



Notice is given that an Ordinary Meeting of Council of the Shire of Christmas Island is to be held at the Council Chambers on **Tuesday 20 October 2020** commencing at 7.00pm

David Price
Chief Executive Officer

AGENDA

- 1 Declaration of Opening of Meeting/Announcement of Visitor**
- 2 Record of Attendance/Apologies/Leave of Absence/Declaration of Financial/Proximity/Impartiality Interests**
 - 2.1 Attendance
 - 2.2 Leave of Absence
 - 2.3 Apologies
 - 2.4 Declaration of Interests
- 3 Response to Previous Public Questions Taken on Notice**
- 4 Public Question Time**
- 5 Applications for Leave of Absence**
- 6 Petitions/Deputations/Presentations**
 - 6.1 Andrew Murphy – Acting IOT Director
- 7 Confirmation of Minutes of Previous Meetings/Business arising from the Minutes of Previous Meetings**
 - 7.1 Minutes of Ordinary Council Meeting held on 22 September 2020 (pg 1-4)
 - 7.2 Business Arising from the Minutes of Previous Meetings
- 8 Announcements by Presiding Member Without Discussion**
- 9 Reports of Committees**
 - 9.1 Minutes of Community Consultative Committee Meetings (pg 5-10)
- 10 Reports of Officers**
 - 10.1 Chief Executive Officer**
 - 10.1.1 Revised Organisational Chart 2020 (pg 11-12)
 - 10.1.2 Management Order (pg 13-16)
 - 10.1.3 Gaze Road Recreational Area Shade Cover (pg 17-21)
 - 10.1.4 Review of the Local Planning Scheme No.2 (pg 22-23)
 - 10.2 Manager Finance & Administration**
 - 10.2.1 Schedule of Accounts – September 2020 (pg 24-29)
 - 10.2.2 Financial Statements – September 2020 (pg 30-35)
 - 10.2.3 Outstanding Rates/Debtors Report 30 September 2020 (pg 36-37)
 - 10.3 Manager Community/Recreation Services & Training**
 - 10.4 Manager Works, Services & Waste**
 - 10.5 Manager Governance Research Policy & Grants**
 - 10.5.1 CI Draft Fisheries Ordinance 2020 (pg 38-72)
 - 10.5.2 IOTHS Dental Staffing Shortage (pg 73-102)
- 11 Elected Members Motions of which Previous Notice has been given**
- 12 New Business of an Urgent Nature Introduced by Decision of the Meeting**
- 13 Behind Closed Doors**
- 14 Closure of Meeting**
- 15 Date of the next Ordinary Meeting**
17 November 2020



UNCONFIRMED MINUTES
Ordinary Meeting of the Shire of Christmas Island held at the George Fam Chambers at
7.00pm on Tuesday 22 September 2020

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

- 1.1 The Deputy Shire President declared the meeting open at 7.00pm.

**2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE/
DECLARATIONS OF FINANCIAL INTEREST**

- 1.2 Record of Attendance
Deputy President
Councillors

Cr Kee Heng **FOO**
Cr Philip **WOO**
Cr Kelvin Kok Bin **LEE**
Cr Hafiz **MASLI**
Cr Morgan Boon Hwa **SOH**
Cr Farzian **ZAINAL**
Cr Azmi **YON**
Cr Vincent Cheng-Siew **SAW**

Chief Executive Officer
Manager Finance and Admin
Manager Works, Services & Waste
Manager Research, Policy, Governance & Grants/Minute Taker
Manager Community/Recreation Services

David **PRICE**
So Hon **GAN**
Graeme **HEDDITCH**
Chris **SU**
Olivier **LINES**

- 2.2 **Leave of Absence**
Shire President

Cr Gordon **THOMSON**

2.3 **Apologies**

2.4 **Declarations of Financial/Impartiality/Proximity Interest**

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

- 4.1 Cr ZAINAL requested on behalf of a resident how one can create an instalment payment agreement with the Shire for their rates. CEO PRICE advised that the practice was to make an appointment to see him at the Shire. CEO noted that Council's COVID19 Hardship Policy allowed for a deferred schedule of payments might also apply if the person was put in a position of financial hardship by the pandemic.
- 4.2 Cr ZAINAL asked on behalf of a resident about Shire's recruitment policy. Shire CEO advised that the recent casual employment was to ensure the Shire's operational requirements during the Christmas/Chinese New Year period and shortage during the holidays were met, which was in accordance Policy EM7 and the obligations under the Enterprise Agreement regarding the employment of casuals.

5 APPLICATIONS FOR LEAVE OF ABSENCE

- 5.1 Cr THOMSON & Cr FOO – Leave of Absence

Council Resolution

Moved: Cr YON	Seconded: Cr SAW	Res. No: 85/20
That the leave of absence application submitted by Cr Gordon THOMSON (22/09/2020) & Cr Kee Heng FOO (16/10/2020 to 24/11/2020) be approved.		
Carried: 8/0		

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS/BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of Ordinary Council Meeting held on 25 August 2020

Members considered the unconfirmed minutes.

Council Resolution		
Moved: Cr SAW	Seconded: Cr SOH	Res. No: 86/20
That Council adopt the unconfirmed minutes of the 25 August 2020 Council Meeting.		
Carried: 8/0		

7.2 Business Arising from the Minutes of Previous Meetings

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 REPORTS OF COMMITTEES

9.1 Minutes of Community Consultative Committee Meetings

Council Resolution		
Moved: Cr MASLI	Seconded: Cr LEE	Res. No: 87/20
That the Confirmed minutes of the Community Consultative Committee meeting of August 5th be received.		
Carried: 8/0		

10 REPORTS OF OFFICERS

10.1 Chief Executive Officer

10.1.1 Assessment of Development Application – Proposed Grouped Dwelling

Council Resolution		
Moved: Cr LEE	Seconded: Cr SOH	Res. No: 88/20
<ol style="list-style-type: none"> Unless otherwise permitted under other conditions of this approval, all development shall be in accordance with the approved development plans (attached) that form part of this development approval. All stormwater shall be retained and disposed of on-site to the satisfaction of the Chief Executive Officer of the Shire of Christmas Island prior to the occupation of the grouped dwelling. Plans demonstrating how this can be achieved, including the location and size of soak-wells, shall be submitted for approval prior to the issue of a building permit. Details of materials, colours and finishes for the proposed grouped dwelling shall be submitted for approval by the Chief Executive Officer of the Shire of Christmas Island prior to the issue of a building permit. The applicant shall submit a geotechnical report verifying that the proposed grouped dwelling would comply with WAPC's SPP 2.6 – State Coastal Planning in regard to site stability. The proposed crossover from Triadic Crescent and car parking bay(s) for the proposed grouped dwelling shall be upgraded and drained to an appropriate standard to the satisfaction of the 		

local government, prior to the occupation of the grouped dwelling and compliant with Australian Standard 2890.1-2004.

Carried: 8/0

10.1.2 Settlement Cinema Final Masterplan September 2020

Council Resolution

Moved: Cr SAW

Seconded: Cr LEE

Res. No: 89/20

The Shire Council adopts the Settlement Cinema final Masterplan September 2020.

Council also requests the CEO to look into the feasibility and costs of providing shade equipment over the skate, volleyball, bowls and exercise equipment areas, and to report back to the October Council meeting.

Carried: 8/0

10.1.3 Assessment of Development Application - Outbuilding

Council Resolution

Moved: Cr ZAINAL

Seconded: Cr LEE

Res. No: 90/20

Council grants approval for an outbuilding at Strata Lot 103B (No.4) Coconut Grove, Christmas Island, subject to the following conditions:

1. All development shall be in accordance with the approved development plans (attached) that form part of this development approval unless modified by other conditions of approval.
2. This development approval will expire if the approved development is not substantially commenced within two (2) years of the date of issue of this approval, or, within any extended period of time for which the Shire of Christmas Island has granted prior written consent.
3. Stormwater is to be contained on-site, or appropriately treated and connected to the local drainage system. Prior to the commencement of site works, detailed drainage plans are to be submitted for approval, to the satisfaction for the local government.
4. On application for a building licence, the applicant shall provide engineer certified drawings demonstrating that the all structures are compliant with Building Code requirements.
5. Details of materials, colours and finishes for the outbuilding shall be submitted for approval by the Chief Executive Officer of the Shire of Christmas Island prior to the issue of a building permit.

Carried: 8/0

10.1.4 Planning Response to the July 2020

Council Resolution

Moved: Cr LEE

Seconded: Cr ZAINAL

Res. No: 91/20

The SOCI in giving consideration to the 15 September 2020 SOCI Planning Response to the July 2020 CISA land use plan (the Response) resolves to:

- a) endorse the Response;
- b) issue the Response to the DITRDC, AECOM and the WA Department of Planning Land & Heritage;
- c) provide the Response the CISA Reference Group and
- d) publish the Response in the 2 October edition of The Islander.

The Shire also resolves to initiate a formal dialogue between the SOCI and the Kampong residents to collaboratively explore a sustainable planning and social approach in response to on-going rock fall threats and recognised coastal risks affecting the ageing Kampong housing stock and amenities.

Carried: 8/0

10.2 Manager Finance & Administration

10.2.1 Schedule of Accounts - August 2020

Council Resolution

Moved: Cr WOO

Seconded: Cr SOH

Res. No: 92/20

That Council approves the expenditure as presented in August 2020 Schedule of Accounts

Carried: 8/0

10.2.2 Financial Statements - August 2020

Council Resolution

Moved: Cr MASLI

Seconded: Cr SAW

Res. No: 93/20

That Council receives the Financial Statements of August 2020 for the Municipal Fund.

Carried: 8/0

10.3 Manager Community/Recreation Services & Training

10.4 Manager Works, Services & Waste

10.4.1 Purchase of 7 Tonne Tray Truck

Council Resolution

Moved: Cr YON

Seconded: Cr MASLI

Res. No: 94/20

That Council calls for tenders to purchase a new 7 tonne tray truck.

Carried: 8/0

10.4.2 Unsuccessful Tender – Unisex Toilet Block

Council Resolution

Moved: Cr SAW

Seconded: Cr LEE

Res. No: 95/20

Council does not accept the Tender Offer from Emperor Ceiling's for \$117,000, due to Tender Offer being too expensive.

Accordingly Council approves the retaining of the former film store as a storage room and to build a new unisex toilet similar in design to the toilets at the Police Padang on the outer edge of the CLA cement pad.

Carried: 8/0

10.5 Manager Governance, Research, Policy & Grants

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

13 BEHIND CLOSED DOORS


14 CLOSURE OF MEETING

The Deputy Shire President closed the meeting at 8.25pm

15 DATE OF NEXT MEETING: 20 October 2020



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Meeting 20 October 2020
AGENDA REFERENCE	9.1
SUBJECT	Minutes of Community Consultative Committee Meetings
LOCATION/ADDRESS/APPLICANT	Nil
FILE REFERENCE	2.4.1
INTEREST DISCLOSURE	None
DATE OF REPORT	15 October 2020
AUTHOR	Chris Su, GRPG Manager
SIGNATURE OF AUTHOR	CS
SIGNATURE OF CEO	

RECOMMENDATION

That the unconfirmed minutes of the Community Consultative Committee meeting of Sept 2nd 2020 be received.

BACKGROUND

The objectives of the Community Consultative Committee are set as follows:

- To review and make recommendations about the impact, application and administration of the applied WA laws on its own motion or by referral from Council or the CEO;
- To review and make recommendations about the performance of WA government agencies providing services under formal or informal SDAs on its own motion or by referral from Council or the CEO;
- To review and make recommendations about the application of Commonwealth law and "state-type services" provided by the Commonwealth on its own motion or by referral from Council or the CEO;
- To review and make recommendations about any Council policy the subject of community consultation as referred to it by Council or the CEO;
- To meet with Commonwealth and State Government representatives about the application of laws and service provision for information and feedback; and
- To establish sub-committees and working groups to facilitate consideration of any matter for report back to the Committee.

COMMENT

The CCC meeting for October was delayed from the usual first Wednesday of the month (Oct 7th) to Wednesday 21st October, hence the minutes are yet to be confirmed and the unconfirmed minutes presented to Council. The confirmed minutes will be presented in a future Council Meeting.

STATUTORY ENVIRONMENT

There are no statutory environment implications arising from this matter.

POLICY IMPLICATIONS

There are no significant policy implications arising from this matter.

FINANCIAL IMPLICATIONS

There are no significant financial policy implications arising from this matter.

STRATEGIC IMPLICATIONS & MILESTONES

There are no significant strategic implications arising from this matter.

VOTING REQUIREMENTS

A simple majority is required.

ATTACHMENTS

9.1.1 Confirmed minutes of September 2nd 2020



UNCONFIRMED MINUTES OF CCC MEETING 2nd September 2020

Meeting of the Community Consultative Committee (CCC) of the Shire of Christmas Island at the George Fam Centre 2nd September 2020

1 Declaration of Opening of Meeting / Announcement of Visitors

- 1.1 Gordon **THOMSON** declared the meeting opened at 4.26pm

2 Record of Attendance/Apologies

2.1 Record of Attendance

President-SOCI	Gordon THOMSON
Shire Councillor	Morgan SOH
Shire Councillor	Hafiz MASLI
CI Phosphates	Joy WICKENDEN
Chinese Literary Association	TAN Teik Kian (voting member)
	LEE Mo Er
Union of Christmas Island Workers	Kelvin LEE
SOCI Manager of Governance	Chris SU
CI Neighbourhood Centre	Oliver LINES
Poon Saan Club	Jackie TEH
Islamic Council of Christmas Island	Greg MCINTOSH (arrived 4.36pm)
CI Women's Association	Nora KOH

2.2 Absent

CEO SOCI	David PRICE
Malay Association of CI	Azmi YON

3. Confirmation of Minutes of Previous Meetings / Business Arising from the Minutes of Previous Meetings

3.1 Resolution to accept CCC minutes of August 5th 2020

CCC Resolution

Moved: Hafiz **MASLI**

Seconded: Kelvin **LEE**

Res. No: **CCC21/20**

That the Community Consultative Committee accept the Minutes of the CCC meeting on 5th August as a true and accurate record.

Carried: **10/0**

3.3 Action Items from Previous Meetings

Action Item August 2019:

DIRDC Community Engagement Protocol – DIRDC still has not responded to August 15th request by CCC Secretariat for copy of DIRDC's Community Engagement Protocol. Chris **SU** repeated request end of July 2020; referred to new DITCRD officer for resolution.

Action Item July 2020:

Chris SU advises that the last submissions to the 2020 JSCEM NT electoral inquiry from the SOCI, UCIW and Poon Saan Club have been received by the JSCEM and are published online.

Chris SU advises that the legislation to keep two House of Representative Seats in the NT has been presented to Parliament that fortnight.

(GREG MCINTOSH enters meeting 4.36pm)

Action Item August 2020:

CCC notice in The Islander of 7th August 2020, issue 716 published the resolution adopted at the August 5th meeting to ask the Commonwealth to convene a public meeting on CI in relation to the items around COVID management raised at the August 5th meeting.

Gordon THOMSON provided that no update or response has yet been received from the Commonwealth in regard to this.

Action Item August 2020:

Pensioner Airfare letter to Minister being finalised to be sent.

4 Agenda Business

4.1 Territory Controller Update 29.7.2020 Presented

CCC were emailed the TC updated for 26.8.20, the latest available by meeting date.

Chris SU noted that the Emergency Management Committee have advised the Community recently that IOT residents need not present for Day 11 COVID testing and subsequent quarantine as of a Facebook update from the Administrator 28th August 2020.

Chris SU notes that the WA Govt application of the Day 11 COVID testing protocol was signed August 11th by the WA Police Commissioner and had been the standing procedure until that point. A seeming gap existed between August 11th and 28th August at the EMC level of this Day 11 requirement until it was raised to them by the Shire CEO in his capacity as EMC member on 26th August.

Gordon THOMSON reported that the Shire CEO objected to the EMC having a monthly meeting schedule now; it was weekly, then moved to fortnightly and as of Sept 1 moved to a monthly schedule. Noted that the EMC Executive Committee is not meeting at all. Noted the Emergency Declaration ends on 30th September.

4.2 IOTHS Health 5 Year Strategic Plan 2020-2025

Minister has released the 5 Year Strategic Plan document on 1st September 2020. Copy provided to CCC members.

4.3 IOTHS Health Services – Dental Services

Gordon THOMSON reported to the meeting that a review of Dental Services was underway at IOTHS at present; the Dental Therapist position may or may not be reduced or removed entirely. CCC noted the ABF August FAQ that an additional 200-300 staff would be present on the island; CCC acknowledged this would place additional usage of all island services and facilities, including the dental clinic. CCC maintains that dental services should be maintained at its current state which provided in the CCC's view an adequate level of care built up as a response of previous campaigns and initiatives for dental care on the island.

Resolution on IOTHS Dental Services

CCC Resolution

Moved: Chris SU

Seconded: Nora KOH

Res. No: CCC22/20

The Community Consultative Committee is aware of the current review of the dental services and staffing at IOTHS. Any proposal to reduce staffing or services will be vigorously resisted by the community organisations of the Community Consultative Committee members.

Carried: 11/0

4.4 IOTHS Health Services – PATS feedback

Chris SU reported to the meeting that the telehealth policy in the current December 2019 PATS policy is being followed for a medical event he is concerned with.

