



**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 23 August 2022** 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**
- 7 Confirmation of Minutes of Previous Meetings/Business arising from the Minutes of Previous Meetings**
  - 7.1 Minutes of Ordinary Council Meeting held on 26 July 2022 (pg 1-6)
  - 7.2 Business Arising from the Minutes of Previous Meetings
- 8 Announcements by Presiding Member Without Discussion**
- 9 Reports of Committees**
- 10 Reports of Officers**
  - 10.1 Chief Executive Officer**
    - 10.1.1 Revised Organisational Chart 2022 (pg 7-8)
  - 10.2 Manager Finance & Administration**
    - 10.2.1 Schedule of Accounts – July 2022 (pg 9-15)
    - 10.2.2 Financial Statements – July 2022 (pg 16-20)
  - 10.3 Manager Community/Recreation Services & Training**
  - 10.4 Manager Works, Services & Waste**
    - 10.4.1 Tender T04/2022 – Tender Sale of Items, Plant & Equipment (pg 21)
  - 10.5 Manager Governance Research Policy & Grants**
    - 10.5.1 Policy Manual Review – HR, Land Administration (pg 22-66)
    - 10.5.2 CI Singapore Strategy Program (pg 67-74)
    - 10.5.3 8 Coconut Grove Proposal (pg 75-89)
- 10 Elected Members Motions of which Previous Notice has been given**
- 11 New Business of an Urgent Nature Introduced by Decision of the Meeting**
- 12 Behind Closed Doors**
  - 13.1 CEO Performance Review (pg 90-110)
- 13 Closure of Meeting**
- 14 Date of the next Ordinary Meeting**  
**27 September 2022**



## **UNCONFIRMED MINUTES**

**Ordinary Meeting of the Shire of Christmas Island held at the George Fam Chambers at 7.00pm on Tuesday 26 July 2022**

### **1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

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

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

#### **2.1 Record of Attendance**

Shire President

Deputy President

Councillors

Cr Gordon **THOMSON**

Cr Kee Heng **FOO**

Cr Philip **WOO**

Cr Kelvin Kok Bin **LEE**

Cr Hafiz **MASLI**

Cr Morgan Boon Hwa **SOH**

(7.41pm)

Cr Farzian **ZAINAL**

Cr Azmi **YON**

Chief Executive Officer

Manager Finance and Admin

Manager Community/Recreation Services

Acting Manager Works, Services & Waste

Manager Research, Policy, Governance & Grants/Minute Taker

David **PRICE**

Kim **CHUA**

Olivier **LINES**

Ian **DODD**

Chris **SU**

#### **2.2 Leave of Absence**

#### **2.3 Apologies**

Cr Vincent Cheng Siew **SAW**

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

### **3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

### **4 PUBLIC QUESTION TIME**

- 4.1 Cr YON passed on positive feedback acknowledging SOCI team works on clearing the Murray Road cliff face and escarpment vegetation.

### **5 APPLICATIONS FOR LEAVE OF ABSENCE**

- 5.1 Cr SAW – Leave of Absence

#### **Council Resolution**

**Moved: Cr YON**

**Seconded: Cr FOO**

**Res. No: 58/22**

That the leave of absence application submitted by Cr Vincent SAW (23/9/2022 to 11/10/2022) be approved.

**Carried: 7/0**

## 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 14 June 2022

Members considered the unconfirmed minutes.

#### Council Resolution

Moved: Cr FOO

Seconded: Cr YON

Res. No: 59/22

That Council adopt the unconfirmed minutes of the 14 June 2022 Council Meeting.

Carried: 7/0

### 7.2 Business Arising from the Minutes of Previous Meetings

- 7.3 Cr ZAINAL asked a follow up on item 4.2 from the June Ordinary Council Minutes regarding a disused traffic island in the Mosque precinct. CEO PRICE acknowledges it has yet to be removed as time sensitive works have been in place elsewhere since the June meeting provided that it will be seen to after the time sensitive works have been completed.

## 8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 8.1 Cr THOMSON welcomes Manager of Finance and Corporate Services Mr Kim CHUA to his first council meeting. Cr THOMSON acknowledges the return of Mr Ian DODDS as Acting Works and Services Manager as Graeme HEDDITCH has resigned for a post in Queensland.
- 8.2 Cr THOMSON acknowledges the burst of COVID infections mid-July which resulted in the postponement of Seniors Week 2022. MRST Oliver LINES confirmed and said there was a smaller scale program in place, with a view to put on the full Seniors Week 2022 later in the year if possible.
- 8.3 Cr THOMSON reports on the SOCI delegation to Canberra; it was *'the most successful trip SOCI has ever had.'* The Australian Local Government Association (ALGA) conference was informative and featured a discussion on the Uluru Statement from the Heart that would be useful in any upcoming referendum on the matter.

SOCI's work with the Department of Territories was 'fruitful.' In addition the Wednesday 22<sup>nd</sup> June meeting with the new Minister for Territories Kristy MCBAIN was productive. Shire discussed the development of the Shire Planning Instruments in tandem with the Commonwealth's CISA program and how they were both coming to a conclusion.

SOCI reported that both it and the Department were also working on the Christmas Island Heritage Ordinance together which is also tied to both the CISA and the Shire's Planning Instruments.

The last 8 months of co-development has been very productive after the stall from COVID in the year previous. Cr THOMSON said he had sent a positive follow up letter to the Minister's Office, with the Department cc'd.

SOCI's productivity with the statutory updating of the Shire Planning Instruments have given them a direction.

- 8.4 Cr THOMSON stated that the Deputy Secretary Dr. Rachel BACON has visited Christmas Island twice. The Deputy Secretary is above the Assistant Secretary (Aaron O'NEIL).

The meeting with Dr. Rachel BACON on Thursday 23<sup>rd</sup> June was very productive and saw a direction from Dr. Rachel BACON to her team to commence a 'cost-benefits analysis' for the

creation of a Land Ordinance and Development Authority for Christmas Island. SOCI put to both the Department and Minister the need to develop a mechanism to actually sell/lease land after the CISA is completed and suggested an Authority.

