year.
- Application is to be made on the form supplied by the Shire and be submitted to the Shire prior to approval.

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	unknown	Resolution #	unknown
Reviewed/Modified	<b>Date</b>	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

## Investment Policy

CPF3

### RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

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

### SCOPE

This policy applies to the investment of funds that are surplus to operational requirements.

### POLICY

The Chief Executive Officer shall be responsible for the management of the Council's funds and reporting to the Council on these affairs. In doing so, the Chief Executive Officer will take a conservative approach to the investment of the Shire of Cocos (Keeling) Islands surplus funds, but with a focus to add value, while ensuring that its liquidity requirements are being met.

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

In determining the term to maturity of any financial investment, regard shall be had to the cash flow needs of the 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 required by subsection 18 (1) of the Trustees Act 1962.

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

- Interested bearing deposits
- Bank accepted/endorsed bank bill

## DEFINITIONS

Authorised institution includes any of the following banking institutions:

- Commonwealth Bank –CBA
- National Australia Bank –NAB
- Australia and New Zealand Bank – ANZ
- Westpac Banking Corporation
- St George Bank
- Suncorp Metway Bank
- Bankwest of WA
- Bank of Queensland – BoQ
- Adelaide Bank / Bendigo Bank
- Macquarie Bank

## RELEVANT LEGISLATION/LOCAL LAW

All investments are to be made in accordance with:

- Local Government Act 1995 – Section 6.14
- The Trustees Amendment Act 1962 –, re: Part III Investments (as amended 1997)
- LG Financial Management Regulations (19, 28 and 49)
- Australian Accounting Standards

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	24/02/2016	Resolution #	10.1/F3
Reviewed/Modified	<b>Date</b>	30/8/2017	Resolution #	3008/05
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1

## Purchasing Policy

CPF4

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

The Objectives of this policy are to:

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

### SCOPE

This Policy applies to all purchasing activities undertaken by the Shire's officers.

### 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 Regulations, the policy and associated purchasing procedures in effect at the Shire.

##### 1.2 Purchasing Thresholds

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

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

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

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 e.g. from the hardware or supermarkets, a quote cannot be obtained. Where a verbal quote is provided, a formal signed notation by the officer, that records the date and person from who the quote was received, should be attached to the purchase order.

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

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

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

The general principles for obtaining verbal quotations are:

- Ensure that the requirement/specification is clearly understood by the Shire employee seeking quotations.
- Ensure that the requirement is clearly, accurately and consistently communicated to each of the suppliers being invited to quote.
- Read back the details to the Supplier contact person to confirm their accuracy.
- Written notes detailing each verbal quotation must be recorded.

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

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

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

For other suppliers, 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, it must be noted through records relating to the process.

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

The responsible officer 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 in writing at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

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

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

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

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

### 1.3 Policy and Tendering Exemptions

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

- The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement;
- The purchase is of a unique nature with a sole source of supply;
- The purchase is from another Local Government Agency;
- The supply of the goods or services is to be obtained from expenditure authorised in an emergency. Emergency purchases are defined as the supply of goods or services associated with:
  - A local emergency and the expenditure is required (within existing budget allocations) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets; OR
  - A local emergency and the expenditure is required (with no relevant available budget allocation) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with s.6.8 of the Local Government Act 1995 and Functions and General Regulation 11(2)(a); OR
  - A State of Emergency declared under the Emergency Management Act 2005 and therefore, Functions and General 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 Regulations 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, e.g. through the WALGA Preferred Supply Program or a State Government Common Use Arrangement, to ensure best value for money.

### 1.4 LGIS Services

The suite of LGIS insurances are established in accordance with s.9.58(6)(b) of the *Local Government Act (WA)(CKI) 1995* 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-base service and is not defined as a purchasing activity subject to this Policy.

Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this Policy is required.

### 1.5 Approval Limits

That the Chief Executive Officer, Deputy Chief Executive Officer, Manager of Works and Services and Executive Support Officer have authority to sign purchase orders within their relevant area of responsibility, as follows:

Officer	Limit of Authority for Purchases
Chief Executive Officer	Unlimited
Deputy Chief Executive Officer	\$50,000
Manager of Works and Services	\$50,000
Executive Support Officer	\$5,000

### 1.6 Inviting Tenders Though not Required to do so

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

In such cases, the tender process must comply with the legislative requirements and the Shire's tendering procedures [F&G Reg.13].