The telehealth policy is that, if the mainland specialist agrees that telehealth would be an acceptable way of conducting treatment then IOTHS will not be paying for PATS flights for the patient or their carer.

Chris SU advised members to circulate to their membership that this may be a trend for healthcare for residents as more and more specialists became telehealth ready due to COVID 19.

Chris SU advised that he is funding the costs for himself and a patient to the mainland to be able to see the specialist independent of PATS assistance.

5. General Business

5.1 Territories Legislation Amendment Bill 2020

Gordon THOMSON reviews the CCC's charter and origin in respects to its duty as a community feedback mechanism into the law reform regime of 1992 that brought WA laws into effect on the island.

Gordon THOMSON presented a letter from Claire Howlett, Assistant Secretary of the Indian Ocean Territories Division of the Department of Infrastructure, Transport, Regional Development and Communications dated August 20th to the Shire CEO advising him of a proposed '*Territories Legislation Amendment Bill*.' This Bill proposes some changes to the Local Government Act 1995 (WA)(CI) which currently applies. It is unclear from the letter what these changes actually are. The CEO has asked Claire Howlett to provide the Explanatory Memorandum Notes and Draft Legislation for viewing.

Resolution on Request for Information of the Territories Legislation Amendment Bill

CCC Resolution

Moved: Greg McIntosh

Seconded: Nora KOH

Res. No: CCC23/20

The Community Consultative Committee demands the Minister provide the Amendment Bill proposal for public consultation. The Community Consultative Committee is determined to advise the Minister and members of Parliament of our disposition on the proposal before it goes to vote in Parliament.

We insist a proper process of consultation be conducted on Christmas Island before any change to the Christmas Island Act is initiated.

Carried: 11/0

5.2 COVID-19 Management

Kelvin LEE raised the matter of mainland workers arriving on the Island for IDC work in the previous weeks. Acknowledged that the present regime was to have all IDC staff be either from WA, or have quarantined for 14 days in WA before coming to the island.

The CCC agreed that this was an acceptable level of precaution to take in order to proceed with IDC operations. Concern was raised of any deviation from this policy; specifically that people would be undertaking their 14 days quarantine on island before proceeding with their work or further travel.

Resolution on COVID-19 Management

CCC Resolution

Moved: Greg McIntosh

Seconded: Chris SU

Res. No: CCC24/20

That the Community Consultative Committee write to the Minister to ask if there will be any quarantining on Christmas Island?


Carried: 11/0

6. Closure of Meeting – 6.31pm

7 Date of Next Meeting – Next scheduled meeting is Wednesday 7th October 2020



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 20 October 2020
AGENDA REFERENCE	10.1.1
SUBJECT	Revised Organisational Chart 2020
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	1.4.3
INTEREST DISCLOSURE	None
DATE OF REPORT	1 October 2020
AUTHOR	David Price , CEO
SIGNATURE OF CEO	

RECOMMENDATIONS

Councils endorse the new 2020 Organisational Chart.

BACKGROUND

The annual Review of the Organisational Chart provides an opportunity to review the current functions and responsibilities within the Shire's Structure and Operations.

COMMENT

The attached Revised Organisational chart for 2020 while not recommending any structural or organisational change does reflect deletions through resignation and additions of 1 in Parks and Gardens, 1 in Civil Operations and 2 in the mechanical repair all at the base entry level within their classifications.

The Joint consultative Committee has been consulted on the changes.

STATUTORY ENVIRONMENT

POLICY IMPLICATIONS

There are no policy implications arising from this recommendation

FINANCIAL IMPLICATIONS

There are minimal financial implications arising from this recommendation

STRATEGIC IMPLICATIONS & MILESTONES

VOTING REQUIREMENTS

Simple majority is required.

ATTACHMENT

101.1.1 2020 Organisational Chart

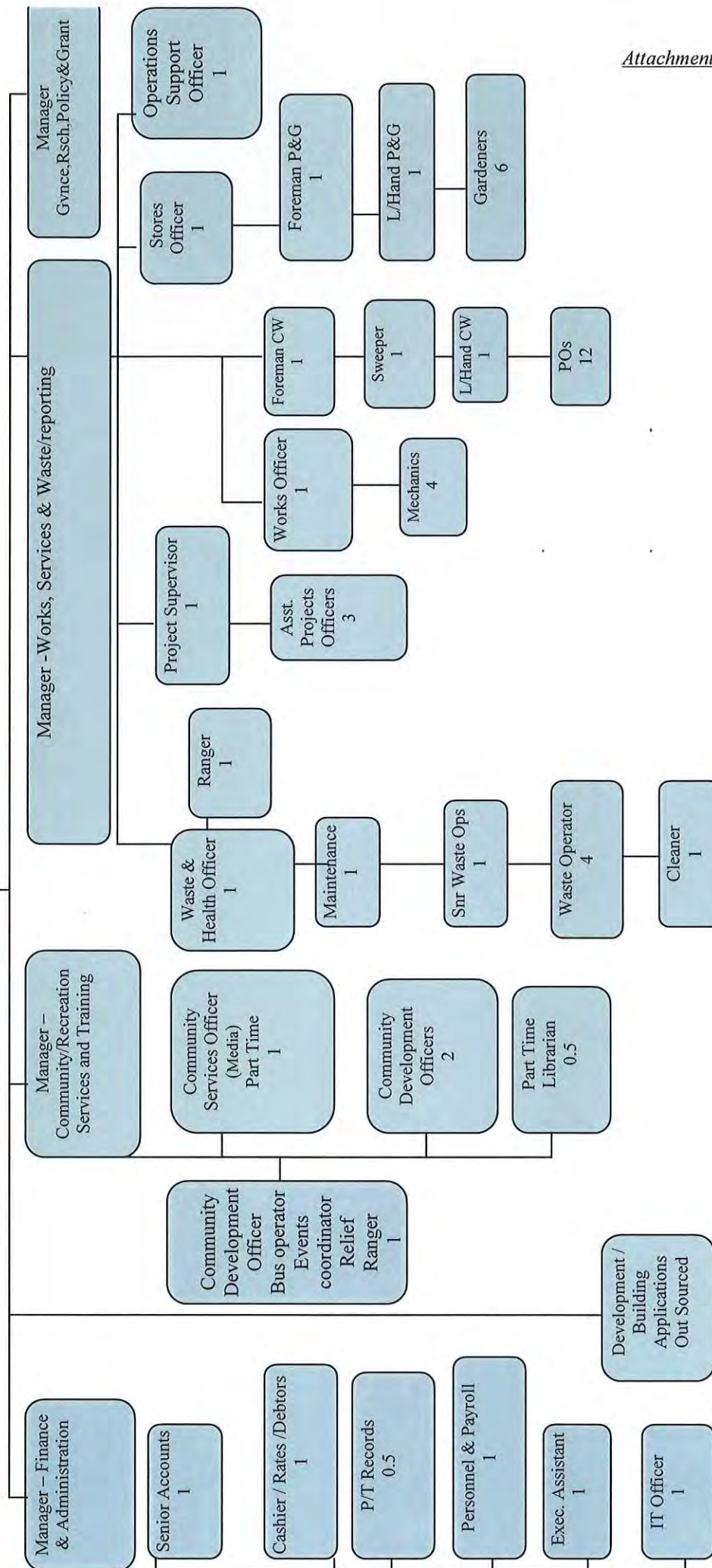
DRAFT SHIRE OF CHRISTMAS ISLAND
ORGANISATION STRUCTURE
 2020 version 1

COUNCIL

Chief Executive Officer

Abbreviations

CW Civil Works
 P&G Parks and
 Gardens
 PO Plant Operator
 L/Hand- Leading Hand



Attachment 10.1.1.1



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 20 October 2020
AGENDA REFERENCE	10.1.2
SUBJECT	Management Order
LOCATION/ADDRESS/APPLICANT	Settlement Old Cinema Lot 601
FILE REFERENCE	6.1.25
INTEREST DISCLOSURE	Nil
DATE OF REPORT	2 October 2020
AUTHOR	David Price
SIGNATURE OF CEO	

RECOMMENDATION

Council approves the proposed conditions of the Management Order for the Proposed Gaze Road Community Recreation Area Lot 601 and accordingly the CEO is to advise IOTA.

BACKGROUND

Council at the Ordinary meeting held 28 April 2020 received a report outlining the inclusion of Lot 601 into the Proposed Gaze Road Community Recreation Area, and adopted the following resolution

- a) Give consideration to the *Settlement Cinema Masterplan – Land Tenure (management Order) Options April 2020* (ref. Attachment A) and adopt a resolution in support of Option 2 and its formal 24 days advertising for public comments;
- b) Acknowledge a request from *Calmy Planning & Design*, on behalf of the Shire (ref. Attachment B), to obtain from the Commonwealth the Management Order for the foreshore Reserve commensurate to the land area required to implement Option 2 and the response from the Director IOT Administration (ref. Attachment C);
- c) Commit to the management and necessary funds to the implementation and on-going maintenance of the area required to implement Option 2;
- d) To obtain written support for Option 2 from the Chinese Literary Association;

Upon the Shire completing the conditions within that resolution, the IOTA has provided the proposed conditions for the issuing of the Management Order for Lot 601.

COMMENT

The Management Order will enable the Council to approve and expend budget allocation where necessary to the Full Gaze Road Recreation Area and to manage the area within the two Management Orders covering Lots 600 and 601.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS & MILESTONES

Nil

VOTING REQUIREMENTS

Simple Majority

ATTACHMENTS

10.1.2.1 – Management Order Conditions

10.1.2.2 – Gaze Road Rec Area

ADDITIONAL PAGE TO Management Order

Dated _____

1. Reserve Purpose

The Reserve is to be used for the purpose of "Cultural, Recreation, Entertainment and Community Purposes and for purposes ancillary or beneficial to that purpose" only.

2. Power to Lease or Sublease or Licence subject to conditions

Pursuant to section 46(3)(a) of the LAA (WA) (CI), the Management Body is granted the power to grant a lease or licence or consent to a sublease over any part of the Reserve, for a purpose that is consistent with the designated reserve purpose, for a term (including any option term) that is not to exceed in total 21 years subject to the prior approval in writing of the Minister under, and in compliance with, section 18 of the LAA (WA) (CI).

3. Conditions

- 3.1 The Management Body is responsible for all costs associated with any repairs, maintenance and removal of all improvements on the reserve.
- 3.2 The Management Body must allocate and use any premium, rental, fees, charges or other income it receives from all leases, subleases and licences in respect of the Reserve or any part of it (Reserve Funds) to maintain and repair all buildings and structures and to maintain the grounds and facilities of the Reserve and where there are surplus Reserve Funds other reserves within the locality and otherwise to satisfy its obligations and liabilities as management body of the Reserve.
- 3.3 The Management Body must provide to the Department within three (3) months of a request of the Minister, a report that details the amount and source of the Reserve Funds received and what the Reserve Funds have been expended on during that preceding financial year, and other periods as requested.
- 3.4 Any surplus of the Reserve Funds remaining at the end of each financial year shall be paid into a trust fund established by the Management Body pursuant to section 6.9(1) of the *Local Government Act 1995* or set aside by the Management Body and carried forward for future capital or major works required to the Reserve and other reserves within the locality. The Management Body shall include in the report(s) referred to in clause 3.2 above, details of any expenditure from the trust fund or from funds which have been carried forward by the Management Body and used for capital or major works to or on the Reserve and other reserves within the locality.
- 3.5 The Management Body is responsible for all improvements on the reserve that currently exist as well as those installed by or on behalf of the Management Body, including any parties subject to a lease or licence agreement. With the exception of improvements related to the provision of public services and the existing fuel pipes.

4. Definitions

In this Management Order the following terms have the following meaning:

Department means the department principally assisting the Minister in the administration of the LAA (WA) (CI) from time to time.

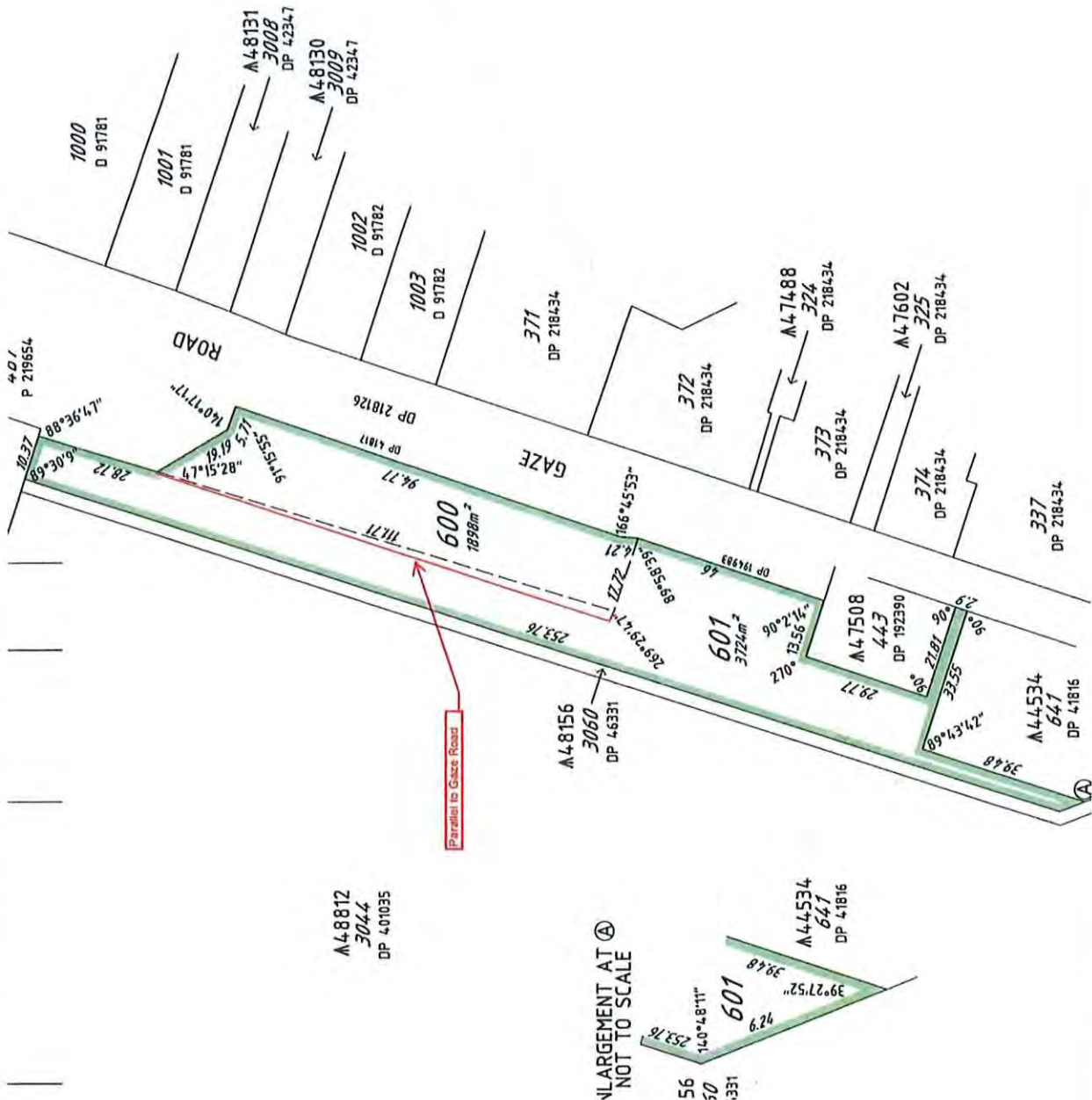
LAA means the *Land Administration Act 1997 (WA) (CI)*

Management Body means the person described in panel 2 of this Management Order.

Management Order means this management order comprising the Form LAA 1115 and any variation to it from time to time in accordance with section 46 of the LAA (WA) (CI).

Minister means

Reserve means the reserve described in panel 1 of this Management Order.



PURPOSE		SUBDIVISION	
PLAN OF		LOTS 600 AND 601	
DISTRICT		CHRISTMAS	
TOWNSITE		A48155	
TRIM FILE		LOT 3061	
LOCAL AUTHORITY		SHIRE OF CHRISTMAS ISLAND	
LOCALITY		CHRISTMAS ISLAND	
REFERENCE		INDEX	
DPLH FILE: 50344-2005		SEE SMARTPLAN	
JOB: 1902107			
SCALE (A3):		0 10 20 30 40 50	
ALL DISTANCES ARE IN METRES		1:1000	
SUBJECT TO SURVEY			
NOT FOR ALIENATION PURPOSES			
LOADED	TYPE OF VALIDATION	SURVEY FIRM	
18/12/2019	MS	LANDGATE - PHARMAL	
DATE	FULL AUDIT	DATE 16-12-2019	
FEE PAID	LEGAL COMPONENT		
N/A	CERTIFIED CORRECT		
ASSESS No.	Lead Consultant		
N/A	Graphic Services		
IN ORDER FOR DEALINGS			
SUBJECT TO			
FOR AUTHORISED LAND OFFICER		DATE	
APPROVED		16/12/2019	
		DEPOSITED PLAN	
		418236	



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 20 October 2020
AGENDA REFERENCE	10.1.3
SUBJECT	Gaze Road Recreational Area Shade Cover
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	6.1.25
INTEREST DISCLOSURE	None
DATE OF REPORT	9 October 2020
AUTHOR	David Price , CEO
SIGNATURE OF CEO	

RECOMMENDATIONS

Council endorses the side shade option to be installed at the Gaze Road Recreational Area to provide afternoon shade cover to the Bowls, Volleyball and Skate park areas and for an overhead shade structure over the playground equipment.