Shire acknowledged WA's East Perth Development Authority and Subiaco Development Authorities as successful models to mirror.

The Department is examining this and other models in the cost-benefits analysis exercise.

Cr THOMSON noted that the discussions with the Department had moved from a proposal on the idea of how to sell/lease land to the next part of execution, a cost-benefit analysis of an Authority, without dispute.

All the decisions on the model is with the Minister and Dept. but they're consulting closely with Shire. The Fisheries Management Ordinance was a lesson for both Shire and Dept. on consultation levels expected.

The Department's willingness to take on input from the community on planning for our own future is good and welcome. Involving us in deliberations about what is to happen on CI in this way is a positive development.

## **9 REPORTS OF COMMITTEES**

## **10 REPORTS OF OFFICERS**

### **10.1 Chief Executive Officer**

#### **10.1.1 Annual Budget 2022-23**

##### **Council Resolution**

**Moved: Cr FOO**

**Seconded: Cr YON**

**Res. No: 60/22**

1. Council adopts the 2022/23 Annual Budget of the Shire of Christmas Island as presented to the Ordinary Council Meeting of the 26 July 2022.
2. A materiality level of plus/minus 10% or plus/minus \$10,000 (whichever is the greater) to define significant variance in budget estimates and monthly reports is endorsed.
3. Council adopts the accounting policies contained within the budget.
4. The Shire President/Deputy President and Councillors' allowances to be paid as follows:
  - a) Pursuant to section 5.98 of the Local Government Act 1995, council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

Shire President	\$25,976
Councillors	\$16,776
  - b) Pursuant to section 5.98(5) of the Local Government Act 1995, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

Shire President	\$37,881
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  - c) Pursuant to section 5.98A (1) of the Local Government Act 1995, council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance (25%):

Deputy President	\$9,470.25
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**Carried: 7/0**

7.41pm – Cr Morgan Boon Hwa **SOH** joins meeting.

#### 10.1.2 Community Assistance Grants

##### **Council Resolution**

**Moved: Cr LEE**

**Seconded: Cr WOO**

**Res. No: 61/22**

1. The Chief Executive Officer is authorised to make payments to those organisations listed under "Proposed" in Attachment 10.1.2.1
2. The Chief Executive Officer writes to each applicant advising the outcome of their application and, in the case of unsuccessful applicants, offering any in-kind assistance that may be available to enable the organisation to achieve their objectives.

**Carried: 8/0**

#### 10.1.3 WALGA Local Government Conference 2022

##### **Council Resolution**

**Moved: Cr MASLI**

**Seconded: Cr YON**

**Res. No: 62/22**

That Council –

1. nominate the following elected members Cr SAW, Cr SOH ,Cr ZAINAL, Cr FOO, Cr LEE, Cr WOO and Cr THOMSON to attend the 2022 Annual West Australian Local Government Association (WALGA) conference to be held at the Crown Perth from 3-4 October 2022 inclusive, and
2. nominate two elected members Cr LEE and Cr ZAINAL as voting delegates and two elected members Cr THOMSON and Cr FOO as proxy delegates to register for the forthcoming 2022 conference.

**Carried: 8/0**

### **10.2 Manager Finance & Administration**

#### 10.2.1 Schedule of Accounts – June 2022

##### **Council Resolution**

**Moved: Cr LEE**

**Seconded: Cr WOO**

**Res. No: 63/22**

That Council approves the expenditure as presented in June 2022 Schedule of Accounts

**Carried: 8/0**

#### 10.2.2 Financial Statements - June 2022

##### **Council Resolution**

**Moved: Cr YON**

**Seconded: Cr MASLI**

**Res. No: 64/22**

That Council receives the Financial Statements of June 2022 for the Municipal Fund.

**Carried: 8/0**

#### 10.2.3 Assets Write Off 2021/22

##### **Council Resolution**

**Moved: Cr YON**

**Seconded: Cr FOO**

**Res. No: 65/22**

Council approves to write off the assets of 2021/22 as set out in the attachment to this report.

**Carried: 8/0**

### **10.3 Manager Community/Recreation Services & Training**

## 10.4 Manager Works, Services & Waste

### 10.4.1 Sale of Surplus Items, Plant and Equipment

#### Council Resolution

**Moved: Cr**

**Seconded: Cr**

**Res. No: 66/22**

That Council calls for Tenders for the Sale of Surplus Items, Plant and Equipment as follows.

Description	Plant No	Year	Approx. Km/Hrs
Plant Trailer (Yellow)	P0644		n/a
Trench Profiler (approx. 2009)	n/a	2009	n/a
Softfall Mixer – Single Phase x2	NF608		n/a
Hydraulic Press	NF0401		n/a
Westmix Plate Compactor	n/a		n/a
Wacker Plate Compactor	n/a		n/a

**Carried: 8/0**

## 10.5 Manager Governance, Research, Policy & Grants

### 10.5.1 Policy Manual Review

#### Council Resolution

**Moved: Cr LEE**

**Seconded: Cr MASLI**

**Res. No: 67/22**

That Council adopts the following reviewed policies –

- Administration 1 - Agendas and Minutes of Council Meetings
- Administration 2 – Enforcement of Legislation
- Administration 3 – Manager Conditions
- Administration 4 – Translation Policy
- Administration 5 – Vehicle and Plant Allocation and Usage
- Community Services 1 – The Islander Editorial Policy
- Community Services 2 – Use of the Community Facilities
- Community Services 3 – Community Welfare Fund
- Elected Members 1 – Policy Development and Review
- Elected Members 2 – Donations to Community Organisations, Other Groups and Persons
- Elected Members 3 - Community Consultation
- Elected Members 4 - Member Allowances
- Elected Members 5 - Elected Members Training and Development
- Elected Members 6 - Travel Reimbursement
- Elected Members 7 – Council Employment
- Elected Members 8 – Elected Member and CEO Attendance at Events
- Elected Members 9 – Professional Development for Elected Members

**Carried: 8/0**

## 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 Shire President closed the meeting at 8.12pm

**15 DATE OF NEXT MEETING: 23 August 2022**



## SHIRE OF CHRISTMAS ISLAND

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SUBMISSION TO	Ordinary Council Meeting 23 August 2022
AGENDA REFERENCE	10.1.1
SUBJECT	Revised Organisational Chart 2022
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	1.4.3
INTEREST DISCLOSURE	None
DATE OF REPORT	17 August 2022
AUTHOR	David Price , CEO
SIGNATURE OF CEO	SIGNED

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### **RECOMMENDATIONS**

**Council endorses the new 2022 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 2022 while not recommending any structural or organisational change has changed the titles of Managers to Directors includes the Research position.