## 2. Ethics and Integrity

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

## 3. Value for Money

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

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

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

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

#### **4. Sustainable Procurement**

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

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

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

## DEFINITIONS

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

Value for money is 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) including 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*

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

*Local Government (Functions and General) Regulations 1996*

*Corruption Crime and Misconduct Act 2003*

*State Records Act 2000*

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

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	26/09/2018	Resolution #	0918/07
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>	20/08/2020	Resolution #	10.4.5

## Related Party Transactions Disclosure Policy

CPF5

RESPONSIBLE OFFICER

Deputy Chief Executive Officer

### OBJECTIVE

To ensure that the Shire of Cocos (Keeling) Islands ('the Shire') 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 profit or loss may have been affected by the existence of transactions with a related party and outstanding balances and commitments with such parties.

### SCOPE

The Policy is to be applied in:-

- a) identifying and recording related parties and related party relationships;
- b) identifying and recording related party transactions and their terms and conditions;
- c) assessing materiality and or significance of these transactions; identifying the circumstances in which disclosure of points 1 and 2 is required;
- d) determining the disclosures to be made about points 1 and 2; and
- e) disclosing relevant information in the Financial Statements.

Key Management Personnel will include, but not limited to, Councillors, Chief Executive Officer, Deputy Chief Executive Officer and Managers.

### POLICY

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

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

Key Management Personnel (KMP) will be identified and the position they hold with Council. They will be required to complete a disclosure Notification, which at minimum will require details of the related party, (family members and/or entities) that may have existing transaction potential with Council and the relationship.

As per paragraph 17 AASB 124, Council shall disclose compensation in total provided to KMP, and for each of the following categories,

- (a) Short term employee benefits;
- (b) Post-employment benefits;
- (c) Other long-term benefits;
- (d) Termination benefits; and
- (e) Share based payments.

For disclosure requirements of AASB 124, Council shall implement a process to capture related party transactions for reporting in the financial statements and the following will be collected through each year;

- (a) Related parties to the KMP;
- (b) Relationship to KMP;
- (c) Transactions that are monetary and/or non-monetary;
- (d) The value of the transaction if monetary;
- (e) The benefit if non-monetary;
- (f) The value of outstanding balances;
- (g) Details of commitments and/or guarantees;
- (h) Recognition for the provision of doubtful debts related to outstanding balances of related parties.

KMP who no longer holds that role in Council will still be subject to disclosure requirements up until their status as KMP is no longer applicable. The same will apply for KMP who acquires the role in that year.

Once the related party transactions have been identified, they will be assessed and a determination will be made regarding the materiality of the transaction. This will include assessment of Ordinary Citizen Transactions and whether the terms and conditions differ from normal practice, which would then exclude them from being Ordinary Citizen Transactions.

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

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

**Privacy:** Council will endeavour to ensure that only those staff involved in the preparation of the related party disclosures and the external auditors will have access to the Related Party Declarations [Related Party Transactions Notification by Key Management Personnel Form] and related party transactions.

## DEFINITIONS

**Related Party:** A person or an entity that is related to Council, referred to as the 'reporting entity'. Examples of related parties of Council are:- (i) Council Subsidiaries; (ii) Key Management Personnel ('KMP'); (iii) Close family members of Key Management Personnel; (iv) Entities that are controlled or jointly controlled by key management personnel or their close family members.

**Key Management Personnel (KMP):** 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 of Cocos, KMP will include, but is not limited to, Councillors, Chief Executive Officer, Deputy Chief Executive Officer and Managers.

**Close Members of the Family:** Those are family members who may be expected to influence or be influenced by those individuals' dealings with Council and include: (i) Children and spouse or domestic partner (ii) Children of that person's spouse or domestic partner (iii) Dependents of that person or that persons spouse or domestic partner Under AASB 124, close members of family 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 KMP in their dealings with Council.

**Related Party Transactions:** These are a transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged.

**Ordinary Citizen Transaction:** These are 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. Example of ordinary citizen transactions would be: (i) The paying of rates and charges (ii) The use of Council owned public facilities (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.