The CEO is requested to bring to the November 2020 Ordinary Meeting of Council the proposed costing of installing the shade options.

BACKGROUND

The September 2020 Ordinary Meeting of Council in considering the *Settlement Cinema final Masterplan September 2020*, passed the following resolution.

"The Shire Council adopts the *Settlement Cinema final Masterplan September 2020*.

Council also requests the CEO to look into the feasibility and costs of providing shade equipment over the skate, volleyball, bowls and exercise equipment areas, and to report back to the October Council meeting."

COMMENT

A row of trees on the western side of the recreation area will be planted, that over a period of time will provide natural shade in that area from about 2pm in the afternoon. The actual locations of those trees are shown on attachment 10.1.3.3.

While the trees over a period of time will provide a natural shade effect, the question of immediate shade options fall within 2 options, direct cover over the area, and side cover options.

In looking at the bowls, volleyball and skate park areas the overhead option coverage provided is explained in Attachment 10.1.3.1 chart No 1.

That option provides adequate shade cover between the 10.30am to 1.30pm and reducing coverage either side of that time period, which is effected by the necessity for the shade cover to be over 4 meters high to ensure it does not block the light from the 4 meter high solar lights that provides night lighting in those areas.

The second option being a 4 meter high side covers on the western side of the recreation area this would provide the shade cover as outlined in attachment 10.1.3.2 Chart 2.

In consideration of the shade options there also needs to be a consideration of the possible use of the recreational area with the daylight hours between 6am to 6pm.

Given that during Monday to Friday normally with school and work activities it is more likely the area would be used more from about 3pm, with possible a degree of midday usage occurring during weekends.

The side shade provided in Chart 2 would provide the maximum cover during possible weekday usage and equal to if not slightly more against Chart 1 over the weekends.

The construction of overhead shade cover would be a higher construction and maintenance cost as against the side cover option. The side cover option would be removed as the trees planted on the western side mature to provide natural coverage.

STATUTORY ENVIRONMENT

POLICY IMPLICATIONS

There are no policy implications arising from this recommendation

FINANCIAL IMPLICATIONS

Will require budget allocation through a budget variation

STRATEGIC IMPLICATIONS & MILESTONES

VOTING REQUIREMENTS

Simple majority is required.

ATTACHMENT

10.1.3.1 Chart No 1

10.1.3.2 Chart No 2

10.1.3.3 Gaze Road Foreshore Recreation area

Chart No 1

The shade footprints with direct overhead shade cover at various times during the day with the green block being the area covered and the blue block being the shade provided

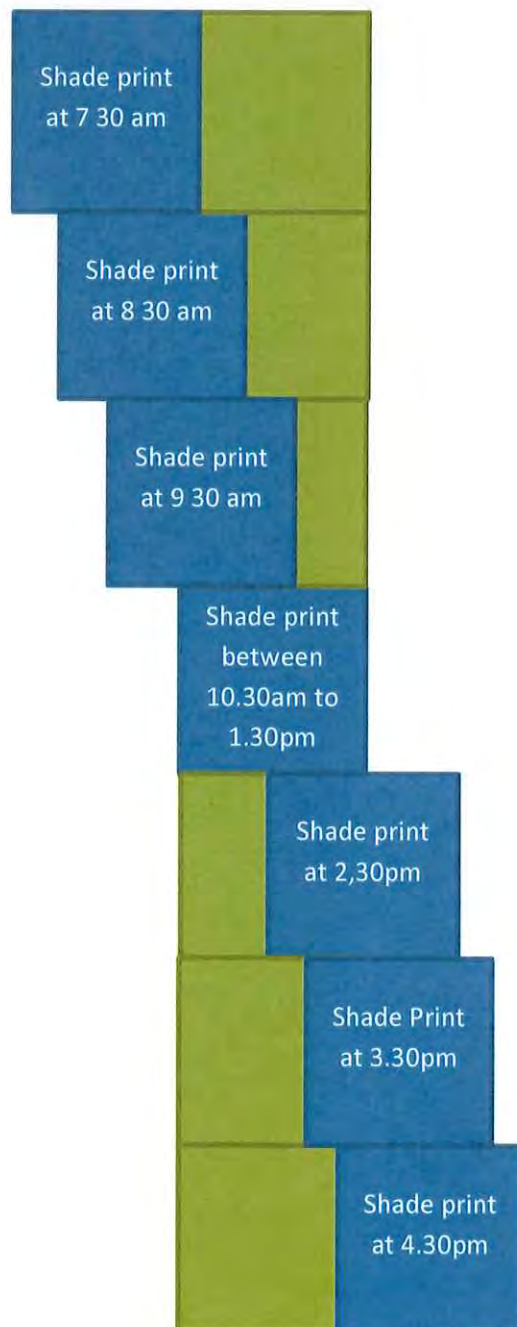
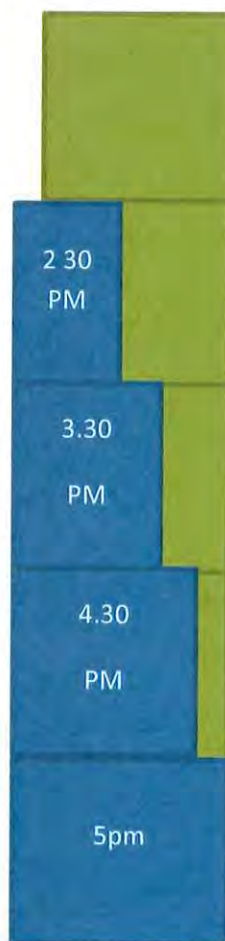


Chart No 2

The shade footprints with 4 meter side shade cover at various times during the day with the green block being the area covered and the blue block being the shade provide





September 2020

Unisex toilet amenities
2 ambulant and 1 disabled cubicles - Trough & drinking fountain outside

Attachment 10.1.3.3

GAZE ROAD

CLA

Stage

General purpose Shelter with BBQ + Tables

Retention of existing tree

Children play equipments Softfall finish

Proposed Future Trees

Reticulated Lawn & Parking Overflow 22 Bays

2.5m Pedestrian & Cycle Sealed Path from the Police Padang to the Petrol Station Occasional vehicular access for Night Markets & Functions at the CLA

Existing Watercorp Infrastructure

Fitness Area Softfall finish

Bowling Rinks, 20m x 9.2m Synthetic finish - Solar Lighting 2 Nos.

Reticulated Lawn Parking Overflow 22 Bays

Cadastral Line for Lots 601 & 3060

Landscaped cover

0m 5 10 20 30 40 50 100

N

Attachment 10.1.3.3

Bowling Rinks, 20m x 9.2m
Synthetic finish - Solar Lighting 2 Nos.


.Reticulated Lawn - Multipurpose Area, can complement large CLA functions

3,

for Night Markets & Functions at the CIA



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 20 Oct. 2020
AGENDA REFERENCE	10.1.4
SUBJECT	Review of the Local Planning Scheme No.2 (LPS No.2)
LOCATION/ADDRESS/APPLICANT	
FILE REFERENCE	6.4.14
INTEREST DISCLOSURE	Nil
DATE OF REPORT	14 October 2020
AUTHOR	David Price
SIGNATURE OF CEO	

RECOMMENDATION

Council agrees to prepare a report to review and consolidate the *Shire of Christmas Island Local Planning Scheme No.2 District Zoning Scheme* gazetted with the WA Government 17 February 2016.

BACKGROUND

Part 6 Division 1 regulation 65 of the WA Planning and Development Act 2005 – Planning and Development (Local Planning Schemes) regulations 2015 requires the SOCI to carry out the review of the LPS No.2 (the Scheme) in the 5th year after the Scheme is published in the **WA Gazette** under section 87(3) of the Act.

COMMENT

The review may be undertaken in conjunction with the preparation of the consolidation of the Scheme under Part 5 Division 5 of the Act.

The SOCI, prompted by the Commonwealth decision to carry out the Christmas Island Strategic Assessment (CISA) has started the process of consolidating the Scheme by endorsing on the 25 August 2020 a new set of Strategic Planning Directions to ensure the CISA Land Use Plan is consistent with the SOCI's revised planning objectives.

STATUTORY ENVIRONMENT

The SOCI must, no later than 6 months after the requirements to carry out the review of the LPS No.2 arises (Feb. 2021)

- a) prepare a report to review and consolidate the Scheme
- b) approve the report by resolution
- c) provide the report to the WA Planning Commission

POLICY IMPLICATIONS

The report to review and consolidate the Scheme to be provided to the WA Planning Commission at the start of the 6 months period in order to maintain (as much as feasible) alignment with the CISA process.

FINANCIAL IMPLICATIONS

There is suitable allocation to input into the CISA process and review the Scheme in the current budget

STRATEGIC IMPLICATIONS & MILESTONES

SOCI to initiate the preparation the report to the review October 2020

Approve the report to the review December 2020

VOTING REQUIREMENTS

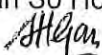

Simple Majority

ATTACHMENTS

Nil



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 20 October 2020
AGENDA REFERENCE	10.2.1
SUBJECT	Schedule of Accounts – September 2020
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	3.1.14
INTEREST DISCLOSURE	None
DATE OF REPORT	9 October 2020
AUTHOR	Gan So Hon, Manager Finance & Admin
SIGNATURE OF AUTHOR	
SIGNATURE OF CEO	

RECOMMENDATION

That Council approves the expenditure as presented in September 2020 Schedule of Accounts

BACKGROUND

The Local Government Act 1995 (WA)(CI) requires Council to maintain a Municipal Fund, a Reserve Fund and a Trust Fund and to manage and report on these accounts in accordance with this Act and Regulations.

Outstanding creditors as at 30 September 2020:

\$176,837.89

COMMENT

A schedule of accounts is attached to this report, setting out expenditure from the Municipal and Trust Funds. This report is provided in compliance with the Act and Regulations.

STATUTORY ENVIRONMENT

Section 6.10 of the Local Government Act 1995 (WA)(CI) authorizes payment from Municipal and Trust Funds.

Regulation 12 of the Local Government (Financial Management) Regulations 1996 requires a local government to compile a list of Creditors each month.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 requires that if a Local Government has delegated to the CEO the exercise of its power to make payments from the Municipal Fund or the Trust Fund, the CEO is to compile each month a list of accounts paid since the last payment such list was prepared.

POLICY IMPLICATIONS

There are no significant policy implications arising from this matter. The CEO is to ensure that all expenditure incurred is in accordance with the Annual Budget and any approved variations.

FINANCIAL IMPLICATIONS

The financial implications arising from expenditure from the Municipal, Reserve and Trust funds are reported on a monthly/quarterly basis to Council via Financial and cash flow statements in accordance with the Act and Regulations.

STRATEGIC IMPLICATIONS & MILESTONES

Objective 1 of the Government Environment is to "Provide good governance in line with the requirements of the Local Government Act and the culture of the Island". Objective 4 of the same Environment is to "Effectively manage the resources of the Shire in line with the objectives of the Strategic Plan".

VOTING REQUIREMENTS

A simple majority is required.



ATTACHMENTS

1. Certification of CEO and Chairperson of the Meeting.
2. Schedule of Accounts – Municipal Fund September 2020.

"Pursuant to s 5.25 (j) of the Local Government Act, and Regulation 14 (2) of the Local Government (Administration) Regulations, this attachment is not available to the public."



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 20 October 2020
AGENDA REFERENCE	10.2.2
SUBJECT	Financial Statements – September 2020
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	3.1.14
INTEREST DISCLOSURE	None
DATE OF REPORT	8 October 2020
AUTHOR	Gan So Hon, Manager Finance & Admin
SIGNATURE OF AUTHOR	
SIGNATURE OF CEO	

RECOMMENDATION

That Council receives the Financial Statements of September 2020 for the Municipal Fund.

BACKGROUND

The Local Government Act 1995 (WA)(CI) requires the local government to prepare a monthly or a quarterly financial report in accordance with this Act, Financial Regulations and other relevant legislation.

COMMENT

A monthly or a quarterly financial report is attached to this report, setting out expenditure from the Municipal and Trust Funds. This report is provided in compliance with the Act and Regulations.

STATUTORY ENVIRONMENT

Section 6.4 of the Local Government Act 1995 (WA)(CI) requires a local government to prepare a financial report.

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare a monthly or a quarterly financial report.

Regulation 35 of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare the quarterly report in the form as set out.

POLICY IMPLICATIONS

There are no significant policy implications arising from this matter. Each Manager and the CEO are to ensure that the expenditure is incurred in accordance with the Annual Budget and or any variations as approved.

FINANCIAL IMPLICATIONS

The financial implications arising from expenditure from the Municipal and Trust funds are reported on a monthly/quarterly basis to Council via Financial and cash flow statements in accordance with the Act and Regulations.

STRATEGIC IMPLICATIONS & MILESTONES

Objective 1 of the Government environment is to "Provide good governance in line with the requirements of the Local Government Act and the culture of the Island". Objective 4 of the same Environment is to "Effectively manage the resources of the Shire in line with the objectives of the Strategic Plan".

VOTING REQUIREMENTS

A simple majority is required.

ATTACHMENTS

1. Financial Statements - Municipal Fund 30 September 2020.

SHIRE OF CHRISTMAS ISLAND

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2020 TO 30 SEPTEMBER 2020

FM Reg 34
FM Reg 22 (1)(d)

		NOTE	30 September 2020 Y-T-D Actual \$	30 September 2020 Y-T-D Budget \$	2020/21 Budget \$	Variances Budget to Actual Y-T-D %	>10% & >\$10,000
Operating							
Revenues/Sources							
General Purpose Funding	3	1	3,440,070	1,925,353	7,701,410	78.7%	1,514,717
Governance		2	(1,647)	1,250	5,000		
Law, Order, Public Safety		3	103	225	900		
Health		4	8,020	4,750	19,000		
Welfare		5	193	500	2,000		
Housing		6	11,550	13,500	54,000		
Community Amenities		7	431,576	142,600	570,400	202.6%	288,976
Recreation and Culture		8	7,330	48,775	195,100		
Transport		9	431,496	243,676	974,704	77.1%	187,820
Economic Services		10	43,737	8,000	32,000		
Other Property and Services		11	3,463	3,500	14,000		
			4,375,890	2,392,129	9,568,514		
(Expenses)/(Applications)							
General Purpose Funding	3	12	(25,215)	(32,901)	(131,603)		
Governance		13	(185,248)	(200,184)	(800,735)		
Law, Order, Public Safety		14	(45,248)	(59,305)	(237,221)		
Health		15	(27,116)	(42,720)	(170,878)		
Welfare		16	(112,558)	(162,330)	(649,321)		
Housing		17	(39,036)	(39,026)	(156,103)		
Community Amenities		18	(336,555)	(454,275)	(1,817,099)		
Recreation & Culture		19	(333,456)	(553,659)	(2,214,634)		
Transport		20	(548,333)	(1,205,776)	(4,823,105)		
Economic Services		21	(19,476)	(51,562)	(206,249)		
Other Property and Services		22	(61,722)	(125,000)	(500,000)	50.6%	63,278
			(1,733,962)	(2,926,737)	(11,706,948)		
Adjustments for Non-Cash							
(Revenue) and Expenditure							
Profit/(Loss) on Asset Disposals	3	23	0	0	0		
Leave Accruals		24	0	(23,379)	(93,515)		
Movement in accrual interests			0	0	0		
Depreciation on Assets		25	0	404,383	2,426,300		
Capital Revenue and (Expenditure)							
Purchase Property, Plant & Equipment	3	26	(247,906)	(298,750)	(1,195,000)	17.0%	50,844
Purchase Infrastructure Assets - Roads		27	(420,024)	(176,176)	(704,704)	(138.4%)	(243,848)
Proceeds from Disposal of Assets		28	0	0	0		
Transfers to Reserves (Restricted Assets)		29	0	(18,197)	(72,789)	100.0%	18,197
Transfers from Reserves (Restricted Assets)		30	0	283,000	1,132,000	100.0%	(283,000)
Grants		31	469,465	175,176	700,704		
ADD Net Current Assets July 1 B/Fwd		1	405,115	87,638	350,553		
LESS Net Current Assets Year to Date		1	4,105,319	0	0		
Amount Raised from Rates			(1,256,741)	(100,913)	405,115		

This statement is to be read in conjunction with the accompanying notes.

SHIRE OF CHRISTMAS ISLAND
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2020 TO 30 SEPTEMBER 2020

30 September 2020 Actual \$	Brought Forward 1-Jul \$
--------------------------------------	-----------------------------------

Note 1. NET CURRENT ASSETS

FM Reg 34 (2)(a) Composition of Estimated Net Current Asset Position

CURRENT ASSETS

Cash - Unrestricted	3,407,835	618,221
Cash - Restricted	5,113,659	5,113,659
Receivables	929,885	210,782
Inventories	482,345	385,109
Other Financial Assets	18,638	22,107
	9,952,363	6,349,877

LESS: CURRENT LIABILITIES

Payables and Provisions	(733,385)	(831,104)
	9,218,978	5,518,773
Less: Cash - Reserves - Restricted	(5,113,659)	(5,113,659)
Less: Cash - Restricted/Committed	0	0
NET CURRENT ASSET POSITION	4,105,319	405,115

Note 2. CURRENT RATIO

Current Assets	9,952,363	13.57 : 1
Current Liabilities	733,385	

QUICK RATIO

<u>Current Assets - (Restricted Assets + Inventories)</u>		
Current Liabilities		
9,952,363	-	(5,113,659 + 482,345)
733,385		5.94 : 1

Ratios greater than one indicates that Council has sufficient current assets to meet its short term current liabilities.