### **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**

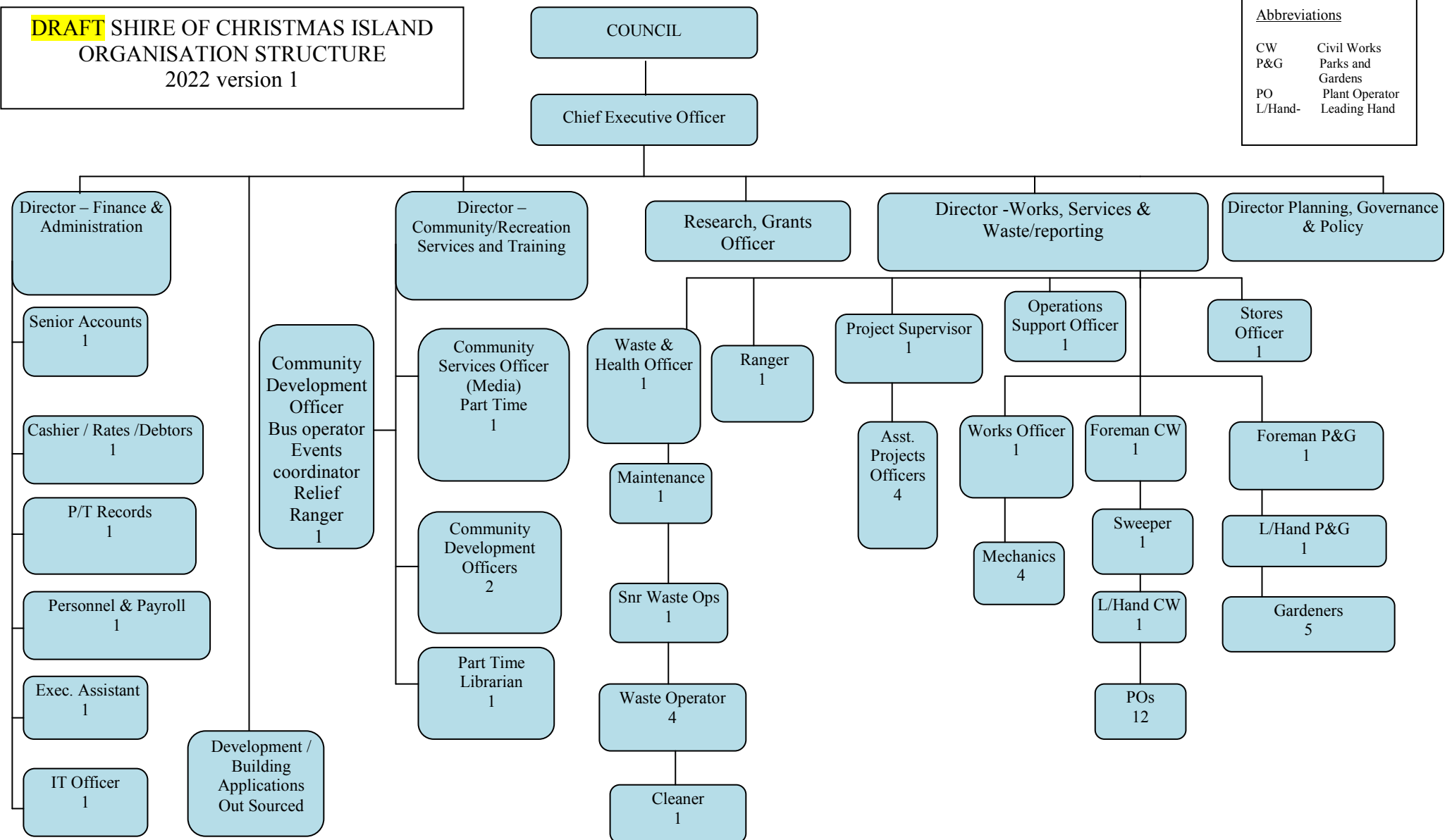
Simple majority is required.

#### **ATTACHMENT**

10.1.1.1 2022 Organisational Chart



**DRAFT SHIRE OF CHRISTMAS ISLAND  
ORGANISATION STRUCTURE  
2022 version 1**



Abbreviations

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



## SHIRE OF CHRISTMAS ISLAND

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SUBMISSION TO	Ordinary Council Meeting 23 August 2022
AGENDA REFERENCE	10.2.1
SUBJECT	Schedule of Accounts - July 2022
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	3.1.14
INTEREST DISCLOSURE	None
DATE OF REPORT	18 August 2022
AUTHOR	Kim Chua, MFA
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

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### RECOMMENDATION

**That Council approves the expenditure as presented in July 2022 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 31 July 2022: **\$ 111,288.61**

### 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**

10.2.1.1 Certification of CEO and Chairperson of the Meeting.

10.2.1.2 Schedule of Accounts - July 2022

“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

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SUBMISSION TO	Ordinary Council Meeting 23 August 2022
AGENDA REFERENCE	10.2.2
SUBJECT	Financial Statements – July 2022 (Unaudited)
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	3.1.14
INTEREST DISCLOSURE	None
DATE OF REPORT	17 Aug 2022
AUTHOR	Kim Chua, MFA
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

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### RECOMMENDATION

**That Council receives the Financial Statements of July 2022 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. Also included is a status report on Asset Acquisition expenditure for the period.