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	8/11/2017	Resolution #	1117/10
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>		Resolution #	

## COVID-19 Financial Hardships Policy

CPF6

Responsible Officer

Deputy Chief Executive Officer

### OBJECTIVE

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

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

### SCOPE

This policy applies to:

1. Outstanding rates and service charges as at the date of adoption of this policy; and
2. Rates and service charges levied for the 2020/21 financial year.

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

### POLICY

#### Payment difficulties, hardship and vulnerability

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

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Cocos (Keeling) Islands recognises the likelihood that COVID19 will increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This

policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

### **Anticipated Financial Hardship due to COVID19**

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

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

### **Financial Hardship Criteria**

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

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Unanticipated circumstances such as caring for and supporting extended family

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

### **Payment Arrangements**

Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;

- The ratepayer will be responsible for informing the Shire of Cocos (Keeling) Islands Shire of Cocos (Keeling) Islands of any change in circumstance that jeopardises the agreed payment schedule.

### Interest Charges

A ratepayer that meets the Financial Hardship Criteria will not attract interest or penalty charges on rates / service charge debt in 2020/21, subject to the period of time that the Local Government (COVID-19 Response) Ministerial Order 2020 remains effective (SL 2020/67 – Gazetted 8 May 2020).

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

### Deferment of Rates

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

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

### Debt recovery

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3<sup>rd</sup> due payment, then we will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding on 1 July 2021, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the 2021/2022 financial year.

Rates and service charge debts that remain outstanding at the end of the 2021/22 financial year, will then be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*.

## Review

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

## Communication and Confidentiality

We will maintain confidential communications at all times, and we undertake to communicate with a nominated support person or other third party at your request.

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

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

## Definitions

## Relevant Legislation/Local Law

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

Ministerial Order Gazetted on 8 May 2020

Office Use Only				
<b>Relevant Delegations</b>				
<b>Council Adoption</b>	<b>Date</b>	7 October 2020	<b>Resolution #</b>	10.4.3
<b>Reviewed/Modified</b>	<b>Date</b>		<b>Resolution #</b>	
<b>Reviewed/Modified</b>	<b>Date</b>		<b>Resolution #</b>	

## Recovery of Sundry Debts Policy

CPF7

RESPONSIBLE OFFICER

Deputy Chief Executive Officer

### OBJECTIVE

To provide guidance in the collection of all outstanding sundry debts owed to the Shire to ensure timely cashflow and to reduce the likelihood of sundry debts becoming unrecoverable.

The purpose of this policy is to provide a clear, accountable and transparent process for the Shire's sundry debt management and collection practices and ensure consistency for all sundry debt recovery.

### SCOPE

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

### POLICY

#### Debt Recovery

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

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

1. A statement stamped overdue will be issued and mailed to the debtor.
2. If payment is not received and the debtor falls into 60 days outstanding an appropriate Shire officer will make contact via phone or email. Details of the follow up will to be recorded in the Debt Collection Register.
3. Follow up of debtors via phone or email will continue by an appropriate Shire officer on a monthly basis until payment is made in full unless regular payments of an acceptable level are being reliably made.
4. Any debtor that has an amount over \$1,000 in 90 days will be handed over to the Deputy Chief Executive officer for recovery actions. The Deputy Chief Executive officer will contact the debtor and firstly offer to make a formal payment arrangement that will ensure the debt is cleared within a reasonable timeframe up to a maximum of 12 months.

5. If a payment arrangement cannot be arranged or is broken, the debtor will be issued a demand letter giving 90 days to pay the debt in full.
6. If payment is not received in full after the 90 days a report on the debt will be presented to Council for consideration.

## DEFINITIONS

## RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

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

## Occupational Safety and Health Policy

CPR1

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

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

### SCOPE

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

### POLICY

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

#### 1. Objectives

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

#### 2. Responsibilities

##### 2.1 Councillors

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

##### 2.2 CEO

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

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

### 2.3 Managers and Supervisors

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

### 2.4 Employees, Contractors and Volunteers

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

## DEFINITIONS

Shire – Shire of Cocos (Keeling) Islands

OSH – Occupational Safety and Health

## RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995*

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

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

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

## Personal Protective Equipment and Clothing Policy

CPR2

### RESPONSIBLE OFFICER

Manager of Works and Services

### 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 Works and Services 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 Works and Services when considered appropriate and necessary.
- Wet weather protection may be issued if deemed required by the Manager of Works.