SHIRE OF CHRISTMAS ISLAND
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2020 TO 30 SEPTEMBER 2020

Note 3. VARIANCES

FM Reg 34 (2)(b) Variances greater than 10% and \$ 10,000 were due to:

OPERATING REVENUE		
1 General Purpose	78.7% above budget estimate	due to rate notices charged to June 2021 & payment of 50%FAG.
7 Comm Amenities	202.6% above budget estimate	due to Garbage charged to June 2021
9 Transport	77.1% above budget estimate	due to payment of RTR grant & Commonwealth Contract Services fees.
OPERATING EXPENDITURE		
22 Other Property	50.6% below budget estimate	due to plant & machinery not fully utilised.
CAPITAL EXPENDITURE		
Property, Plant & Eq	17% below budget estimate	Various plant & machinery not ordered.
27 Infrastructure Rd	-138.4% above budget estimate	due to Commonwealth Contract - Services works.

10.2.2.1

Report	To Council Meeting - 20 October 2020
Item Number	F/A 10/2.2.1
Subject	Projected Cash Flows - Municipal Fund
Proponent	Finance
Reporting Officer	Manager Finance & Administration
Enabling Legislation	LG (Financial Management) Regs. 1996
File Number	

Projected Cash Flow July 2020 to December 2020

Month	July	August	September	October	November	December
Opening balance	6,000	6,000	683,000	9,000	1,000	1,000
Revenue						
General Purpose Grant	2,939,000	0	0	0	0	3,220,000
Rates	8,000	900,000	422,000	30,000	30,000	30,000
Others	86,000	88,000	166,000	50,000	50,000	50,000
CRA/R2R Grant/Com Svs Obligations	0	300,000	509,000	0	259,000	0
Reserve Funds	0	0	0	0	0	0
Transfer from Max-I/Fixed Term Deposit	927,000	175,000	84,000	762,000	511,000	0
Total Revenue	3,966,000	1,469,000	1,864,000	851,000	851,000	3,301,000
Expenditure						
Payroll	405,000	324,000	303,000	300,000	300,000	560,000
Payroll - ATO/Super	241,000	173,000	160,000	150,000	150,000	250,000
Purchases	371,000	289,000	355,000	400,000	400,000	400,000
Insurance	0	0	0	0	0	0
Transfer to Reserve Account	0	0	0	0	0	0
Transfer to Fixed Term Account/Max-I	2,943,000	0	1,037,000	0	0	2,090,000
Total Expenditure	3,960,000	786,000	1,855,000	850,000	850,000	3,300,000
Closing Balance	6,000	683,000	9,000	1,000	1,000	1,000

Note:

Total Estimated Cash On Hand 30 September 2020

MUNICIPAL FUND

Max-I Account	\$ 3,397,977
FTD	0
Petty Cash/Cash Floats	\$ 600
Investments Shares	\$ 22,144
Cash At Bank	\$ 9,000
Sub-total	\$ 3,429,721
Less	
CRA/Road Funding & R2R Projects	\$ (242,000)
Outstanding Creditors 30/09/20	\$ (176,837)
Total	\$ 3,010,884

RESERVE & TRUST FUNDS

Reserve Fund Operating Account	130
Reserve Fund - Max-I Account	1,030,743
Reserve Fund - FTD	4,000,385
Trust Fund Operating Account	0
Trust Fund - Max-I Account	0
Trust Fund - FTD - Taman Sweetland Open Space	55,541
Trust Fund - FTD - Phosphate Hill Open Space	64,022
Welfare Reserve Fund Operating Account	91
Welfare Reserve Fund - Max-I Account	1,493
Welfare Reserve Fund - FTD	83,507
Total	5,235,912



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Meeting 20 October 2020
AGENDA REFERENCE	10.2.3
SUBJECT	Outstanding Rates/Debtors Report 30 September 2020
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	3.1.9
INTEREST DISCLOSURE	Nil
DATE OF REPORT	12 October 2020
AUTHOR	Gan So Hon, Manager Finance & Admin
SIGNATURE OF AUTHOR	<i>Gan So Hon</i>
SIGNATURE OF CEO	

RECOMMENDATION

The report is noted.

BACKGROUND

Policy and legislation require regular reports to Council about the extent of debt to the Shire and any actions to be taken or to recover unpaid monies.

A debt is defined as any amount of money owed to the Shire by virtue of the provision of services, levying of rates, fees and charges, funding agreements, the provision of private works or other fee for service and payment has not been made within 45 days of issuance of invoice, notice or agreement. A debt does not include instalment arrangements, unless the final instalment is overdue by 45 days or more.

COMMENT

As at 30 September 2020, the Shire was owed \$972,540. The breakdown of monies owed is as follows:

Payment Type	Total owed	Amounts under \$200	Amounts over \$200	Debts written off in preceding quarter	Debts referred to debt collection or subject to negotiated settlement/ Other
	\$	\$ & No.	\$ & No.	\$ & No.	\$ & No.
Rates & Services	275,085 153	3,125 24	271,960 129	Nil	Nil
Others	626,165 23	811 9	557,731 13	Nil	67,623 1
Private works/Grants	71,290 2	Nil	71,290 2	Nil	Nil

STATUTORY ENVIRONMENT

Section 6.13 of the Local Government Act 1995 (WA) (CI) and regulations 19A & 19B of the LG Financial Management Regulations apply. In relation to rates and service charge debts in excess of 3 years, Council must make at least 1 attempt to recover unpaid monies by court action before exercising the power to compulsory sell the property.

POLICY IMPLICATIONS

Council's FI – 5 Debt Recovery Policy applies. The policy sets out the scheme for pursuing debts via letters of demand and local court action. The CEO has delegated authority to pursue debt recovery and to write off debts under \$200. Council has the sole authority to write off debts over \$200.

FINANCIAL IMPLICATIONS

There are some costs to Council in pursuing debts, eg summons. However, Council can also apply interest penalties on outstanding debts and court fees, thereby mitigating these costs.

STRATEGIC IMPLICATIONS & MILESTONES

Objective 1 of the Governance environment is to "Provide good governance in line with the requirements of the LGA and the culture of the Island. Objective 4 of the same environment is to "effectively manage the resources of the Shire in line with the objectives of the strategic plan.

CONSULTATION

No consultation is required. Debtors will be contacted direct about their debts in accordance with the policy.

VOTING REQUIREMENTS



A simple majority is required.

ATTACHMENTS

Nil



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Meeting 20 th October 2020
AGENDA REFERENCE	10.5.1
SUBJECT	CI Draft Fisheries Ordinance 2020
LOCATION/ADDRESS/APPLICANT	Nil
FILE REFERENCE	
INTEREST DISCLOSURE	None
DATE OF REPORT	15 August 2020
AUTHOR	Chris Su, GRPG Manager
SIGNATURE OF AUTHOR	
SIGNATURE OF CEO	

RECOMMENDATION

That the Shire submit feedback to the Commonwealth and WA Department of Primary Industries and Regional Development (WA Fisheries) after examining the CI Draft Fisheries Ordinance 2020 and collecting feedback from residents using our community consultation policy and mechanisms.

BACKGROUND

The Commonwealth and WA Fisheries released a draft CI Fisheries Ordinance in August 2019 for a period of two weeks for public comment. It was met with great dissatisfaction and generated two petitions on the matter that were both sent to the Minister and WA Fisheries.

A public meeting at the Malay Club on November 11th 2019 with WA Fisheries and the Commonwealth in attendance recorded criticisms, feedback and suggestions for improvement.

A subsequent petition was created tabling the suggested 'CI Local Fisheries Management Authority' to the Minister and sent to the Minister by the Shire in February 2020.

On October 9th 2020, the new version of the CI Fisheries Ordinance was released.

It is exactly the same as the first version; only the dates have been changed.

COMMENT

GRPG Manager notes that the Minister's 9th October media release did not include any public meeting schedule or a specific contact point for queries and feedback.

The 2019 and 2020 versions of the legislation are exactly the same, only the dates have changed.

The consultation, feedback collected and suggestions received seemed not have impacted the drafting of the legislation at all.

STATUTORY ENVIRONMENT

There are no statutory environment implications under the Local Government Act WA 1995 arising from this matter.

POLICY IMPLICATIONS

There are no significant policy implications arising from this matter.

FINANCIAL IMPLICATIONS

There are no significant financial policy implications arising from this matter.

STRATEGIC IMPLICATIONS & MILESTONES

The Shire is the communities' voice to the Commonwealth on state services via the Council and the CCC which is made up of participating cultural groups on island.

VOTING REQUIREMENTS

A simple majority is required.

ATTACHMENTS

- 10.5.1.1 2019 CI Fisheries Ordinance
- 10.5.1.2 2020 CI Fisheries Ordinance
- 10.5.1.3 October 17th Islander Article on CI Draft Fisheries Ordinance
- 10.5.1.4 Minister Marini 9th October Media Release 'IOT Fishing Rules for Information'



Nola Marino [**DRAFT ONLY—NOT FOR SIGNATURE**]
Assistant Minister for Regional Development and Territories
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,
Transport and Regional Development

EXPOSURE DRAFT

Contents

1	Name.....	1
2	Commencement	1
3	Authority	1
4	Schedules	1
Schedule 1—Amendments		2
<i>Christmas Island Applied Laws Ordinance 1992</i>		<i>2</i>

EXPOSURE DRAFT

1 Name

This Ordinance is the *Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2019*.

2 Commencement

- (1) Each provision of this Ordinance specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Ordinance	The day after this Ordinance is registered.	

Note: This table relates only to the provisions of this Ordinance as originally made. It will not be amended to deal with any later amendments of this Ordinance.

- (2) Any information in column 3 of the table is not part of this Ordinance. Information may be inserted in this column, or information in it may be edited, in any published version of this Ordinance.

3 Authority

This Ordinance is made under the *Christmas Island Act 1958*.

4 Schedules

Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.

Schedule 1—Amendments

Christmas Island Applied Laws Ordinance 1992

1 After Part 14 of Schedule 1

Insert:

Part 15—Fish Resources Management Regulations 1995 (WA) (CI)

1 Subregulation 3(1) (definition of *one day*)

Repeal the definition, substitute:

one day means a period of 24 hours commencing at midnight;

2 Regulations 14A and 14

Repeal the regulations, substitute:

14 Finfish to be landed as whole fish, or as fish trunks or fillets

- (1) A person must not be in possession of a finfish on a boat or bring a finfish onto land unless it is:

- (a) a whole fish; or
- (b) a fish trunk that has the skin and scales attached; or
- (c) a fillet that:
 - (i) has the skin and scales attached; and
 - (ii) is packaged flat; and
 - (iii) is packaged so that it is easily accessible for identification; and
 - (iv) if the fish is frozen—can be measured and identified without being thawed.

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.

- (2) Subregulation (1) does not apply to:
- (a) finfish taken for a commercial purpose in accordance with an authorisation; or
 - (b) finfish on a boat if the finfish is:
 - (i) being consumed; or
 - (ii) prepared, or being prepared, for immediate consumption by persons on the boat.

3 Subregulation 16D(1)

Omit “in circumstances other than those to which regulation 16E(2) or (3) applies”.

4 Regulations 16E, 16GA and 16GE

Repeal the regulations.

5 Subregulation 22(5) (definition of *day trip*)

Repeal the definition, substitute:

day trip means a voyage undertaken by a person on a boat, except a voyage which has taken place over more than one day;

6 Subregulations 31(1) and (3)

Repeal the subregulations.

7 Subregulation 31(4)

Omit “or (3)”.

8 Paragraphs 32(1)(b) and (c)

Repeal the paragraphs, substitute:

- (b) in the case of a pot set or pulled from a licensed fishing boat—is marked by branding or stamping with legible characters not less than 60 mm high and not less than 10 mm wide showing the licensed fishing boat number of the boat.

9 Paragraph 36(1)(b)

Repeal the paragraph.

10 Regulation 37

Repeal the regulation, substitute:

37 Offences against r.36, defences for

In any proceedings for an offence against regulation 36(1)(c), it is a defence for the person charged to prove that the person did not know and could not reasonably have known that 6 rock lobster pots had already been pulled by persons on board the boat in the relevant period.

11 Regulation 42

Repeal the regulation.

12 Regulation 64AA

Repeal the regulation.

13 At the end of Division 8 of Part 4

Add:

64AB Fish at Christmas Island Airport

- (1) The following requirements apply to the possession of fish by a person in the area of Christmas Island Airport:
 - (a) the maximum quantity of fish that a person may possess is 5 kg;
 - (b) the fish must be wahoo or tuna (all species);
 - (c) the fish must:
 - (i) have the skin attached; and

EXPOSURE DRAFT

Schedule 1 Amendments

- (ii) be packaged flat; and
 - (iii) be packaged so that it is easily accessible for identification;
 - (d) if the fish is frozen, it must be able to be identified without being thawed.
- (2) A person in the area of Christmas Island Airport must not have any fish in his or her possession that does not meet the requirements of subregulation (1).

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.

- (3) It is a defence in proceedings for an offence against subregulation (2) for the person charged to prove that:
 - (a) the fish were taken for a commercial purpose in accordance with an authorisation; or
 - (b) the fish were kept, bred, hatched, cultured or harvested in accordance with an aquaculture licence; or
 - (c) the fish were taken under an authority to fish for scientific purposes issued under regulation 178.
- (4) In this regulation:

area of Christmas Island Airport means lot 598 on Deposited Plan 37939.

14 Subregulation 64E(3)

Repeal the subregulation (not including the penalty).

15 Subregulations 64F(1) and (2)

Repeal the subregulations, substitute:

- (1) A person must not fish by means of using a fishing net, unless the person uses only one net at any one time and the net is:
 - (a) a throw net that:
 - (i) has a length not exceeding 3 m measured from the centre retrieval line to the lead line; and
 - (ii) has a mesh of not more than 25 mm; or
 - (b) a hand-held landing net with a hoop or ring not exceeding 1 m in diameter.

16 At the end of Division 2 of Part 4A

Add:

64LA Spearfishing using breathing apparatus prohibited

A person must not fish with a spear or spear gun while using compressed air breathing apparatus.

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.

17 At the end of Division 4 of Part 4A

Add:

64U Spearfishing prohibited in area of Flying Fish Cove

- (1) A person must not fish with a spear gun, harpoon, Hawaiian sling or other pointed instrument in the waters of the area described in subregulation (2).

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.

- (2) The area is bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area where spearfishing prohibited—Flying Fish Cove	
Item	Description
1	The northernmost point of the Port of Christmas Island jetty
2	Westerly along the geodesic towards the point 10°25.690'S, 105°39.895'E to its intersection by the high water line
3	Generally easterly along that high water line to its intersection by the eastern side of the jetty
4	Generally northerly along the eastern side of the jetty to the starting point

18 Subparagraph 64W(b)(ii)

Omit “land;”, substitute “land.”.

19 Paragraph 64W(b)

Omit “or” (last occurring).

20 Paragraph 64W(c)

Repeal the paragraph.

21 Regulation 64X

Repeal the regulation, substitute:

64X Counting pieces of fish for bag limits

For the purpose of determining the number of fish in relation to a bag limit:

- (a) 2 pieces of finfish are taken to be equivalent to one whole finfish; and
- (b) a piece of clam meat is taken to be equivalent to a whole clam; and
- (c) a piece of gong gong meat is taken to be equivalent to a whole gong gong.

22 Division 2 of Part 4B

Repeal the Division, substitute:

Division 2—Bag limits for Territory

64Y Territory bag limits

For section 50 of the Act, the quantity of fish appearing under the heading “Species, or group of species, bag limit” in a Part of Schedule 3 is the bag limit in respect of fish of that species or group of species in the Territory.

EXPOSURE DRAFT

Schedule 1 Amendments

23 Subregulation 117(1)

After “current fishing boat licence”, insert “granted under regulation 118 as it applies in the Territory”.

24 At the end of subregulation 121(1)

Add “granted under regulation 122 as it applies in the Territory”.

25 Division 2 of Part 11

Repeal the Division.

26 Regulation 156 (table)

After “64AA(2),”, insert “64AB, 64LA, 64U,”.

27 Part 1 of Schedule 2

Omit:

Billfish (marlins, sailfish and spearfish).

28 Part 1 of Schedule 2

Omit “and Rays, other than sharks or rays that are totally protected fish”.

29 Part 2 of Schedule 2

Repeal the Part, substitute:

Part 2—Totally protected fish

Division 1—Certain reproducing crustaceans

Totally protected fish—reproducing crustaceans

Item	Description of totally protected fish
1	Female crab with eggs or spawn attached beneath its body
2	Female rock lobster with eggs or spawn attached beneath its body

Division 2—Miscellaneous

Totally protected fish—miscellaneous

Item	Description of totally protected fish
1	Clams
2	Cod, Potato
3	Cod, White Banded
4	Coral and Live Rock
5	Coral Trout
6	Groper, Queensland
7	Parrotfish, Humphead
8	Rays

Totally protected fish—miscellaneous**Item Description of totally protected fish**

9	Wrasse, Humphead Maori
---	------------------------

30 Part 3 of Schedule 2

Repeal the Part, substitute:

Part 3—Recreationally protected fish

Note: This Part is reserved for future use.