### 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**

10.2.2.1 Financial Statements - Municipal Fund 31 July 2022.

## SHIRE OF CHRISTMAS ISLAND

## STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2022 TO 31 JULY 2022

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

		NOTE		31-Jul 2022 Y-T-D Actual \$	31-Jul 2022 Y-T-D Budget \$	2022/23 Budget \$	Variances Budget to Actual Y-T-D %	>10% & >\$10,000
<b><u>Operating</u></b>								
<b>Revenues/Sources</b>								
1	1	General Purpose Funding	1	3,053,826	739,484	8,873,804	41.30%	2,314,342
	2	Governance	2	62	417	5,000		
	3	Law, Order, Public Safety	3	46	75	900		
	4	Health	4	7,886	1,621	19,450		
	5	Welfare	5	228	167	2,000		
	6	Housing	6	600	1,333	16,000		
	7	Community Amenities	7	87,018	94,967	778,732		
	8	Recreation and Culture	8	4,308	13,758	165,100		
	9	Transport	9	178,135	177,634	2,131,610		
	10	Economic Services	10	2,712	2,707	32,480		
	11	Other Property and Services	11	1,144	1,178	14,140		
				3,335,965	1,033,341	12,039,216		
<b>(Expenses)/(Applications)</b>								
1 2 3	12	General Purpose Funding	12	(8,923)	(13,537)	(162,443)		
	13	Governance	13	(283,203)	(259,180)	(984,885)	-9.3%	24,023
	14	Law, Order, Public Safety	14	(8,731)	(17,311)	(243,730)		
	15	Health	15	(8,935)	(14,948)	(179,379)		
	16	Welfare	16	(37,873)	(47,117)	(706,762)		
	17	Housing	17	(13,295)	(15,903)	(190,838)		
	18	Community Amenities	18	(100,072)	(178,517)	(2,142,207)	78.4%	78,445
	19	Recreation & Culture	19	(91,191)	(99,720)	(2,642,576)		
	20	Transport	20	(167,550)	(170,937)	(4,786,228)		
	21	Economic Services	21	(70)	(19,900)	(238,797)		19,830
	22	Other Property and Services	22	(249,485)	(238,709)	(596,773)		
				(969,328)	(1,075,780)	(12,874,618)	-10.8%	-106,452
<b><u>Adjustments for Non-Cash</u></b>								
<b><u>(Revenue) and Expenditure</u></b>								
	23	Profit/(Loss) on Asset Disposals	23	0	0			
	24	Leave Accruals	24	0	0			
		Movement in accrual interests		0	0			
	25	Depreciation on Assets	25	0	0			
<b><u>Capital Revenue and (Expenditure)</u></b>								
	26	Purchase Property, Plant & Equipment	26	-	-			
	27	Purchase Infrastructure Assets - Roads	27	-	-			
	28	Proceeds from Disposal of Assets	28	-	-			
	29	Transfers to Reserves (Restricted Assets)	29	-	-			
	30	Transfers from Reserves (Restricted Assets)	30	-	-			
	31	Grants	31	-	-			
				-	-			
ADD	Net Current Assets July 1 B/Fwd			-	-			
LESS	Net Current Assets Year to Date			-	-			
<b>Amount Raised from Rates</b>				-	-			

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 2022 TO 31 JULY 2022**

	44773 2022 Actual \$	Brought Forward 1-Jul \$
<b>Note 1. NET CURRENT ASSETS</b>		
FM Reg 34 (2)(a) <b>Composition of Estimated Net Current Asset Position</b>		
<b>CURRENT ASSETS</b>		
Cash - Unrestricted	3,747,241	1,005,729
Cash - Restricted	4,818,699	4,585,316
Receivables	207,860	677,304
Inventories	547,730	832,279
Other Financial Assets	24,386	31,610
	9,345,915	7,132,238
<b>LESS: CURRENT LIABILITIES</b>		
Payables and Provisions	(665,409)	(1,755,865)
	8,680,506	5,376,373
Less: Cash - Reserves - Restricted	(4,818,699)	(4,585,316)
Less: Cash - Restricted/Committed	(51)	0
<b>NET CURRENT ASSET POSITION</b>	3,861,756	791,057

<b>Note 2. CURRENT RATIO</b>		
Current Assets	9,345,915	
Current Liabilities	665,409	<b>14.05 : 1</b>
<b>QUICK RATIO</b>		
Current Assets - (Restricted Assets + Inventories)		
Current Liabilities		
	9,345,915 - ( 4,818,699 + 547,730 )	<b>5.98 : 1</b>
	665,409	
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 2022 TO 31 JULY 2022**

**Note 3. VARIANCES**

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

<b>OPERATING REVENUE</b>		
<b>General Purpose</b>	41.3% above budget estimate	FAG received in advance
<b>Governance</b>	9.3% above budget	Employee back pay
<b>Comm Amenities</b>	78.4% - Community Amenities	Timing differences
<b>OPERATING EXPNDITURE</b>		
<b>All programs</b>	Majority of Programs Under Budget	10.8% under budget
<b>CAPITAL INCOME</b>		
<b>Grants</b>	No capital purchases or unprocessed	Timing differences
<b>CAPITAL EXPENDITURE</b>		
<b>Property,Plant &amp; Equipment</b>	Well under budget	
<b>Infrastructure Assets</b>		





## SHIRE OF CHRISTMAS ISLAND

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SUBMISSION TO	Ordinary Council Meeting 23 August 2022
AGENDA REFERENCE	10.4.1
SUBJECT	Tender T04/2022 – Tender Sale of Items, Plant & Equipment
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	5.13.52
INTEREST DISCLOSURE	Nil
DATE OF REPORT	18 August 2022
AUTHOR	Ian Dodds, Mgr Works, Services & Waste
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

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### RECOMMENDATIONS

That Council accepts the following tenders for the Sale of Items, Plant and Equipment at the tendered price submitted.