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

### **Works and Services**

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 Works and Services, 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 Works and Services 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 Works and Services.

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 Manger of Works and Services.

#### RELEVANT Legislation/Local Law

*Occupations Safety and Health Act 1984*

*Occupations Safety and Health Regulations 1996*

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

### RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

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

### POLICY

The Scheme does currently not 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 9 metres.

With the exception of one second storey addition, development within the residential precinct of Home Island is single storey, with the maximum height of the development within the precinct of 6 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 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 6 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.

## GUIDELINES

Within the residential zone on Home Island, all development shall have a maximum building height limit of 6 metres, as referred to in “Category A” in the Table 1. ‘Maximum Building Heights’

- a) Within the residential zone on West Island, all development shall have a maximum building height of 9 metres, as identified as “Category B” in Table 1. ‘Maximum Building Heights’
- b) 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.

	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

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	30/3/2011	Resolution #	35/2011
Reviewed/Modified	<b>Date</b>	26/3/2014	Resolution #	41/2014
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1

## Temporary Signs Policy

CPR4

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVE

The objective of the Shire of Cocos (Keeling) Islands temporary sign policy is 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

The requirements of this policy cover all temporary / portable signs.

### POLICY

Prior to erecting any sign, permission must be obtained from the shire.

Permission is NOT however required for any business wanting to erect 1 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
- 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
- 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 (5) million dollars for public liability

## Penalties

- An authorised officer of the Shire of Cocos (Keeling) Islands can impound a sign found to be in breach of this policy
- If the owner of the impounded sign is known he/she will be notified within 1 working day
- An impoundment fee in accordance with the Council 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

A portable sign is a portable advertising device which is located outside of the premise from which the commodity or service described on the sign may be obtained.

A temporary sign is used only for a period of time but not a permanent fixture.

## RELEVANT LEGISLATION/LOCAL LAW

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

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	23/11/2016	<b>Resolution #</b>	10.4/1A
Reviewed/Modified	<b>Date</b>	30/8/2017	<b>Resolution #</b>	3008/05
Reviewed/Modified	<b>Date</b>	26/02/2020	<b>Resolution #</b>	10.4.1

## Caretaker's Dwelling Policy

CPR5

### RESPONSIBLE OFFICER

### OBJECTIVE

The objective of the Shire of Cocos (Keeling) Islands Caretaker's policy is to 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.

### SCOPE

The scope of this policy is to provide clear guidance to Council and the community on the acceptable standards 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 (LPS1)

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

A Caretaker's Dwelling shall comply with the following:

- (i) A Caretaker's Dwelling will only be considered if it can be demonstrated that it is essential for an approved and established industry, business, office or recreation area carried out on, or existing on, the same site.
- (ii) If an established use does not exist on the site the subject of an application for a Caretaker's Dwelling, the development application shall include plans for an industrial, business, office or recreation development. If approved, a condition of development approval will be imposed setting out that the Caretaker's Dwelling cannot be occupied prior to the commencement of the associated use on the property.
- (iii) A Caretaker's Dwelling shall at all times be directly associated with an industrial, business, office or recreation development or other approved use on the site. (Extract from the Cocos Keeling Islands Local Planning Scheme 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 CEO 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 R Codes.
- (ix) Incidental residential development such as carports, open verandas and the like will be permitted on the basis that the total area of the lot set aside for residential purposes (including the Caretaker's Dwelling, gardens, outbuildings and the like) does not exceed an area of 200 square metres.
- (x) A Caretaker's Dwelling will only be considered on lots that have a site area of 2000 square metres or more.
- (xi) Caretaker's Dwellings are limited to one Caretaker's Dwelling per lot or total lease area and are not permitted on lots within a strata scheme.
- (xii) The applicant must submit plans and specifications for Development Approval and Building Approval for of the proposed development for Council's approval.
- (xiii) The Caretaker's Dwelling is to be connected to mains water, sewerage and power. Options for alternate services will be considered by Council where services are remote from the site and it is economically unfeasible to connect. The application is to provide detail information of alternate environmental sustainable systems to provide sufficient power, water supply and wastewater treatment such as composting, or low water use toilets, and approved grey water reuse system.