31 Schedule 3

Repeal the Schedule, substitute:

Schedule 3—Bag limits

Note: See regulation 64Y.

Part 1—Pelagic species**Bag limits for pelagic species**

Item	Fish	Species, or group of species, bag limit
1	Barracuda	4
2	Billfish and Swordfish	4
3	Dolphinfish (Mahi Mahi)	4
4	Tuna (all species except Dogtooth Tuna)	4
5	Tuna, Dogtooth	1
6	Wahoo	4
7	All species in items 1 to 6, combined	4

Part 2—Demersal species**Bag limits for demersal species**

Item	Fish	Species, or group of species, bag limit
1	All of the following: (a) Cod (except totally protected species); (b) Emperors; (c) Sepat, Red and Black; (d) Snappers; (e) Trevally	16

EXPOSURE DRAFT

Schedule 1 Amendments

Part 3—Crustaceans and molluscs

Bag limits for crustaceans and molluscs

Item	Fish	Species, or group of species, bag limit
1	Rock Lobster	4

32 Schedule 4

Repeal the Schedule, substitute:

Schedule 4—Categories of Fish

Note: See regulation 180.

Part 1—Category 1 fish

Category 1 fish

Item	Type of fish
1	Billfish
2	Bonefish
3	Clams
4	Cod, Potato
5	Cod, White Banded
6	Coral
7	Coral Trout
8	Coronation Trout
9	Crab, Mud
10	Dolphinfish (Mahi Mahi)
11	Gong Gong
12	Groper, Queensland
13	Live Rock
14	Parrotfish, Humphead
15	Rays
16	Rock Lobster
17	Sharks
18	Swordfish
19	Tuna (all species)
20	Wahoo
21	Wrasse, Humphead Maori

Part 2—Category 2 fish

Category 2 fish

Item	Type of fish
1	Cod (except species listed as category 1 fish)

EXPOSURE DRAFT

Amendments Schedule 1

Category 2 fish

Item	Type of fish
2	Emperors
3	Parrotfish (except Humphead Parrotfish)
4	Sepat, Red and Black
5	Snappers
6	Trevally

Part 3—Category 3 fish

Category 3 fish

Item	Type of fish
1	Milkfish
2	Mullet, Diamond Scale
3	Mullet, Sea
4	Silveries

Part 4—Category 4 fish

Category 4 fish

Item	Type of fish
1	Any species of fish not specified in this Schedule to be category 1 fish, category 2 fish or category 3 fish

33 Schedule 7

Repeal the Schedule, substitute:

Schedule 7—List of common and scientific names

Note: See subregulation 3(2).

Common and scientific names of fish

Item	Common name	Scientific name
1	Barracuda	<i>Sphyraena</i> spp.
2	Billfish	Family Istiophoridae
3	Bonefish	<i>Albula</i> spp.
4	Clam, Giant	<i>Tridacna gigas</i>
5	Clams	<i>Tridacna</i> spp.
6	Cod	Family Epinephelidae
7	Cod, Potato	<i>Epinephelus tukula</i>
8	Cod, White Banded	<i>Anyperodon leucogrammicus</i>
9	Coral	Class Anthozoa and Class Hydrozoa
10	Coral Trout	<i>Plectropomus</i> spp.
11	Coronation Trout	<i>Variola</i> spp.

EXPOSURE DRAFT

Schedule 1 Amendments

Common and scientific names of fish		
Item	Common name	Scientific name
12	Crab, Mud	<i>Scylla</i> spp.
13	Dolphinfish (Mahi Mahi)	<i>Coryphaena</i> spp.
14	Emperors	Family Lethrinidae
15	Gong Gong	<i>Lambis</i> spp. and <i>Harpago chiragra</i>
16	Groper, Queensland	<i>Epinephelus lanceolatus</i>
17	Live Rock	Family Corallinaceae, Class Polychaeta, Class Crinoidea, Class Ascidiacea, Class Ophiuroidea, Phylum Bryozoa and Phylum Porifera and dead fish of Class Anthozoa and Class Hydrozoa
18	Milkfish	<i>Chanos chanos</i>
19	Mullet, Diamond Scale	<i>Liza vaigiensis</i>
20	Mullet, Sea	<i>Mugil cephalus</i>
21	Parrotfish	Subfamily Scarinae
22	Parrotfish, Humphead	<i>Bolbometopon muricatum</i>
23	Rays	Superorder Batoidea
24	Rock Lobster	<i>Panulirus</i> spp.
25	Sepat, Red and Black	Families Berycidae and Bramidae
26	Sharks	Orders Squatiniformes, Pristiophoriformes, Squaliformes, Hexanchiformes, Carcharhiniformes, Lamniformes, Orectolobiformes and Heterodontiformes
27	Shark, Whale	<i>Rhincodon typus</i>
28	Silveries	<i>Gerres</i> spp.
29	Snappers	Family Lutjanidae
30	Swordfish	Family Xiphiidae
31	Trevally	Family Carangidae
32	Tuna, Albacore	<i>Thunnus alalunga</i>
33	Tuna, Bigeye	<i>Thunnus obesus</i>
34	Tuna, Dogtooth	<i>Gymnosarda unicolor</i>
35	Tuna, Longtail	<i>Thunnus tonggol</i>
36	Tuna, Skipjack	<i>Katsuwonus pelamis</i>
37	Tuna, Southern Bluefin	<i>Thunnus maccoyii</i>
38	Tuna, Yellowfin	<i>Thunnus albacares</i>
39	Wahoo	<i>Acanthocybium solandri</i>
40	Wrasse, Humphead Maori	<i>Cheilinus undulatus</i>

34 Schedule 9

Repeal the Schedule, substitute:

Schedule 9—Determining the value of fish

Note: See regulation 157.

EXPOSURE DRAFT

Amendments Schedule 1

Value of fish species			
Item	Species of fish	Value per unit of weight (\$/kg)	Value per fish (\$)
1	Barracuda	2.00	10.00
2	Billfish	2.00	100.00
3	Bonefish	8.00	24.00
4	Clam, Giant	10.00	100.00
5	Clams (except Giant Clam) (shucked)	60.00	5.00
6	Clams (except Giant Clam) (whole)	25.00	5.00
7	Cod (except species listed separately)	9.50	38.00
8	Cod, Potato	10.00	100.00
9	Cod, White Banded	10.00	100.00
10	Coral and Live Rock	80.00	-
11	Coral Trout	10.00	100.00
12	Coronation Trout	8.00	24.00
13	Crab, Mud	25.00	14.00
14	Dolphinfish (Mahi Mahi)	2.00	4.00
15	Emperors	8.00	24.00
16	Gong Gong (shucked)	60.00	3.00
17	Gong Gong (whole)	25.00	3.00
18	Groper, Queensland	10.00	100.00
19	Milkfish	4.50	3.00
20	Mullet, Diamond Scale	4.50	3.00
21	Mullet, Sea	4.50	3.00
22	Parrotfish (except Humphead Parrotfish)	6.00	12.00
23	Parrotfish, Humphead	25.00	100.00
24	Rock Lobster	30.00	15.00
25	Sepat, Red and Black	8.00	24.00
26	Sharks and rays (except Whale Shark)	6.00	90.00
27	Shark, Whale	10.00	500.00
28	Silveries	4.50	3.00
29	Snappers	8.00	24.00
30	Swordfish	2.00	100.00
31	Trevally	3.50	8.00
32	Tuna, Dogtooth	5.00	25.00
33	Tuna (except Dogtooth Tuna)	2.00	20.00
34	Wahoo	7.00	28.00

EXPOSURE DRAFT

Schedule 1 Amendments

Value of fish species			
Item	Species of fish	Value per unit of weight (\$/kg)	Value per fish (\$)
35	Wrasse, Humphead Maori	25.00	100.00
36	All fish not otherwise listed in this Schedule	1.00	1.00

35 Schedule 12 (table headed “Part 2—Regulations”, item 4)

After “64E,”, insert “64LA,”.

36 Schedule 12 (table headed “Part 2—Regulations”, item 4)

After “64P,”, insert “64U,”.

37 At the end of Schedule 15

Add:

5 Zone 5: Christmas Island

The Territory



EXPOSURE DRAFT (09/09/2020)

Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2020

Ordinance No. , 2020

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance.

Dated 2020

David Hurley
Governor-General

By His Excellency's Command

Nola Marino **[DRAFT ONLY—NOT FOR SIGNATURE]**
Assistant Minister for Regional Development and Territories
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,
Transport and Regional Development

EXPOSURE DRAFT

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules	1
Schedule 1—Amendments		2
<i>Christmas Island Applied Laws Ordinance 1992</i>		<i>2</i>

EXPOSURE DRAFT

1 Name

This Ordinance is the *Christmas Island Applied Laws Amendment (Fish Resources Management) Ordinance 2020*.

2 Commencement

- (1) Each provision of this Ordinance specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Ordinance	1 July 2021.	1 July 2021

Note: This table relates only to the provisions of this Ordinance as originally made. It will not be amended to deal with any later amendments of this Ordinance.

- (2) Any information in column 3 of the table is not part of this Ordinance. Information may be inserted in this column, or information in it may be edited, in any published version of this Ordinance.

3 Authority

This Ordinance is made under the *Christmas Island Act 1958*.

4 Schedules

Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.

EXPOSURE DRAFT

Schedule 1 Amendments

Schedule 1—Amendments

Christmas Island Applied Laws Ordinance 1992

1 After Part 14 of Schedule 1

Insert:

Part 15—Fish Resources Management Regulations 1995 (WA) (CI)

1 Subregulation 3(1) (definition of *one day*)

Repeal the definition, substitute:

one day means a period of 24 hours commencing at midnight;

2 Regulations 14A and 14

Repeal the regulations, substitute:

14 Finfish to be landed as whole fish, or as fish trunks or fillets

- (1) A person must not be in possession of a finfish on a boat or bring a finfish onto land unless it is:
- (a) a whole fish; or
 - (b) a fish trunk that has the skin and scales attached; or
 - (c) a fillet that:
 - (i) has the skin and scales attached; and
 - (ii) is packaged flat; and
 - (iii) is packaged so that it is easily accessible for identification; and
 - (iv) if the fish is frozen—can be measured and identified without being thawed.

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.

- (2) Subregulation (1) does not apply to:
- (a) finfish taken for a commercial purpose in accordance with an authorisation; or
 - (b) finfish on a boat if the finfish is:
 - (i) being consumed; or
 - (ii) prepared, or being prepared, for immediate consumption by persons on the boat.

3 Subregulation 16D(1)

Omit “in circumstances other than those to which regulation 16E(2) or (3) applies”.

4 Regulations 16E, 16GA and 16GE

Repeal the regulations.

5 Subregulation 22(5) (definition of *day trip*)

Repeal the definition, substitute:

day trip means a voyage undertaken by a person on a boat, except a voyage which has taken place over more than one day;

6 Subregulations 31(1) and (3)

Repeal the subregulations.

7 Subregulation 31(4)

Omit “or (3)”.

8 Paragraphs 32(1)(b) and (c)

Repeal the paragraphs, substitute:

- (b) in the case of a pot set or pulled from a licensed fishing boat—is marked by branding or stamping with legible characters not less than 60 mm high and not less than 10 mm wide showing the licensed fishing boat number of the boat.

9 Paragraph 36(1)(b)

Repeal the paragraph.

10 Regulation 37

Repeal the regulation, substitute:

37 Offences against r.36, defences for

In any proceedings for an offence against regulation 36(1)(c), it is a defence for the person charged to prove that the person did not know and could not reasonably have known that 6 rock lobster pots had already been pulled by persons on board the boat in the relevant period.

11 Regulation 42

Repeal the regulation.

12 Regulation 64AA

Repeal the regulation.

13 At the end of Division 8 of Part 4

Add:

64AB Fish at Christmas Island Airport

- (1) The following requirements apply to the possession of fish by a person in the area of Christmas Island Airport:
 - (a) the maximum quantity of fish that a person may possess is 5 kg;
 - (b) the fish must be wahoo or tuna (all species);
 - (c) the fish must:
 - (i) have the skin attached; and

EXPOSURE DRAFT

Schedule 1 Amendments

- (ii) be packaged flat; and
 - (iii) be packaged so that it is easily accessible for identification;
 - (d) if the fish is frozen, it must be able to be identified without being thawed.
- (2) A person in the area of Christmas Island Airport must not have any fish in his or her possession that does not meet the requirements of subregulation (1).
Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.
- (3) It is a defence in proceedings for an offence against subregulation (2) for the person charged to prove that:
 - (a) the fish were taken for a commercial purpose in accordance with an authorisation; or
 - (b) the fish were kept, bred, hatched, cultured or harvested in accordance with an aquaculture licence; or
 - (c) the fish were taken under an authority to fish for scientific purposes issued under regulation 178.
- (4) In this regulation:

area of Christmas Island Airport means lot 598 on Deposited Plan 37939.

14 Subregulation 64E(3)

Repeal the subregulation (not including the penalty).

15 Subregulations 64F(1) and (2)

Repeal the subregulations, substitute:

- (1) A person must not fish by means of using a fishing net, unless the person uses only one net at any one time and the net is:
 - (a) a throw net that:
 - (i) has a length not exceeding 3 m measured from the centre retrieval line to the lead line; and
 - (ii) has a mesh of not more than 25 mm; or
 - (b) a hand-held landing net with a hoop or ring not exceeding 1 m in diameter.

16 At the end of Division 2 of Part 4A

Add:

64LA Spearfishing using breathing apparatus prohibited

A person must not fish with a spear or spear gun while using compressed air breathing apparatus.

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.

17 At the end of Division 4 of Part 4A

Add:

64U Spearfishing prohibited in area of Flying Fish Cove

- (1) A person must not fish with a spear gun, harpoon, Hawaiian sling or other pointed instrument in the waters of the area described in subregulation (2).

Penalty: a fine of \$3,000 and the penalty provided in section 222 of the Act.

- (2) The area is bounded by the line starting at the point described in item 1 of the following table and running sequentially as described in the table.

Area where spearfishing prohibited—Flying Fish Cove	
Item	Description
1	The northernmost point of the Port of Christmas Island jetty
2	Westerly along the geodesic towards the point 10°25.690'S, 105°39.895'E to its intersection by the high water line
3	Generally easterly along that high water line to its intersection by the eastern side of the jetty
4	Generally northerly along the eastern side of the jetty to the starting point

18 Subparagraph 64W(b)(ii)

Omit “land;”, substitute “land.”.

19 Paragraph 64W(b)

Omit “or” (last occurring).

20 Paragraph 64W(c)

Repeal the paragraph.

21 Regulation 64X

Repeal the regulation, substitute:

64X Counting pieces of fish for bag limits

For the purpose of determining the number of fish in relation to a bag limit:

- (a) 2 pieces of finfish are taken to be equivalent to one whole finfish; and
- (b) a piece of clam meat is taken to be equivalent to a whole clam; and
- (c) a piece of gong gong meat is taken to be equivalent to a whole gong gong.

22 Division 2 of Part 4B

Repeal the Division, substitute:

Division 2—Bag limits for Territory

64Y Territory bag limits

For section 50 of the Act, the quantity of fish appearing under the heading “Species, or group of species, bag limit” in a Part of Schedule 3 is the bag limit in respect of fish of that species or group of species in the Territory.

EXPOSURE DRAFT

Schedule 1 Amendments

23 Subregulation 117(1)

After “current fishing boat licence”, insert “granted under regulation 118 as it applies in the Territory”.

24 At the end of subregulation 121(1)

Add “granted under regulation 122 as it applies in the Territory”.

25 Division 2 of Part 11

Repeal the Division.

26 Regulation 156 (table)

After “64AA(2),”, insert “64AB, 64LA, 64U,”.

27 Part 1 of Schedule 2

Omit:

Billfish (marlins, sailfish and spearfish).

28 Part 1 of Schedule 2

Omit “and Rays, other than sharks or rays that are totally protected fish”.

29 Part 2 of Schedule 2

Repeal the Part, substitute:

Part 2—Totally protected fish

Division 1—Certain reproducing crustaceans

Totally protected fish—reproducing crustaceans

Item	Description of totally protected fish
1	Female crab with eggs or spawn attached beneath its body
2	Female rock lobster with eggs or spawn attached beneath its body

Division 2—Miscellaneous

Totally protected fish—miscellaneous

Item	Description of totally protected fish
1	Clams
2	Cod, Potato
3	Cod, White Banded
4	Coral and Live Rock
5	Coral Trout
6	Groper, Queensland
7	Parrotfish, Humphead
8	Rays

EXPOSURE DRAFT

Amendments Schedule 1

Totally protected fish—miscellaneous

Item	Description of totally protected fish
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9	Wrasse, Humphead Maori
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30 Part 3 of Schedule 2

Repeal the Part, substitute:

Part 3—Recreationally protected fish

Note: This Part is reserved for future use.

31 Schedule 3

Repeal the Schedule, substitute:

Schedule 3—Bag limits

Note: See regulation 64Y.