NAME	WESTMIX PLATE COMPACTOR	WACKER PLATE COMPACTOR	TRAILER P60423	HYDRAULIC PRESS NF 0401	TRENCH PROFILER (2009)
Nigel Hayes	\$500	\$300			
Andrew Klomp			\$500	\$100	
William Dunn		\$300			\$3500
Drumsite Electrical			\$715		

**Note:** As the same tender price was provided for the Wacker Plate Compactor, a draw was done by the CEO from an enclosed bin and was awarded to Nigel Hayes.

### BACKGROUND

It was decided on the 26th July Council meeting to tender out aging Plant and Equipment.

### COMMENT

Tenders were received for the sale of Items, Plant and Equipment

### STATUTORY ENVIRONMENT

Nil

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

Yes

### STRATEGIC IMPLICATIONS & MILESTONES

Nil

### CONSULTATION

None required

### VOTING REQUIREMENTS

Simple majority



## SHIRE OF CHRISTMAS ISLAND

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SUBMISSION TO	Ordinary Council Meeting 22 August 2022
AGENDA REFERENCE	10.5.1
SUBJECT	Policy Manual Review – HR, Land Administration and Waste Policies
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	2.11.36, 2.11.42, 2.11.43
INTEREST DISCLOSURE	Nil
DATE OF REPORT	15 August 2022
AUTHOR	Chris Su, GRPG Manager
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

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### RECOMMENDATIONS

That Council adopts the following reviewed policies and documents –

- *Shire of Christmas Island Code of Conduct for Council Members, Committee Members and Candidates*
- *Shire of Christmas Island Code of Conduct Council Members, Committee Members and Candidates Breach Complaint Form*
- *Code of Conduct for Employees*
- *Code of Conduct, Council Members, Committee Members and Candidates Complaints Management Policy*
- *Land Administration 1 – Crown Land Management*

### BACKGROUND

The first four policy documents were adopted at the August 2021 Ordinary Council Meeting. They are the pro-forma policy documents WALGA provided member councils to assist with compliance under the new -

*Local Government (Model Code of Conduct) Regulations 2021*, that repeals and replaces the *Local Government (Rules of Conduct) Regulations 2007*

*Local Government (Administration) Amendment Regulations 2021*

*Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*

The Planning and Building Policy 1 was renamed Land Administration 1. No other changes to the document were made.

### COMMENT

The Policy Manual requires require a review every two years for best practice. Whilst these 2021 documents are still in currency, their review is being brought up to 2022 to align their review time with the rest of the policy documents.

Auditors also recommended inputting the date of review in a long-term calendar to ensure the next review is completed in two years.

Whilst policy review is not a statutory requirement, unlike local law reviews which are to be done at least once in seven years, regular formalized reviews ensure that policies are kept updated and relevant to any changes in the local government space.

#### **STATUTORY ENVIRONMENT**

Local Government (Model Code of Conduct) Regulations 2021

Local Government (Administration) Amendment Regulations 2021

Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021

#### **FINANCIAL IMPLICATIONS**

None

#### **STRATEGIC IMPLICATIONS & MILESTONES**

Supports governance outcomes.

#### **VOTING REQUIREMENTS**

A simple majority is required.