- (xiv) The applicant is to provide evidence of capacity for accessing water supply sufficient for consumption and firefighting via a combination of:
- a. a minimum rainwater storage capacity of 10,000 litres (90,000 litres where not connected to mains water) with the appropriate roof plumbing system to ensure that roof runoff capture is maximised; and/or
  - b. approved de-salination equipment; and/or
  - c. Alternative/s that will assure Council that there is sufficient water supply for consumption and firefighting.
- (xv) Where a property is within a Special Control Area – Water Lens, the applicant is to demonstrate the following objectives are met;
- LPS 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 should 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 Dwelling.

## DEFINITIONS

**Caretaker's Dwelling** - means 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 (LPS1)*

Office Use Only				
Relevant Delegations				
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>		Resolution #	

## Asset Management Policy

CPR6

RESPONSIBLE OFFICER

Deputy Chief Executive Officer

### OBJECTIVE

The Shire of Cocos (Keeling) Islands manages a range of built assets on behalf of the community. This policy sets the guidelines for implementing consistent asset management processes to attain positive and sustainable service outcomes.

### SCOPE

This policy applies to all Shire activities in relation to Council-owned assets where their components have a useful life of more than one year and a replacement cost greater than \$5,000.

### POLICY

Council is committed to implementing a systematic asset management methodology in order to apply appropriate asset management practices across all areas of the organisation. This includes ensuring that assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priorities for service delivery.

Council owns a range of assets including:

- Transport assets – roads, paths, drainage, boat ramps.
- Property assets – land & buildings.
- Recreation assets – ovals, parks, playgrounds.
- Fleet & IT assets – vehicles, plants, equipment, IT

Management of these assets at the Shire of Cocos (Keeling) Islands 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 Council employees take an integral part in 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 of Cocos (Keeling) Islands will achieve 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;
- 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 staff.

#### RELEVANT LEGISLATION/LOCAL LAW

*Local Government Act 1995.*

*Regulations under the Act.*

#### RELATED DOCUMENTS

- 6.1 Asset Management Strategy 2013
- 6.2 Asset Management Plans
  - Road Assets 2013
  - Property 2013
  - General Assets 2012
- 6.3 Long Term Financial Plan 2013 - 2028
- 6.4 Workforce Plan 2012 - 2022
- 6.5 Strategic Community Plan 2013 - 2023
- 6.6 Corporate Business Plan 2018/2019 – 2021/2022

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	23/10/2013	Resolution #	110/2013
Reviewed/Modified	<b>Date</b>	26/3/2014	Resolution #	41/2014
Reviewed/Modified	<b>Date</b>	11/11/2020	Resolution #	10.4.8

## Naming of Roads, Reserves and Structures Policy

CPP1

RESPONSIBLE OFFICER

Manager of Works and Services

### OBJECTIVE

- To ensure that there is an orderly process in the naming of Roads, Reserves and Structures in the Shire.
- To restrict the ad-hoc naming of structures to ensure that proposed naming has relevance to a person/s who have contributed significantly to the community over a period of time.

### POLICY

The proposed name is to comply with the latest version of Landgate's Policies and Standards for Geographical Naming in Western Australia, in order for the GNC to approve it.

All proposed road, reserves and structures naming or renaming requests are to be submitted in writing to the Shire including the contact name and address details of the applicant. The request is to provide adequate information to enable the road to be clearly identified and is to include a reason for the request.

Road, reserve and structures naming should occur on the basis of;

- past elected members;
- 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 (GNC) and Council.

Names should not be offensive or likely to cause offence and should not be that of a living person or current company/business.

What is discouraged

- 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 whom has not been deceased for at least two years will not be considered.

General naming rules

Council should ensure as far as possible 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.

- Consistent with Landgate’s Policies and Standards for Geographical Naming in Western Australia

### Guidelines

That requests by residents to name any roads, reserves or structures within the Shire must be referred to Council for appropriate endorsement or authorisation.