Part 1—Pelagic species

Bag limits for pelagic species

Item	Fish	Species, or group of species, bag limit
1	Barracuda	4
2	Billfish and Swordfish	4
3	Dolphinfish (Mahi Mahi)	4
4	Tuna (all species except Dogtooth Tuna)	4
5	Tuna, Dogtooth	1
6	Wahoo	4
7	All species in items 1 to 6, combined	4

Part 2—Demersal species

Bag limits for demersal species

Item	Fish	Species, or group of species, bag limit
1	All of the following: (a) Cod (except totally protected species); (b) Emperors; (c) Sepat, Red and Black; (d) Snappers; (e) Trevally	16

EXPOSURE DRAFT

Schedule 1 Amendments

Part 3—Crustaceans and molluscs

Bag limits for crustaceans and molluscs

Item	Fish	Species, or group of species, bag limit
1	Rock Lobster	4

32 Schedule 4

Repeal the Schedule, substitute:

Schedule 4—Categories of Fish

Note: See regulation 180.

Part 1—Category 1 fish

Category 1 fish

Item	Type of fish
1	Billfish
2	Bonfish
3	Clams
4	Cod, Potato
5	Cod, White Banded
6	Coral
7	Coral Trout
8	Coronation Trout
9	Crab, Mud
10	Dolphinfish (Mahi Mahi)
11	Gong Gong
12	Groper, Queensland
13	Live Rock
14	Parrotfish, Humphead
15	Rays
16	Rock Lobster
17	Sharks
18	Swordfish
19	Tuna (all species)
20	Wahoo
21	Wrasse, Humphead Maori

Part 2—Category 2 fish

Category 2 fish

Item	Type of fish
1	Cod (except species listed as category 1 fish)

EXPOSURE DRAFT

Amendments Schedule 1

Category 2 fish

Item	Type of fish
2	Emperors
3	Parrotfish (except Humphead Parrotfish)
4	Sepat, Red and Black
5	Snappers
6	Trevally

Part 3—Category 3 fish

Category 3 fish

Item	Type of fish
1	Milkfish
2	Mullet, Diamond Scale
3	Mullet, Sea
4	Silveries

Part 4—Category 4 fish

Category 4 fish

Item	Type of fish
1	Any species of fish not specified in this Schedule to be category 1 fish, category 2 fish or category 3 fish

33 Schedule 7

Repeal the Schedule, substitute:

Schedule 7—List of common and scientific names

Note: See subregulation 3(2).

Common and scientific names of fish

Item	Common name	Scientific name
1	Barracuda	<i>Sphyraena</i> spp.
2	Billfish	Family Istiophoridae
3	Bonefish	<i>Albula</i> spp.
4	Clam, Giant	<i>Tridacna gigas</i>
5	Clams	<i>Tridacna</i> spp.
6	Cod	Family Epinephelidae
7	Cod, Potato	<i>Epinephelus tukula</i>
8	Cod, White Banded	<i>Anyperodon leucogrammicus</i>
9	Coral	Class Anthozoa and Class Hydrozoa
10	Coral Trout	<i>Plectropomus</i> spp.
11	Coronation Trout	<i>Variola</i> spp.

EXPOSURE DRAFT

Schedule 1 Amendments

Common and scientific names of fish		
Item	Common name	Scientific name
12	Crab, Mud	<i>Scylla</i> spp.
13	Dolphinfish (Mahi Mahi)	<i>Coryphaena</i> spp.
14	Emperors	Family Lethrinidae
15	Gong Gong	<i>Lambis</i> spp. and <i>Harpago chiragra</i>
16	Groper, Queensland	<i>Epinephelus lanceolatus</i>
17	Live Rock	Family Corallinaceae, Class Polychaeta, Class Crinoidea, Class Ascidiacea, Class Ophiuroidea, Phylum Bryozoa and Phylum Porifera and dead fish of Class Anthozoa and Class Hydrozoa
18	Milkfish	<i>Chanos chanos</i>
19	Mullet, Diamond Scale	<i>Liza vaigiensis</i>
20	Mullet, Sea	<i>Mugil cephalus</i>
21	Parrotfish	Subfamily Scarinae
22	Parrotfish, Humphead	<i>Bolbometopon muricatum</i>
23	Rays	Superorder Batoidea
24	Rock Lobster	<i>Panulirus</i> spp.
25	Sepat, Red and Black	Families Berycidae and Bramidae
26	Sharks	Orders Squatiniformes, Pristiophoriformes, Squaliformes, Hexanchiformes, Carcharhiniformes, Lamniformes, Orectolobiformes and Heterodontiformes
27	Shark, Whale	<i>Rhincodon typus</i>
28	Silveries	<i>Gerres</i> spp.
29	Snappers	Family Lutjanidae
30	Swordfish	Family Xiphiidae
31	Trevally	Family Carangidae
32	Tuna, Albacore	<i>Thunnus alalunga</i>
33	Tuna, Bigeye	<i>Thunnus obesus</i>
34	Tuna, Dogtooth	<i>Gymnosarda unicolor</i>
35	Tuna, Longtail	<i>Thunnus tonggol</i>
36	Tuna, Skipjack	<i>Katsuwonus pelamis</i>
37	Tuna, Southern Bluefin	<i>Thunnus maccoyii</i>
38	Tuna, Yellowfin	<i>Thunnus albacares</i>
39	Wahoo	<i>Acanthocybium solandri</i>
40	Wrasse, Humphead Maori	<i>Cheilinus undulatus</i>

34 Schedule 9

Repeal the Schedule, substitute:

Schedule 9—Determining the value of fish

Note: See regulation 157.

EXPOSURE DRAFT

Amendments Schedule 1

Value of fish species			
Item	Species of fish	Value per unit of weight (\$/kg)	Value per fish (\$)
1	Barracuda	2.00	10.00
2	Billfish	2.00	100.00
3	Bonefish	8.00	24.00
4	Clam, Giant	10.00	100.00
5	Clams (except Giant Clam) (shucked)	60.00	5.00
6	Clams (except Giant Clam) (whole)	25.00	5.00
7	Cod (except species listed separately)	9.50	38.00
8	Cod, Potato	10.00	100.00
9	Cod, White Banded	10.00	100.00
10	Coral and Live Rock	80.00	-
11	Coral Trout	10.00	100.00
12	Coronation Trout	8.00	24.00
13	Crab, Mud	25.00	14.00
14	Dolphinfish (Mahi Mahi)	2.00	4.00
15	Emperors	8.00	24.00
16	Gong Gong (shucked)	60.00	3.00
17	Gong Gong (whole)	25.00	3.00
18	Groper, Queensland	10.00	100.00
19	Milkfish	4.50	3.00
20	Mullet, Diamond Scale	4.50	3.00
21	Mullet, Sea	4.50	3.00
22	Parrotfish (except Humphead Parrotfish)	6.00	12.00
23	Parrotfish, Humphead	25.00	100.00
24	Rock Lobster	30.00	15.00
25	Sepat, Red and Black	8.00	24.00
26	Sharks and rays (except Whale Shark)	6.00	90.00
27	Shark, Whale	10.00	500.00
28	Silveries	4.50	3.00
29	Snappers	8.00	24.00
30	Swordfish	2.00	100.00
31	Trevally	3.50	8.00
32	Tuna, Dogtooth	5.00	25.00
33	Tuna (except Dogtooth Tuna)	2.00	20.00
34	Wahoo	7.00	28.00

EXPOSURE DRAFT

Schedule 1 Amendments

Value of fish species			
Item	Species of fish	Value per unit of weight (\$/kg)	Value per fish (\$)
35	Wrasse, Humphead Maori	25.00	100.00
36	All fish not otherwise listed in this Schedule	1.00	1.00

35 Schedule 12 (table headed “Part 2—Regulations”, item 4)

After “64E,”, insert “64LA,”.

36 Schedule 12 (table headed “Part 2—Regulations”, item 4)

After “64P,”, insert “64U,”.

37 At the end of Schedule 15

Add:

5 Zone 5: Christmas Island

The Territory

Christmas Island Fisheries Ordinances - The More Things Change, The More They Stay The Same

The Commonwealth this month returned to the Island with a new 2020 version of the *Christmas Island Draft Fisheries Ordinance* after taking in feedback from Islanders on its deeply unpopular 2019 version.

The Islander reports that this 2020 version is the exact same as the 2019 version, with only the dates having been changed.

Nothing else has been altered.

The 2019 Draft Christmas Island Fisheries Ordinance

The Commonwealth along with the WA Dept of Primary Industries and Regional Development (WA Fisheries) proposed a draft Fisheries Ordinance in August 2019 on Christmas Island that was met with great opposition.

It was met with great opposition on three fronts;

1. Islanders felt that there was insufficient community consultation before these draft laws were released.
2. Islanders only had two weeks to consider these laws which would impact the Island forevermore.
3. It was released mid-August without any public meetings to inform residents of the proposed changes or their rationale by WA Fisheries or the Commonwealth.

Islanders were troubled by this development and raised a protest petition to object to the proposed laws.

This protest petition was received by the Shire at its August Ordinary Council Meeting who resolved to send it to the Fisheries and the Commonwealth by the 31st August deadline given by the Commonwealth.

Malay Club Public Meeting, November 11th 2019

The Commonwealth brought in the Dept. of Fisheries personnel after the deadline take in comments from the community at a public meeting at the Malay Club in November 2019. Around 80 persons attended. Attendees raised their feedback and concerns for the first time in person with officers from the Commonwealth and the Department of Fisheries, with Administrator Natasha Griggs in attendance.

Concerns were many, expanding on more than the initial three fronts earlier raised. The Island community voiced their views directly to the officers of the two government agencies. Notes were taken by the agencies at the meeting as well as by residents on the items in the draft that Islanders had issue with and made suggestions to change.

Assurances were given by the Department that the information gathered *'will go back and be taken into account and you will get a chance to see the next iteration (of the ordinance).'*

A Proposed Islander Solution, February 2020

185 persons signed a second petition that proposed a solution to the fisheries matter. It was generated by the Shire in consultation with island residents and took in suggestions from the Malay Club meeting for bringing the responsibility of fisheries on island instead of the mainland. This petition was delivered to Minister Marino in February of this year.

The petition proposed to create a local Christmas Island Fish Resources Management Authority that would be populated by Islanders and Marine Scientists and Government officials of the Minister's choosing to steward the fisheries resources on the Island. This Authority would take the place of the WA Dept. of Fisheries in forming rules about fish catches, applicable restrictions and all other matters to do with fisheries management on the Island. With the advice of appointed Marine Scientists and Government officials, this body would take the responsibility off mainland bureaucrats and onto the Island.

This proposal for an Authority received no support in Canberra.

The 2020 version

The new version is exactly the same as the 2019 version. The only thing changed is the date.

It seems the feedback from the Petitions and 90minute dialogue with residents at the Malay Club did not alter what the Government intended to put out.

Assistant Minister Marino released a media release on 9th October 2020 *'IOT Fishing Rules Available for Information'* (reprinted on page 3-4) advising residents that *'Australian Government officials will be on CKI and CI to answer questions and provide advice and clarification around the new fishing rules, and I encourage community members to reach out to your local officials if you have any questions or wish to discuss.'*

Residents are advised in the media release that they have until October 23rd to provide feedback.

While the notice did not specify who the Australian Government officials on island are, the representative of the Commonwealth on Christmas Island is the Administrator contactable at the IOTA office.

The Islander has not received any material from the Administrator, Commonwealth or Fisheries WA advising if there is to be a community consultation session within the two week deadline as of publishing.

The more things change, the more they stay the same.

DID YOU KNOW –

UNDER THE PROPOSED NEW FISHERIES LAWS, ONLY 5KG OF WAHOO OR TUNA MAY BE BROUGHT OFF THE ISLAND BY ISLANDERS.

FINE \$3,000. FOR MORE INFORMATION, GO TO PAGE 3-4

DID YOU KNOW

UNDER THE PROPOSED NEW FISHERIES LAWS, SOME SPECIES OF TROUT AND GROUPER ARE TO BE TOTALLY PROTECTED AND FORBIDDEN FROM BEING CAUGHT. THESE SPECIES ARE NOT ENDANGERED AND ALLOWED TO BE CAUGHT IN WA.

DID YOU KNOW

UNDER THE PROPOSED LAW, ISLANDERS CAN NO LONGER BRING SEPAT, FLYING FISH, TREVALLY, GROPER, SNAPPER OR EMPEROR FISH TO FRIENDS AND FAMILY ON THE MAINLAND OR COCOS.

FINE \$3,000. FOR MORE INFORMATION, GO TO PAGE 3-4

IOT fishing rules available for information

Thank you to everybody who has contributed to the development of new fishing rules for the Indian Ocean Territories (IOT).

It is critical that the fishing rules provide sustainable local fisheries for current and future generations, while also recognising the unique cultural needs of your island communities.

The revised rules are now available here for Cocos (Keeling) Islands (https://www.regional.gov.au/territories/Cocos_Keeling/fishing-rules/) and here for Christmas Island (<https://www.regional.gov.au/territories/Christmas/fishing-rules/>) and you can ask your questions or give feedback for the next two weeks.

The wide range of community feedback has resulted in the following changes:

- The Cocos (Keeling) Islands (CKI) Cocos Malay community will be exempt from recreational bag limits for cultural or religious events.
- Designated Cocos Malay artisan fishers can sell small quantities of recreationally caught fish for community consumption.
- CKI fishers will be allowed to take a small amount (two per day) of Passionfruit Coral Trout.
- Bag limit of 40 gong gong, per person per day (bag limit will not apply for cultural or religious events) – with further review in two years' time.

It is important to note the proposed new bag limit of 40 gong gong is an increase on the existing bag limit of 10 which applies in Western Australia (WA).

Based on scientific research, existing bag limits and the proposed cultural exemptions, the mixed pelagic bag limit will be four per person per day. It is a higher bag limit than allowed in WA (which is three).

The responsible approach taken by the community in recent years to fishing gong gong is making a difference and continuing in this way will be critical for the future stock levels of gong gong. Under the new rules, fishers will also be asked to record their catches in the future to contribute to important research and sustainable fishery.

The new rules would be reviewed in 2023. Over the next two years, further research of the local fisheries stock will be undertaken. This will include community input through citizen science.

I encourage you to get involved in the research, in collaboration with the Australian Government and Fisheries WA so together we can achieve sustainable fishing. You will be able to do this through Community Reference Groups (CRG). More information about these will be provided soon.

As you may be aware, the Australian Government is examining the potential for expanding research and education opportunities in the IOT. A Working Group has been established to develop a Research Prospectus for the Indian Ocean Territories (IOT) and inform a business

case for an IOT Research Centre. One objective of this work is to provide more local jobs and support the economy.

This project will also provide opportunities to expand our knowledge of IOT fisheries.

Thank you to everybody who has contributed to the development of new fishing rules. During the most recent round of public consultation, feedback was received from more than 150 residents. I am committed to continuing to work with you and to keeping you well informed as this work progresses.

Australian Government officials will be on CKI and CI to answer questions and provide advice and clarification around the new fishing rules, and I encourage community members to reach out to your local officials if you have any questions or wish to discuss.



Further detail is available here:

https://www.regional.gov.au/territories/Cocos_Keeling/fishing-rules/
<https://www.regional.gov.au/territories/Christmas/fishing-rules/>

<https://minister.infrastructure.gov.au/marino/media-release/iot-fishing-rules-available-information-0>



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Meeting 20 October 2020
AGENDA REFERENCE	10.5.2
SUBJECT	IOTHS Dental Staffing Shortage
LOCATION/ADDRESS/APPLICANT	Nil
FILE REFERENCE	
INTEREST DISCLOSURE	None
DATE OF REPORT	15 October 2020
AUTHOR	Chris Su, GRPG Manager
SIGNATURE OF AUTHOR	
SIGNATURE OF CEO	

RECOMMENDATION

That the Shire

- Seek clarification from IOTHS on the progress of placement of a permanent on-island dentist
- Does not support any plans to remove dental positions from the IOTHS dental clinic
- Ask the IOTHS to extend its IOT PATS policy to allow residents to be sent to Perth for dental examination upon recommendation of the attending IOTHS GP

BACKGROUND

There has not been a permanent dentist at IOTHS for more than 12 months. A locum dentist has been on island throughout the last year.

The locum dentist was last on island at the end of August.

There is in addition, no Dental Therapist on the island at present; hence zero dental professionals on island in October to date.

IOTHS is commencing, or soon to commence, a review into the Dental Clinic at IOTHS which includes examining staffing numbers.

The 2019 IOT PATS policy includes travel for dental needs only when General Anaesthetic services are required to address the dental issue. Local Anaesthetic required dental services are not eligible.

It is administratively possible for IOTHS to adopt a wider range of dental needs as one of the reasons a PATS flight is given; there is no legislative requirement to keep dentists off the IOTHS PATS policy.

COMMENT

IOTHS has not been able to deliver consistent dental services on island for the last 12 months, relying on locum dentists' availability. Residents have to arrange for their own dental examinations to the mainland on their own as

most dental needs are not covered in the current IOT PATS policy if there is no locum that particular month and the need is pressing.

Inability to acquire locums from the east coast because of border restrictions is hampering this IOTHS from being able to acquire dental services. The PATS policy should be extended to residents thus at this time for dental examinations.

IOTHS has the responsibility of oral care on Island and should facilitate access to it if it cannot provide it onsite as in the IOTHS 5 Year Strategy 2020-2025 released by the Minister 1 September 2020.

Priority 3 of the Strategy speaks to the commitment to '*a strong workforce plan*' that ensures IOTHS has '*continuity of care by reducing use of nursing and medical locums.*'

The IOTHS still has the responsibility of oral care; it needs to facilitate it in a manner acceptable to the community even if it can't attract a dentist to the Island at present. An extension of the Patient Assistance Travel Scheme (PATS) policy would satisfy this.