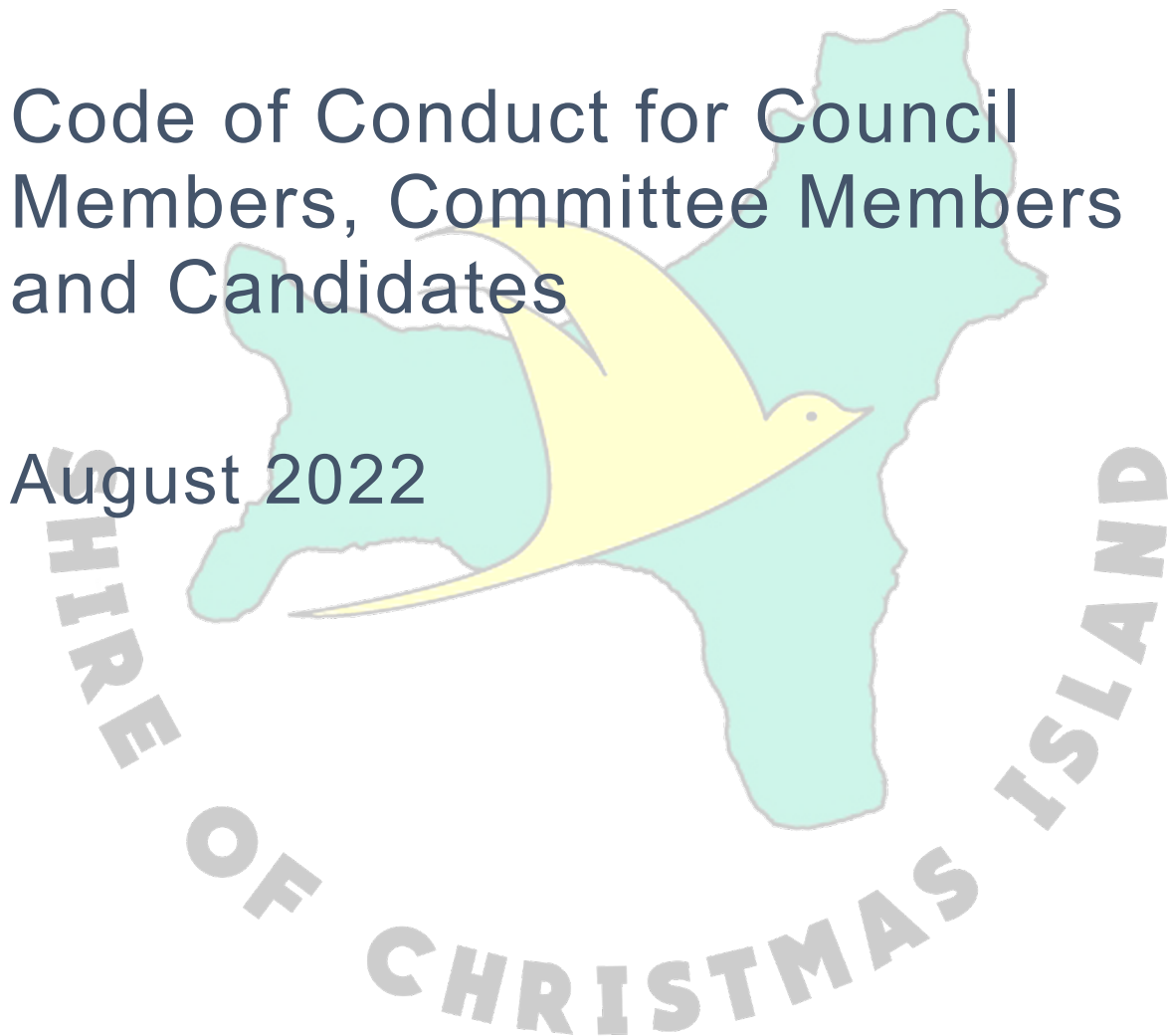
#### **ATTACHMENTS**

10.5.1.1	HR 1 –	Shire of Christmas Island Code of Conduct for Council Members, Committee Members and Candidates
	HR1.1 -	Shire of Christmas Island Code of Conduct Council Members, Committee Members and Candidates Breach Complaint Form
10.5.1.2	HR 2 -	Code of Conduct for Employees
	HR2.2 -	Code of Conduct, Council Members, Committee Members and Candidates Complaints Management Policy
10.5.2	LA1	Land Administration Policy

# Shire of Christmas Island

## Code of Conduct for Council Members, Committee Members and Candidates

August 2022



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# Shire of Christmas Island Code of Conduct for Council Members, Committee Members and Candidates

## Policy Purpose:

This Policy is adopted in accordance with section 5.104 of the *Local Government Act 1995*.

## Division 1 — Preliminary provisions

### 1. Citation

This is the Shire of Christmas Island Code of Conduct for Council Members, Committee Members and Candidates.

## Division 1 — Preliminary provisions

### 1. Citation

This is the Shire of Christmas Island Code of Conduct for Council Members, Committee Members and Candidates.

### 2. Terms used

(1) In this code —

**Act** means the Local Government Act 1995;

**candidate** means a candidate for election as a council member;

**complaint** means a complaint made under clause 11(1);

**publish** includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

## Division 2 — General principles

### 3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

### 4. Personal integrity

(1) A council member, committee member or candidate should —

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

- (c) act lawfully; and
  - (d) identify and appropriately manage any conflict of interest; and
  - (e) avoid damage to the reputation of the local government.
- (2) A council member or committee member should —
- (a) act in accordance with the trust placed in council members and committee members; and
  - (b) participate in decision making in an honest, fair, impartial and timely manner; and
  - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
  - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

## **5. Relationship with others**

- (1) A council member, committee member or candidate should —
- (a) treat others with respect, courtesy and fairness; and
  - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

## **6. Accountability**

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

## **Division 3 — Behaviour**

### **7. Overview of Division**

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

### **8. Personal integrity**

- (1) A council member, committee member or candidate —
  - (a) must ensure that their use of social media and other forms of communication complies with this code; and
  - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
  - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
  - (b) must comply with all policies, procedures and resolutions of the local government.

### **9. Relationship with others**

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

### **10. Council or committee meetings**

When attending a council or committee meeting, a council member, committee member or candidate —



- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

## **11. Complaint about alleged breach**

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
  - (a) in writing in the form approved by the local government; and
  - (b) to a person authorised under subclause (3); and
  - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

## **12. Dealing with complaint**

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
  - (a) take no further action; or
  - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.

- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
- (a) engage in mediation;
  - (b) undertake counselling;
  - (c) undertake training;
  - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
- (a) its finding and the reasons for its finding; and
  - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

### **13. Dismissal of complaint**

- (1) The local government must dismiss a complaint if it is satisfied that —
- (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
  - (b) either —
    - (i) the behaviour was dealt with by the person presiding at the meeting; or
    - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

### **14. Withdrawal of complaint**

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
- (a) in writing; and
  - (b) given to a person authorised under clause 11(3).

### **15. Other provisions about complaints**

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.

- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

## Division 4 — Rules of conduct

### Notes for this Division:

1. *Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.*
2. *A minor breach is dealt with by a standards panel under section 5.110 of the Act.*

### 16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

### 17. Misuse of local government resources

- (1) In this clause —  
**electoral purpose** means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;  
**resources** of a local government includes —
  - (a) local government property; and
  - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

### 18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
  - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
  - (b) to cause detriment to the local government or any other person.

- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

## **19. Prohibition against involvement in administration**

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

## **20. Relationship with local government employees**

- (1) In this clause —
- local government employee** means a person —
- (a) employed by a local government under section 5.36(1) of the Act; or
  - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
- (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
  - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
  - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
- (a) make a statement that a local government employee is incompetent or dishonest; or
  - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