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	30/3/2011	Resolution #	35/2011
Reviewed/Modified	<b>Date</b>	26/3/2014	Resolution #	41/2014
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1

## Publishing of Delegated Legislation and State-wide Public Notices Policy

### CPP2

#### RESPONSIBLE OFFICER

Chief Executive Officer

#### OBJECTIVE

To ensure all delegated legislation and State-wide public notices are dealt with in a consistent manner, with all relevant documents being accessible from the same location for convenience of reference.

#### SCOPE

This policy applies to all delegated legislation and State-wide public notices created by the Shire.

#### POLICY

##### **Publication of Delegated Legislation**

All delegated legislation of the Shire is to be published as Notifiable Instruments on the Federal Register of Legislation, as the official record of all legislative documents. No delegated legislation is to be published in the *Western Australian Government Gazette* or the *Indian Ocean Territories Government Gazette*, which replaced the Christmas Island and Cocos Keeling Islands Gazettes.

All delegation 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 s1.8 of the *Local Government Act (WA)(CKI)*, the notice will be published within The Atoll Newsletter. Publishing the notice within The Atoll Newsletter will in itself constitute State-wide public notice as consistent with the definition of "state" contained in the *Interpretations Act 1984 (WA)(CKI)*.

#### DEFINITIONS

Shire – Shire of Cocos (Keeling) Islands.

Delegated legislation – matters adopted by Council under the authority of legislation, which are legally enforceable in a Court of law, and includes

- Local Laws
- Local Planning Scheme, etc

Federal Register of Legislation - The Federal Register of Legislation (the Legislation Register) is 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 Legislation Register is managed by the Office of Parliamentary Counsel in accordance with the Legislation Act 2003.

Notifiable instruments - Notifiable instruments are laws on matters of detail made by a person or body authorised to do so by enabling legislation. Under the Legislation Act 2003 all notifiable instruments and their compilations must be registered on the Legislation Register.

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), that –

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

*Local Government Act 1996 (WA)(CKI)*

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

*Interpretations Act 1984 (WA)(CKI)*

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	8/11/2017	Resolution #	1117/08
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>		Resolution #	

## South End Precinct Commercial Development Policy

CPP3

RESPONSIBLE OFFICER

### OBJECTIVE

The South End Precinct Commercial Development Plan aims to:

- Provide guidance on the requirements for the operation of commercial land uses in the South End Precinct;
- Coordinate the land use of the area for a range of commercial activities;
- Identify the preferred locations for particular activities and to regulate the intensity of commercial activity in the area;
- Ensure commercial activities do not detract from the recreational and community values of the area; and
- Appropriately manage impact on local amenity.

### SCOPE

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

### POLICY

**Commercial land uses considered by this Policy include:**

- Adventure sport & tour businesses;
- Mobile vendors (e.g. food trucks) for special events and specific periods at the discretion of the Shire;
- 'Pop up' restaurants/bars and other seasonal or temporary commercial uses.

#### 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;
- 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 5 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 3 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. The Shire of Cocos (Keeling) islands has the power to lease portions of the South End precinct reserve. Adventure sport & tour businesses who intend to operate are required to obtain a lease from the Shire 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 of Cocos (Keeling) Islands for use of the Reserve, in accordance with the Shire's 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 Reserve available for commercial activity are shown on the Policy Area Map. Existing community infrastructure is shown on the plan for reference.
- 3.4.2 Commercial Activity Lease Areas 1 – 5 is intended to accommodate all of the permanent or seasonal adventure sport & tour business uses contemplated by this policy.
- 3.4.3 Mobile / Pop up Traders Area is intended to accommodate itinerant / temporary commercial activities that do not require any fixed infrastructure.
- 3.4.4 The following location requirements apply to all operators:
- a) All operators are only permitted to trade at the locations detailed on their permits;
  - b) All operators and associated fixtures shall be sited in a location that does not obstruct pedestrian or vehicular traffic including within parking areas;