GPs are at present examining teeth; this is an extremely rare occurrence normally. GPs do not have the licensed training for extraction or dental surgery of any kind.

The 2019 IOTHS PATS policy allows for trips when dental care is needed that would require General Anaesthetic. General Anaesthetic is when the patient is placed in a state of complete unconsciousness

A dental procedure that would require a Local Anaesthetic (where the patient remains conscious and only a local numbing agent is given) such as wisdom tooth extraction, root canal treatment and gum surgery would not be eligible.

Furthermore, requiring GPs to examine patients and diagnose treatment options for dental conditions that may or may not need General Anaesthesia is clearly outside the scope of usual GP practice. Dentists are trained for these oral examinations; relying on GPs is not optimal to make decisions on levels of anaesthesia needed for oral care.

STATUTORY ENVIRONMENT

There are no statutory environment implications under the Local Government Act WA 1995 arising from this matter.

POLICY IMPLICATIONS

There are no significant policy implications arising from this matter.

FINANCIAL IMPLICATIONS

There are no significant financial policy implications arising from this matter.

STRATEGIC IMPLICATIONS & MILESTONES

There are no strategic implications in the CI 2021 Strategic Community Plan.

Elected Members are historically and currently the communities' primary local channel to voice concerns on delivery of health services on the island.

VOTING REQUIREMENTS

A simple majority is required.

ATTACHMENTS

10.5.2.1 IOTHS 2019 PATS policy

10.5.2.2 IOTHS 5 Year Strategy 2020-2025

10.5.2.3 Minister Marino media release Sept 1 2020 on the IOTHS 5 Year Strategy



Australian Government

**Department of Infrastructure, Transport,
Cities and Regional Development**



Indian Ocean Territories Health Service



Patient Assisted Travel Scheme (PATs)

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Document Control

Version	Date	Prepared by	Comments
0.1	22/10/2019	E. Gacitua	Review and minor amendments to existing policy
0.2	22/10/2019	E. Gacitua	Feedback from SO, CD, TH, KS included
0.3	23/10/2019	E. Gacitua	Feedback from CH, SW, RL included
0.4	24/10/2019	E. Gacitua	Distributed to IOTHS Health Advisory Group
0.5	6/11/2019	E. Gacitua	Feedback from SS and Distributed to IOTHS Policy Working Group
0.6	11/11/2019	E. Gacitua	Feedback from IOTHS PWG & HAG included
1.0	13/11/2019	E. Gacitua	Endorsed by IOTHS PSQR with minor amendments

Document Identification

Version	Record / File Number	Clinical Governance Approval	Approval Date
1.0	PATS Policy	IOTHS Patient Safety Quality and Risk Committee	13/11/2019

Linked / Associated Documentation

Document
IOTHS Clinical Services Capability Framework

Review Date

Date of Review	Recommended Review Committee
13/11/2021	IOTHS Patient Safety Quality and Risk Committee

1. Contents

1.	Contents	3
2.	Purpose and Objectives	3
3.	Scope	3
4.	Out of Scope	3
5.	Overview of PATS process	4
6.	PATS Eligibility	5
7.	PATS Services eligible for subsidy	6
8.	PATS Escorts	7
9.	PATS Subsidies	8
10.	Application Process	10
11.	Appeals	11

2. Purpose and Objectives

The purpose of the IOTHS PATS is to assist residents of the Indian Ocean Territories (IOT) to access health related specialist and acute care services in Perth which cannot be provided on the islands. The scheme provides a financial subsidy to cover a portion of the 'out of pocket' expenses incurred when residents need to travel to access specialist services; however the scheme cannot address all circumstances or situations and is not intended to fully fund travel.

3. Scope

This policy, although based on the WA Country Health Service PATS Guidelines, affords additional provisions based on the unique nature of the IOT.

This policy is intended for residents of the Indian Ocean Territories.

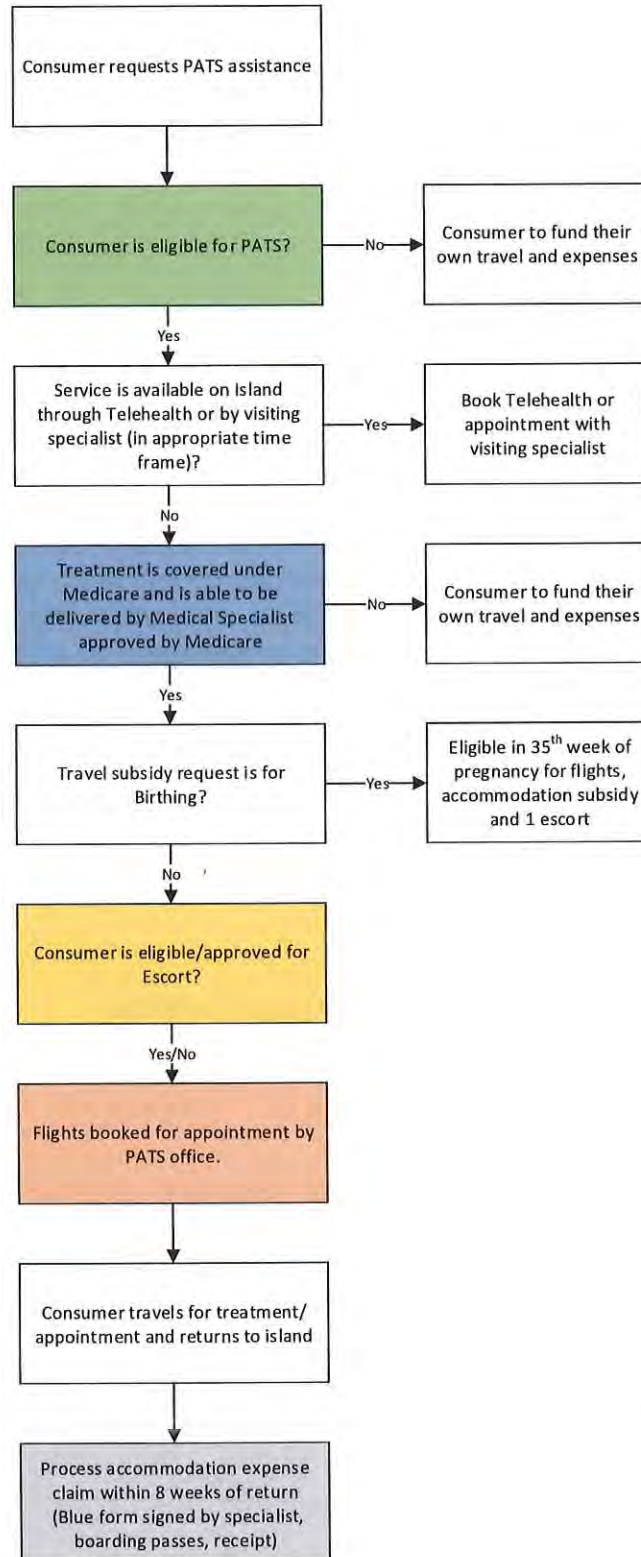
4. Out of Scope

This policy does not include provisions for subsidies covered by other programs or processes that may include but are not limited to:

- Workers compensation claims
- Motor Vehicle Accidents
- Emergency medical evacuations (except for repatriation)
- Veterans Affairs

5. Overview of PATS process

Eligibility for PATS, and the nature of services supported, escorts and travel subsidies is dependent on individual circumstances. A high level process diagram below summaries the PATS eligibility requirements.



6. PATS Eligibility

6.2 Consumer eligibility for PATS

To be eligible for PATS subsidies the following requirements must be met:

- An Australian citizen, permanent resident or humanitarian visa holder (subclass 200-204)
- A resident of a Christmas Island or Cocos (Keeling) Islands (evidenced through documents such as drivers licence, electoral roll, utility bill or lease agreement)
- Hold or be eligible for a current Medicare card or a Reciprocal Health Care Agreement Medicare card
- Receiving specialist medical treatment from a medical practitioner who is registered with Medicare Australia as a specialist in a particular specialty.
- Need to travel to the mainland to receive treatment

6.3 Consumer ineligibility for PATS

PATS subsidies are not available for the following consumers:

- Not a resident of Christmas or Cocos (Keeling) Islands
- Tourists to the islands
- Family visitors who maintain a residence on the mainland
- Consumers on a bridging visa
- Travelling for treatment outside Australia
- Claiming damages or other payment for the injury or illness being treated
- Claiming travel or accommodation assistance from any other organisation, such as payments from Veteran's Affairs or health fund
- Injured in a motor vehicle accident and covered by insurance
- Injured at work and covered by a work related insurance scheme, such as workers' compensation
- Fly In Fly Out (FIFO) workers
- School or university boarders on the mainland
- In custody (in jail)
- Not eligible for Medicare

7. PATS Services eligible for subsidy

7.1 Services covered by PATS

Services that are eligible for PATS subsidies include:

- All Medicare-eligible specialist medical services
- Dental services that require general anaesthetic services
- Radiological services not available on islands (if Medicare-approved)
- Peritoneal or Haemodialysis training
- For birthing of an expectant mother during the 35th week of pregnancy

7.2 Services not covered by PATS

Services that are not eligible for PATS subsidies include:

- Treatment that is available on islands
- Service is available by a visiting specialist (in an appropriate time frame)
- Service is available via Telehealth
- Treatment not covered by a Medicare Benefits Schedule (MBS) item number
- Second opinions unless requested by the treating medical specialist
- Radiological procedures if the procedure is available on islands
- Non-specialist medical treatment, including treatment by a general practitioner
- Research and clinical trials (unless prior approval received)
- Experimental treatment
- Consultations required for legal purposes
- Consultations required for educational support services
- General dental or orthodontic services
- Allied health and other health services including:
 - cosmetic surgery
 - complementary health treatments, such as acupuncture or herbal therapy
 - physiotherapy
 - occupational therapy
 - speech pathology
 - clinical psychology
 - podiatry
 - dietary and nutrition services
 - respiratory therapy
 - Audiology
- Nursing services or residential care services
- Diagnostic pathology and radiology pre-appointment tests (if available locally)
- Services related to surrogacy arrangements
- Procedures that are excluded under the WA Department of Health policy, including liposuction, gender reassignment surgery, varicose vein procedures, and tattoo removal
- Services provided by a general practitioner at a skin clinic
- Medical advice consultations
- Workplace medical assessments
- Travel by ambulance
- Treatment in an emergency department, unless you have been referred by your doctor and you see a specialist in the emergency department.

8. PATS Escorts

An escort is a person who travels with a consumer to a medical appointment to assist you travel. An escort needs to be considered medically necessary by a doctor or treating specialist to be approved for the PATS subsidy.

An escort must be aged 18 years or over. An escort is responsible for transport and accommodation needs during treatment.

An escort must accompany the consumer during travel and when attending appointments, and must be able to take care of the consumer (ie. To carry bags and source meals). Only in the instance of an expectant mother may the escort travel at different times.

Only one escort will be approved when a consumer is eligible.

An escort does not need to be a resident of Christmas Island or Cocos (Keeling) Islands.

8.1 Consumer eligibility for Escorts

Criteria for approval of an escort are automatically approved under the following circumstances:

- for children under the age of 18
- if Centrelink considers the escort a principal carer (evidence required)
- an escort is deemed necessary by a doctor due to consumer cognitive, visual, physical or psychiatric impairment
- if the consumer is undergoing chemotherapy or radiotherapy
- if the consumer is undergoing dialysis treatment (ie. Home dialysis training)
- if an escort is legally required to make decisions on behalf of the consumer
- if a consumer is in or past the 35th week of pregnancy (An escort for an expectant mother may travel at a different times)

8.2 Consumer ineligibility for Escorts

Escorts will not be approved according to the following criteria:

- Children under 18 years of age cannot be an approved escort
- Cultural, emotional or social comfort cannot be the main reason for an escort to accompany a consumer.
- When a clinical escort (ie. Doctor or Nurse) is required to travel with a consumer then a family escort will not be approved

9. PATS Subsidies

All claims for PATS subsidies must be made within 8 weeks of return to Christmas or Cocos (Keeling) Islands. All claims for subsidy reimbursement must include; accommodation receipts, blue form signed by a specialist, and flight boarding passes. Payment of approved claims will be made within 30 working days (six weeks) of all receipts and specialist certifications being received.

PATS support cannot extend past 6 months.

9.1 Travel Subsidies for PATS

Flights

- Consumers will be booked to fly to Perth on the closest available flight to their appointment date and will be booked on the first available flight following the completion of their appointment/treatment.
- Due to the infrequent flight schedule (bi-weekly), if a consumer would like to travel on a direct flight (ie. Not via another island) then the accommodation subsidy can only be claimed from and/or to the closest available flight to their appointment date.
- Travel dates under PATS are not flexible and cannot be extended unless there is a requirement for further treatment or medical reviews.
- The travel dates cannot be changed without the written agreement of the IOTHS. If the consumer does not travel on the booked flight they will be required to meet the cost of the full airfare. If a consumer chooses to delay their return to the islands for non-medical reasons they will be responsible for payment of the full airfare.
- If a consumer has 2 appointments within a 4-week period, they will be required to remain in Perth to attend the follow up appointment rather than returning to the islands between these appointments (consumers accessing chemotherapy, radiotherapy, or dialysis are exempt from this requirement).
- Birthing mothers are required to return within 4 weeks after the birth of their baby (unless specialist treatment is required).

Accommodation

Accommodation subsidies are available at the following rates:

- Private accommodation (no receipt required): \$20 per night for a patient or \$40 per night for a patient travelling with an approved escort.
- Commercial accommodation (receipt required): up to \$60 per night for a patient or \$75 per night for a patient travelling with an approved escort. If the escort is accompanying a patient who is to be hospitalised then the subsidy will be up to \$60 per night for the escort for the nights the patient is hospitalised.

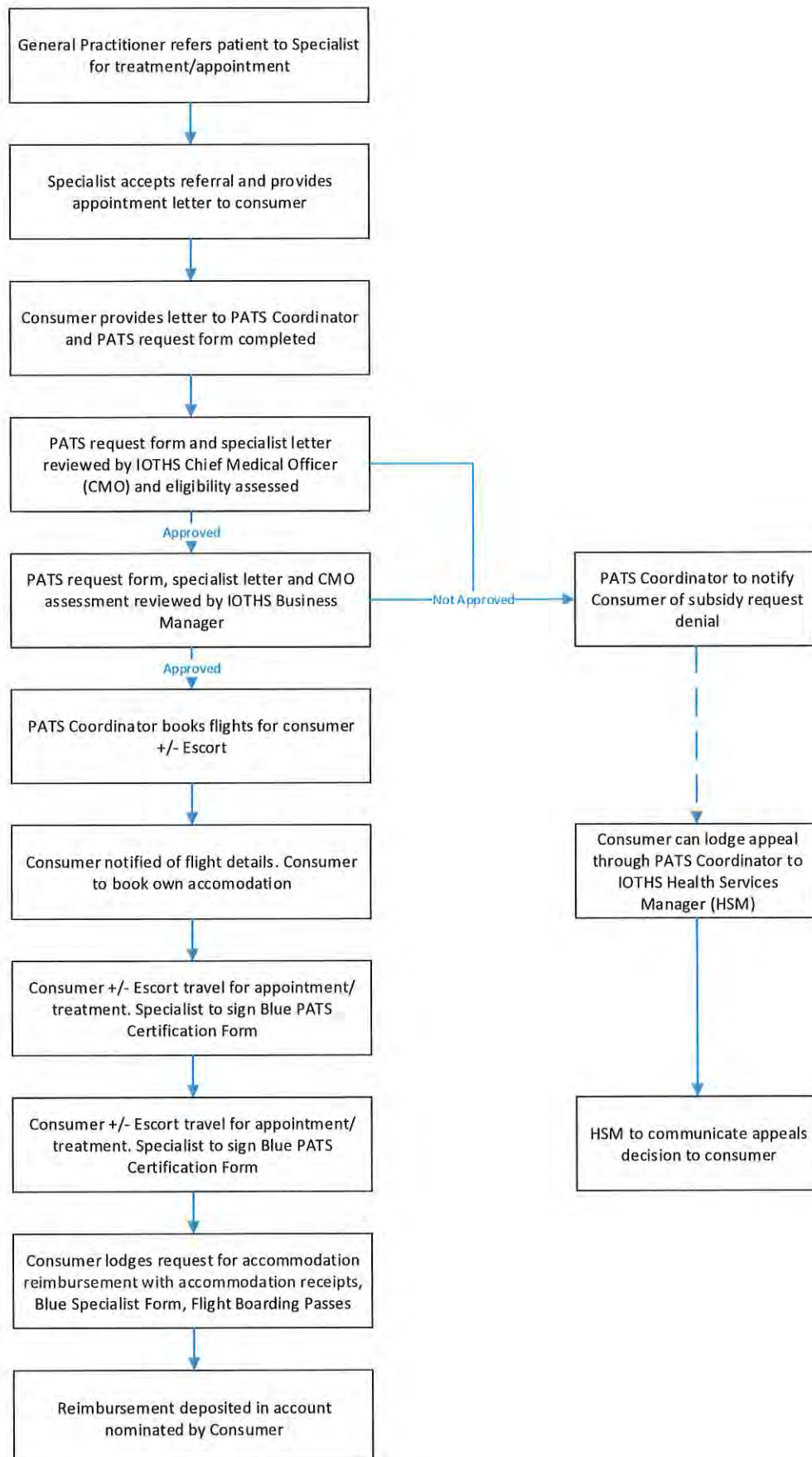
Assistance with the cost of accommodation will only be paid for the period during which the medical specialist confirms that the patient is required to stay for treatment and follow-up. If commercial accommodation is used, the original receipts must be provided to the IOTHS when seeking reimbursement.