## **21. Disclosure of information**

- (1) In this clause —

**closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

**confidential document** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

**document** includes a part of a document;

**non confidential document** means a document that is not a confidential document.

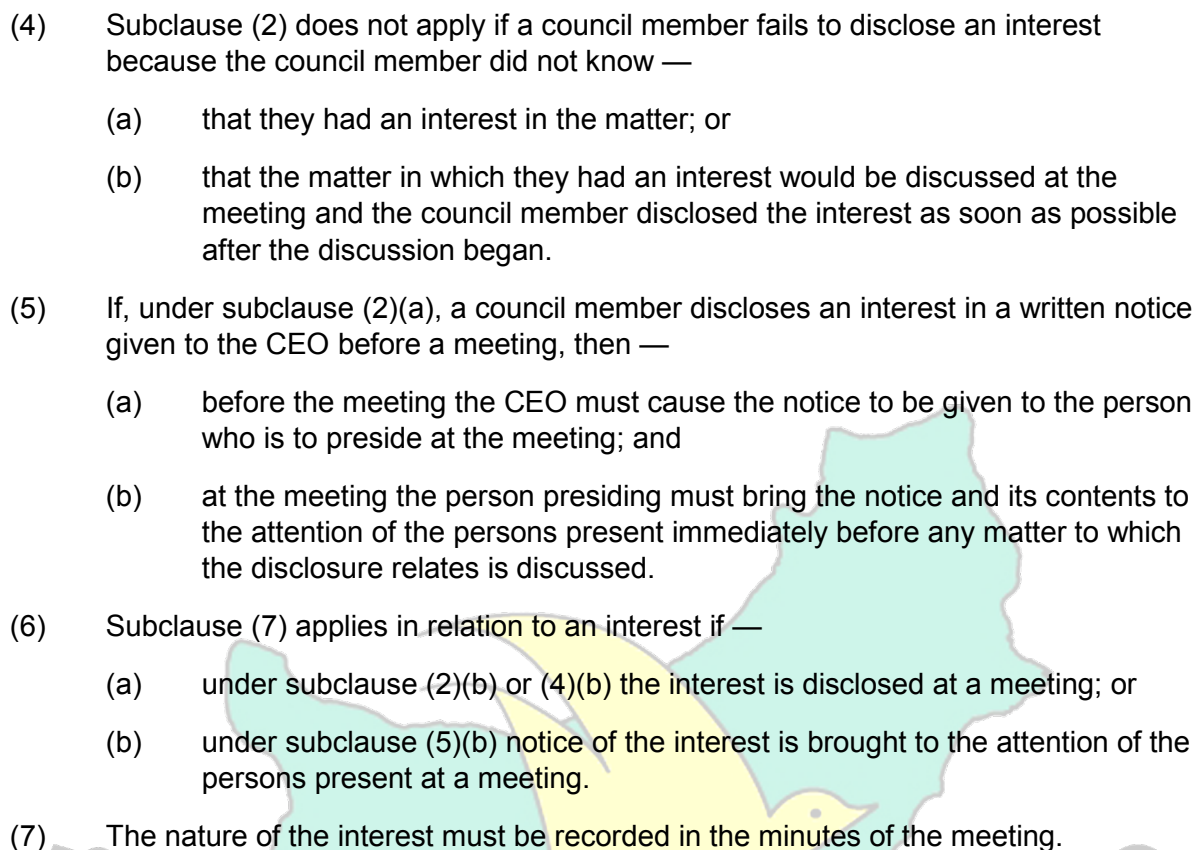
- (2) A council member must not disclose information that the council member —
  - (a) derived from a confidential document; or
  - (b) acquired at a closed meeting other than information derived from a non confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
  - (a) at a closed meeting; or
  - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
  - (c) that is already in the public domain; or
  - (d) to an officer of the Department; or
  - (e) to the Minister; or
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.

## **22. Disclosure of interests**

- (1) In this clause —

**interest** —

  - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
  - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.

- 
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
    - (a) that they had an interest in the matter; or
    - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
  - (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
    - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
    - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
  - (6) Subclause (7) applies in relation to an interest if —
    - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
    - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
  - (7) The nature of the interest must be recorded in the minutes of the meeting.

## **23. Compliance with plan requirement**

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

**NOTE:** A complaint about an alleged breach must be made —

- (a) in writing in the form approved by the local government
- (b) to an authorised person
- (c) within one month after the occurrence of the alleged breach.

Name of person who is making the complaint:	
Name:	<div style="border-bottom: 1px solid black; display: inline-block; width: 100%;"></div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span><u>Given Name(s)</u></span> <span><u>Family Name</u></span> </div>

**Contact details of person making the complaint:**

Address: \_\_\_\_\_

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

Contact number: \_\_\_\_\_

<b>Name of the local government (city, town, shire) concerned:</b>

<b>Name of council member, committee member, candidate alleged to have committed the breach:</b>

<b>State the full details of the alleged breach. Attach any supporting evidence to your complaint form.</b>



<b>Date of alleged breach:</b>
_____ / _____ / 20_____

<b>SIGNED:</b>  <b>Complainant's signature:</b> .....  <b>Date of signing:</b> _____ / _____ / 20_____
--

<b>Received by Authorised Officer</b>  <b>Authorised Officer's Name:</b> .....  <b>Authorised Officer's Signature:</b> ..... <b>Date received:</b> _____ / _____ / 20_____
---

**NOTE TO PERSON MAKING THE COMPLAINT:**

This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct. The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

The complaint must be made to the authorised officer within one month after the occurrence of the alleged breach.

Signed complaint form is to be forwarded to:

[shire.ceo@shire.gov.cx](mailto:shire.ceo@shire.gov.cx)

By hand to the Shire CEO at the George Fam Building or  
 Mail to: CEO c/o Shire of Christmas Island, PO Box 863 Christmas Island WA 6798



# Shire of Christmas Island

## Code of Conduct for Employees

August 2022



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## 1 Introduction

The Shire of Christmas Island Code of Conduct (the Code) provides employees with clear guidelines for the standards of professional conduct expected of them in carrying out their functions and responsibilities.

The Code addresses the broader issue of ethical responsibility and encourages transparency and accountability. The Code expresses the Shire of Christmas Island's commitment to high standards of ethical and professional behaviour and outlines the principles in which individual responsibilities are based.

The Code is complementary to the principles adopted in the *Local Government Act 1995* (the Act) and associated regulations, which incorporate four fundamental aims:

- (a) *better decision-making by local governments;*
- (b) *greater community participation in the decisions and affairs of local governments;*
- (c) *greater accountability of local governments to their communities; and*
- (d) *more efficient and effective local government.*

### 1.1 Statutory environment

The Code addresses the requirement in section 5.51A of the Act for the CEO to prepare and implement a code of conduct to be observed by employees of the Local Government, and includes the matters prescribed in Part 4A of the *Local Government (Administration) Regulations 1996*.

The Code should be read in conjunction with the Act and associated regulations. Employees should ensure that they are aware of their statutory responsibilities under this and other legislation.

### 1.2 Application

For the purposes of the Code, the term employees includes persons employed by the Shire of Christmas Island or engaged by the Shire of Christmas Island under a contract for services. The Code applies to all employees, including the CEO, while on the Local Government's premises or while engaged in Local Government related activities. Clause 3.15 of this Code (Gifts), does not apply to the CEO.