- 3.4.5 Mobile food vehicle permit holders are only permitted to trade in an approved location.
- 3.4.6 The Shire of Cocos (Keeling) Islands reserves the right to make any approved location, excluding leased areas, unavailable for a set period of time for community events, infrastructure works or any other reason the Shire deems necessary. NB: Leases will deal separately with the process for negotiating Shire access to leased areas.
- 3.5 Waste Management**
- 3.5.1 All operators are to demonstrate that all waste produced as a result of the operation of the activity is appropriately managed to the satisfaction of the Shire.
- 3.6 Trading Hours**
- 3.6.1 Permitted trading hours shall be included on any approval or permit issued by the Shire.
- 3.6.2 Variations to these trading hours may be considered by the Shire’s Environmental Health Officer, at least 7 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) Liquor Licence issued by the Department of Racing, Gaming and Liquor;
  - b) A Consumption of Alcohol Permit issued by the Shire of Cocos (Keeling) Islands.
- 3.8 Noise**
- 3.8.1 All activity must comply with noise levels set out in the Environmental Protection (Noise) Regulations 1997.
- 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 1m or an area of 1m<sup>2</sup> 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

Relevant Legislation/Local Law

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	24/04/2019	Resolution #	10.4.4
Reviewed/Modified	<b>Date</b>	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>		Resolution #	

## New Bed and Breakfast Establishments Policy

CPP4

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVES

This policy clarifies Council's position on the standards applicable to Bed and Breakfast Establishments within the Shire to ensure:

- that this type of alternative tourist accommodation use does not compromise the amenity of the area.
- 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.

### POLICY

#### General

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

A Bed and Breakfast use 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 the Council should:

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

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

Smoke detectors and evacuation lighting will need to be installed and configured in the dwelling to achieve compliance with part 3.7.2.5 of the Building Code of Australia for a change of building classification from a Class 1a 'single dwelling' to a Class 1b 'boarding house, guest house or hostel use' residence.

- a. A minimum of two RCDs will need to be fitted to protect all power point and lighting circuits as prescribed under regulation 12 of the Electricity Regulations, 1947.

### **Car Parking**

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

### **Facilities**

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

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

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

- a. 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.
- b. 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).
- c. 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

For the purposes of this policy the following definition shall apply:

**Bed and Breakfast** - means 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 3 months in any 12-month period) and includes the provision of breakfast.

Office Use Only				
Relevant Delegations				
Council Adoption	<b>Date</b>	26/02/2020	Resolution #	10.4.1
Reviewed/Modified	<b>Date</b>		Resolution #	
Reviewed/Modified	<b>Date</b>		Resolution #	

## New Holiday Homes Policy

CPP5

RESPONSIBLE OFFICER

Chief Executive Officer

### OBJECTIVES

This Policy provides direction and guidance on the use of Single Houses, Grouped Dwellings or Multiple Dwellings for “Holiday Homes” in the Shire of Cocos (Keeling) Islands. 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.
- To encourage the provision of good quality, well managed Holiday Homes.

### POLICY

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 commercial booking of short stay rental purposes. 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.

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 the 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.

The operation of the Holiday Home or 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 or 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 8 people.

All car parking is to be contained on-site and no verge area should be used for car parking. A minimum of 2 car parking bays are required for a Holiday Home.

A Holiday Home management plan, code of conduct and fire and emergency plan is 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, he or she is able to continue the use as stated in the approval and conditions imposed.

The approval period will generally be for a maximum of five years. However, the period will be considered on a case-by-case basis and Council will determine the approval period for each application. It is the responsibility of the applicant to re-apply should 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(s), or allow a residential zoned dwelling(s) to be used, as a Holiday Home unless planning approval has been granted by Council under the Scheme to use the dwelling(s) as a Holiday Home;

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

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

### **NON COMPLIANCE AND CANCELLATION**

Any breach of development approval conditions or the management plan will be dealt with in accordance with the enforcement provisions of Part 13 of the *Planning Development Act 2005* and/or cancellation of a registration. A new application may be considered after 3 months have expired from the cancellation date.

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

### **FURTHER INFORMATION**

If a Residential zoned property is brought to the attention of the Shire to be operating as a commercial Holiday Home, a notice may be served requesting inspection, conducted by the Shire to ensure building requirements are up to standard and abide by fire safety requirements. This noticed 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* and the *Fair Trading Act 1987*.

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

For the purposes of this policy the following definition shall apply:

**“Dwelling”** means 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”** means a single house which might also be used from time to time for short stay accommodation for no more than eight (8) people but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit.

**“Grouped Dwelling”** means 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”** means 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”** means 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.

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