9.2 Travel Subsidies not covered by PATS

Travel subsidies are not available for the following;

- Meals
- parking fees
- Ambulance call out whilst on the mainland
- Taxi, bus, train or other transportation fares (except for radiation therapy, chemotherapy or dialysis)
- Costs associated with appointments (Medicare gap fees, private consultation fees)

10. Application Process



11. Appeals

All information provided will be verified or clarified before claims are approved or not approved.

Where a claim is not approved the consumer will be provided with an explanation of why the claim has not been supported, as well as an opportunity to seek a review of the claim by the IOTHS Health Services Manager.

Reviews will be conducted through a fair, impartial and transparent process and claims will be assessed within 10 working days of all information being submitted.

Complaints and requests for review will be dealt with promptly and consumers will be advised of the outcome in writing, as well as verbally if this is needed.



Australian Government

**Department of Infrastructure, Transport,
Regional Development and Communications**



Delivering high-quality whole-of-life care to our community

Strategic Plan

2020 to 2025

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I understand that quality healthcare is important to the residents of Christmas Island and the Cocos (Keeling) Islands. The Australian Government funds and operates the Indian Ocean Territories Health Service, investing in people, partnerships, training, equipment and infrastructure to provide critical healthcare to the residents of one of our most remote Australian communities.

Continuing to provide high quality patient-centred health services to the community remains a priority for the Australian Government. The values of the Health Service—Committed to service, Ethical, Respectful, Accountable—will continue to underpin our goal of keeping residents healthy for the whole of their lives.

Primary health care is the entry level to, and usually a person's first encounter with, the health system. It includes diagnosis, health promotion and prevention, treatment, and management of acute and chronic conditions. Our goal is to deliver a holistic health service that supports physical, mental, social, spiritual and emotional health and wellbeing. The Health Service will also be a safe place for those in our community who may be experiencing trauma, anxiety, family violence, or who otherwise feel at risk.

The health needs of a community change over time and we must be responsive to those changes. The Health Service will have the systems, staff and infrastructure to identify new needs and respond in a timely manner.

This Strategic Plan outlines initiatives to support these goals and to continue to provide highquality, targeted and relevant health services. I look forward to working with you to achieve these goals and to support the communities of Christmas Island and the Cocos (Keeling) Islands.

The Hon Nola Marino MP

Assistant Minister for Regional Development and Territories



Introduction

The Australian Government, through the Department of Infrastructure, Transport, Regional Development and Communications, funds and operates the Indian Ocean Territories Health (IOT) Service. A range of services are offered from facilities on Christmas Island and the Cocos (Keeling) Islands, including:

- primary healthcare, pathology, radiology, pharmacy and acute in-patient care
- public, community and child health programs
- aged care, including home and community care
- disability services
- accident and emergency care, patient assisted travel and emergency medical evacuation
- oral healthcare, and
- access to specialist medical care and allied healthcare.

These services are supplemented through a Service Delivery Arrangement with the Western Australian Department of Health, which provides for:

- regulatory, policy, governance and specialist medical advice
- in-hospital services and care in Western Australia, and
- mammography screening and assessment services through BreastScreen WA.

This Strategic Plan outlines the IOT Health Service's commitments to the residents of the Indian Ocean Territories. It sets out our goals, objectives and aspirations for the next five years. It is also flexible, with capacity to adapt to changing health needs, a changing population, and a changing economic environment.

This Strategic Plan is informed by the PricewaterhouseCoopers Final Report on the *Indian Ocean Territories Health Service*¹, extensive consultation with the community and Health Advisory Groups and workshops with staff in the IOT Health Service.² It is supported by policies, procedures and facts sheets.³

1 March 2019, available on the Department of Infrastructure, Transport, Regional Development and Communications' website.

2 May to September 2019

3 Available on the Department of Infrastructure, Transport, Regional Development and Communications' website.



Our Goal

The IOT Health Service will deliver high quality whole-of-life care to the community. We will deliver this through well-trained staff, appropriate and modern facilities and equipment, responding quickly to emerging and changing needs, and continual improvement. It will be supported by robust clinical governance arrangements, which are open and transparent, and feedback from the community. Delivery of services and care will target the diverse needs of the community, including cultural diversity.

Our goal is underpinned by our values

- **Committed to service:** professional, responsive, innovative, collaborative, caring
- **Ethical:** demonstrate leadership, trustworthy, act with integrity
- **Respectful:** culture, age, heritage, needs
- **Accountable:** open, transparent, share information, implement feedback

Our Priorities



PRIORITY ONE

PREVENTATIVE HEALTH CARE, CHRONIC DISEASE AND MENTAL HEALTH

We will deliver health care to optimise and maintain the health of our community. Our work will prevent, treat and manage disease, support mental health and encourage healthy lifestyles.

We will

- ✓ continually monitor advances in health care to ensure best practice in our support for patients with chronic disease and mental illness
- ✓ work with patients and their families to deliver the care that is needed at a particular time, recognising that care for chronic disease and mental health will change over time
- ✓ improve education and communication to inform and empower healthy choices, prevent chronic disease and reduce vaccine-preventable disease
- ✓ promote understanding of mental health issues and their impacts, and provide choice in services to support mental health
- ✓ work towards greater patient involvement in managing their own health needs
- ✓ work closely with our community, and particularly our young people, to manage their mental health, build their understanding of the importance of a healthy lifestyle (food, exercise) and support safe sexual practices.

We will do this by

- ✓ working closely with our professional colleagues to understand changes in treatments for chronic disease and mental illness, ensuring our staff are trained to deliver best-practice care, and using telehealth services for regular consultations, counselling and training
- ✓ participating in activities to promote healthy outcomes, increasing understanding about the benefits of good health, and improving health literacy
- ✓ exploring collaborations with medical research organisations, universities and hospitals to address issues which are unique to island and remote communities
- ✓ clearly communicating services available to the community
- ✓ ensuring our care is tailored to meet individual needs in close consultation with patients, their families and their carers
- ✓ providing confidential, discreet and easily accessible support for patients experiencing mental illness
- ✓ developing a strategy to address increasing rates of diabetes and kidney disease
- ✓ monitoring emerging chronic diseases, mental illnesses and life-style related illnesses, developing timely responses and care solutions, and providing advice to the community
- ✓ engaging with all community members to ensure we prevent disease or diagnose it early.

PRIORITY TWO

CARING FOR OUR SENIORS

We will provide high quality care to our seniors which responds to their changing needs, including in-home services, respite care and palliative care. Our aged care strategy will meet the different needs of our seniors on Christmas Island and the Cocos (Keeling) Islands.

We will

- ✓ continually monitor advances in aged care to ensure best-practice in our support
- ✓ work with the families of our seniors to deliver the care that is needed at a particular time, recognising the needs of seniors will change over time
- ✓ respect and value the needs of our seniors, their culture and their connection to the community
- ✓ provide patient focused palliative care, including for patients with dementia.

We will do this by

- ✓ developing an aged care strategy which considers the need for dedicated aged care and respite facilities, and increased in-home care
- ✓ clearly communicating services available, eligibility criteria for services, arrangements for funding and supporting policies
- ✓ working individually with patients, their families and their carers to deliver a tailored care program
- ✓ utilising 'My Aged Care' to mirror in-home aged care services provided on the mainland, and provide targeted training and support to nurses and health workers
- ✓ working with local organisations, the Shire of Christmas Island, and the Shire of the Cocos (Keeling) Islands to deliver recreational and cultural and activities, and improve transport services
- ✓ reviewing the program of visiting specialists annually to confirm it is adequately meeting the needs of our seniors
- ✓ providing targeted training to health care workers to ensure they can meet the changing needs of our seniors as part of our strategy to recruit, train and retain a skilled workforce.

PRIORITY THREE

SKILLED PEOPLE

We will ensure our staff are highly trained, responsive and committed to providing high quality care to the community. Our staff are valued and take pride in their work.

We will

- ✓ recruit, develop and retain highly skilled staff, with a focus on those with experience working in remote communities
- ✓ take pride in our work and provide the best quality care to our community
- ✓ provide professional development and training opportunities for our staff, and support for their physical and mental wellbeing.

We will do this by

- ✓ investing in staff training and improving development pathways for clinical and support staff
- ✓ supporting student placements in clinical roles. We will work closely with the local high schools to develop work experience, school holiday and traineeship programs
- ✓ encouraging medical students and student nurses to complete a rotation on Christmas Island or the Cocos (Keeling) Islands
- ✓ ensuring continuity of care by reducing use of nursing and medical locums
- ✓ strengthening our partnership with the Western Australian Department of Health, including to explore placements for staff to build expertise and gain experience in varying medical environments
- ✓ ensuring we have a strong workforce plan
- ✓ periodically reviewing our staffing model to ensure it provides the optimal combination of emergency, in-hospital and community care.

PRIORITY FOUR

SAFETY, QUALITY AND INFRASTRUCTURE

We will provide facilities, equipment and infrastructure that are safe, meet national standards and are appropriate to provide high-quality health care. We will deliver care that is supported by robust policies, procedures and practices.

We will

- ✓ maintain our accreditation under the National Safety and Quality Health Service Standards
- ✓ strengthen our governance framework
- ✓ meet, and aim to exceed, national health care standards
- ✓ be supported by best-practice asset, financial, risk and Work Health and Safety management systems and policies.

We will do this by

- ✓ implementing a Clinical Governance Framework, supported by the *Indian Ocean Territories Health Service Governance Advisory Council* and the *Indian Ocean Territories Health Service Community Advisory Committee*
- ✓ ensuring a respectful workplace culture, completing regular workplace audits and complying with Work Health and Safety standards
- ✓ delivering a high-quality, modern, efficient and reliable telehealth service
- ✓ encouraging and continually reviewing consumer feedback to deliver improvements to our services and facilities
- ✓ reviewing our management, IT and support systems and policies, and developing a strategy to address outcomes of the review
- ✓ robust reporting, including an Annual Report to the community and monthly reports on operational and clinical outcomes to the executive of the Department of Infrastructure, Transport, Regional Development and Communications
- ✓ collaborating with world-class universities on research to inform our approach to, and requests for, community health care, technology and infrastructure. We will seek to participate in research programs on tropical medicine and illnesses prevalent in remote communities.

2018–19 services

1717

total visits

to the IOTHS
dental clinics including

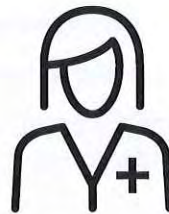
**530 dental
check-ups**



5454

**appointments
with GPs for**

**1671
patients**



1440

patients

seen at the Christmas Island

**Hospital
Emergency**

Department

24 seniors

regularly participate in the

**Stay on
Your Feet**

programs



**1602 hours of
Home and
Community
Care**

support provided



1533 hours

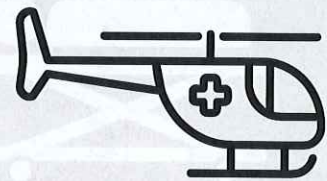
of
**disability
support**

provided

665 Patient Assisted
Travel Scheme
trips



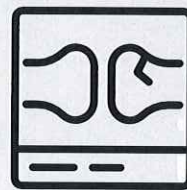
30 medical
evacuations

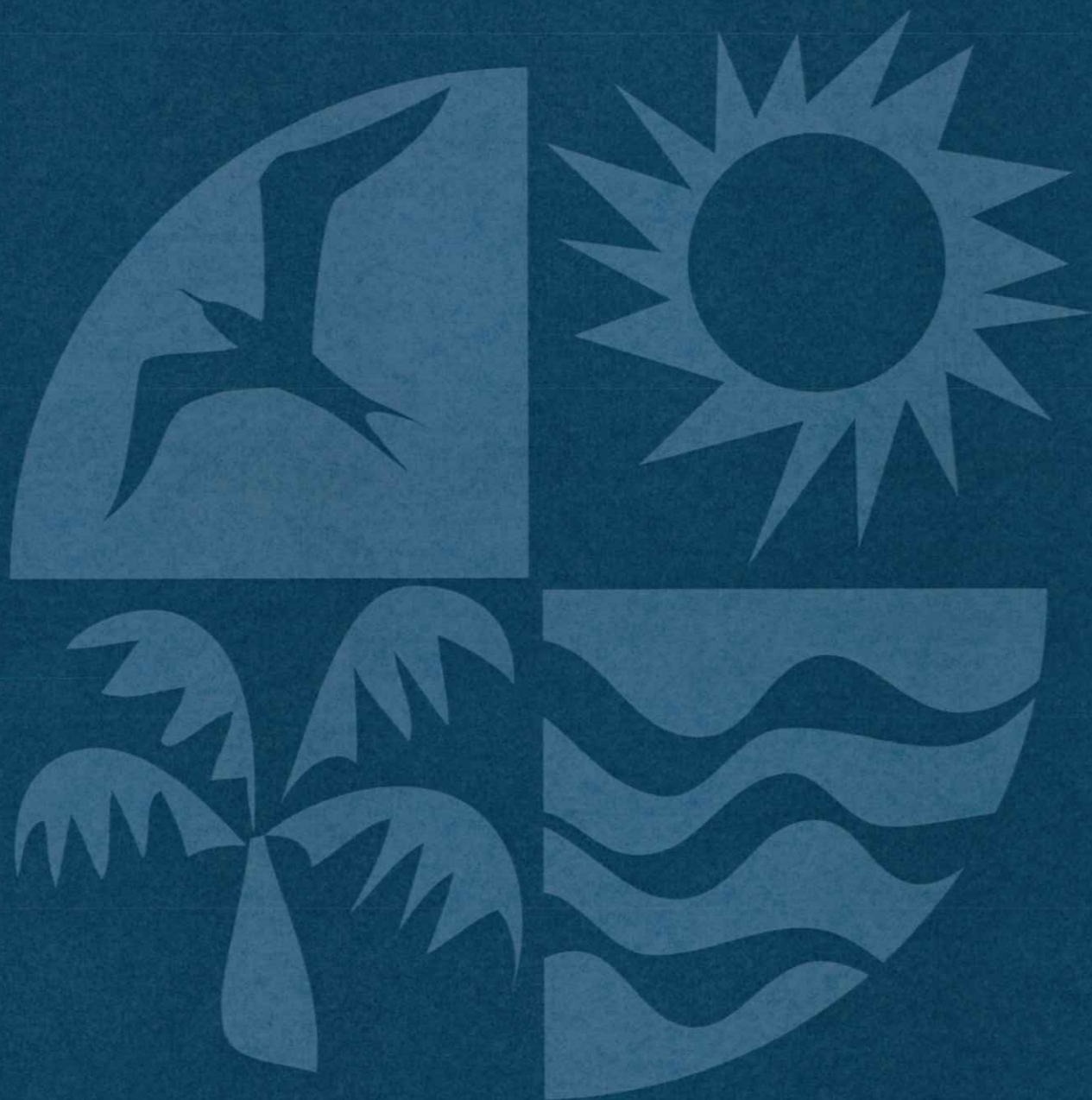


29 health
promotion
activities
conducted
by the IOTHS



422 X-rays taken







Australian Government

**Department of Infrastructure, Transport,
Regional Development and Communications**

Indian Ocean Territories Health Service five year Strategic Plan

I am pleased to release the Indian Ocean Territories Health Service (IOTHS) Strategic Plan for 2020-2025, following extensive community consultation.

A copy of the plan is available on the department's website at https://www.regional.gov.au/territories/publications/index.aspx#anc_iot.

The Strategic Plan sets out the goals, objectives and aspirations for the delivery of health services in the Indian Ocean Territories (IOT) for the next five years.

It outlines the IOTHS commitments to the residents of the IOT, including delivering a high quality, patient-centred, holistic health service that supports physical, mental, social, spiritual and emotional health and wellbeing.

The Strategic Plan outlines four key priorities for the IOTHS over the period from 2020-2025. These are:

- preventative health care, chronic disease and mental health
- caring for our seniors
- skilled people
- safety, quality and infrastructure.

IOTHS facilities include a 24-hour primary healthcare, acute and emergency services on Christmas Island and health clinics in the Cocos (Keeling) Islands.

The department commissioned PricewaterhouseCoopers (PwC) to enquire into, and report on, potential reforms to the IOTHS. PwC's Final Report on the Indian Ocean Health Services (PwC Report), released in March 2019, included an assessment of community health needs, analysis of health services in comparable remote communities, and strategic initiatives including options to expand aged care at the Christmas Island Hospital.

The Strategic Plan was informed by the findings of the PwC Report, and feedback from consultation with the Christmas Island and Cocos (Keeling) Islands communities, Health Advisory Groups, IOTHS staff and the Western Australian Government.

It includes developing an aged care strategy considering the need for dedicated aged care and respite facilities, and increased in-home care. The Plan also includes reviewing the program of visiting specialists annually to confirm it is meeting the changing needs of our community.

The values of the Health Service – Committed to service, Ethical, Respectful, Accountable – will continue to underpin our goal of keeping residents healthy for the whole of their lives.

The Australian Government is committed to providing high quality patient-centred health services to the IOT communities.

<https://minister.infrastructure.gov.au/marino/media-release/indian-ocean-territories-health-service-five-year-strategic-plan>