## 2 Values/vision/mission

*The Shire of Christmas Island aims to make Christmas Island a Place for Everyone, Without Exception.*

*Our Future: CI 2021 Strategic Community Plan*  
*[www.shire.gov.cx](http://www.shire.gov.cx)*

## 3 Code of Conduct

### 3.1 Role of Employees

The role of employees in Local Government is determined by the functions of the CEO as set out in section 5.41 of the Act.

#### 5.41. Functions of CEO

*The CEO's functions are to:*

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;*
- (b) ensure that advice and information is available to the council so that informed decisions can be made;*
- (c) cause council decisions to be implemented;*
- (d) manage the day to day operations of the local government;*
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- (f) speak on behalf of the local government if the mayor or president agrees;*
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);*
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.*

*Local Government Act 1995*

### 3.2 Principles affecting employment by the Shire of Christmas Island

The principles set out in section 5.40 of the Act apply to the employment of the Shire of Christmas Island's employees.

#### **5.40. Principles affecting employment by local governments**

*The following principles apply to a local government in respect of its employees —*

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and*
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and*
- (c) employees are to be treated fairly and consistently; and*
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by the City on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and*
- (e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and*
- (f) such other principles, not inconsistent with this Division, as may be prescribed.*

*Local Government Act 1995*

### **3.3 Personal Behaviour**

Employees will:

- (a) act, and be seen to act, properly, professionally and in accordance with the requirements of the law, the terms of this Code and all policies of the Shire of Christmas Island;
- (b) perform their duties impartially and in the best interests of the Shire of Christmas Island, uninfluenced by fear or favour;
- (c) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire of Christmas Island and the community;
- (d) make no allegations which are improper or derogatory (unless true and in the public interest);
- (e) refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- (f) always act in accordance with their obligation of fidelity to the Shire of Christmas Island.

### **3.4 Honesty and Integrity**

Employees will:

- (a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- (b) be frank and honest in their official dealing with each other; and

- (c) report any dishonesty or possible dishonesty on the part of any other employee to their Line Manager or the CEO in accordance with this Code and the Shire of Christmas Island's policies.

### **3.5 Performance of Duties**

While on duty, employees will give their whole time and attention to the Shire of Christmas Island's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Shire of Christmas Island.

### **3.6 Compliance with Lawful and Reasonable Directions, Decisions and Policies**

- (a) Employees will comply with any lawful and reasonable direction given by any person having authority to make or give such an order, including but not limited to their Line Manager, Manager or the CEO.
- (b) Employees will give effect to the lawful decisions and policies of the Shire of Christmas Island, whether or not they agree with or approve of them.

### **3.7 Administrative and Management Practices**

Employees will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

### **3.8 Intellectual Property**

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Shire of Christmas Island upon its creation unless otherwise agreed by separate contract.

### **3.9 Recordkeeping**

Employees will ensure complete and accurate local government records are created and maintained in accordance with the Shire of Christmas Island's Recordkeeping Plan.

### **3.10 Dealing with Other Employees**

- (a) Employees will treat other employees with respect, courtesy and professionalism, and refrain from behaviour that constitutes discrimination, bullying or harassment.
- (b) Employees must be aware of, and comply with their obligations under relevant law and the Shire of Christmas Island's policies regarding workplace behaviour and occupational safety and health.
- (c) Employee behaviour should reflect the Shire of Christmas Island's values and contribute towards creating and maintaining a safe and supportive workplace.

### 3.11 Dealing with community

- (a) Employees will treat all members of the community with respect, courtesy and professionalism.
- (b) All Shire of Christmas Island services must be delivered in accordance with relevant policies and procedures, and any issues resolved promptly, fairly and equitably.

### 3.12 Professional Communications

- (a) All aspects of communication by employees (including verbal, written and electronic), involving the Shire of Christmas Island's activities should reflect the status, values and objectives of the Shire of Christmas Island.
- (b) Communications should be accurate, polite and professional.

### 3.13 Personal Communications and Social Media

- (a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- (b) Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the Shire of Christmas Island, its Council Members, employees or contractors, which breach this Code.
- (c) Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the *Corruption, Crime and Misconduct Act 2003*.

### 3.14 Personal Presentation

Employees are expected to comply with professional, neat and responsible dress standards at all times, in accordance with the Shire of Christmas Island's relevant policies and procedures.

### 3.15 Gifts

- (a) Application

This clause does not apply to the CEO.

- (b) Definitions

In this clause –

***activity involving a local government discretion*** has the meaning given to it in the *Local Government (Administration) Regulations 1996*;



**activity involving a local government discretion** means an activity —

- (a) that cannot be undertaken without an authorisation from the local government; or
- (b) by way of a commercial dealing with the local government;

[r.19AA of the *Local Government (Administration) Regulations 1996*]

**associated person** has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

**associated person** means a person who —

- (a) is undertaking or seeking to undertake an activity involving a local government discretion; or
- (b) it is reasonable to believe, is intending to undertake an activity involving a local government discretion

[r.19AA of the *Local Government (Administration) Regulations 1996*]

**gift** has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

**gift** —

- (a) has the meaning given in section 5.57 [of the *Local Government Act 1995*]; but
- (b) does not include —
  - (i) a gift from a relative as defined in section 5.74(1); or
  - (ii) a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or
  - (iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
  - (iv) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876), the Local Government Professionals Australia WA (ABN 91 208 607 072) or the LG Professionals Australia (ABN 85 004 221 818);

[r.19AA of the *Local Government (Administration) Regulations 1996*]

**gift** means —

- (a) a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- (b) a travel contribution;

**travel** includes accommodation incidental to a journey;

**travel contribution** means a financial or other contribution made by 1 person to travel undertaken by another person

[Section 5.57 of the *Local Government Act 1995*]



**relative**, in relation to a relevant person, means any of the following —

- (a) a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person or of the relevant person's spouse or de facto partner;
- (b) the relevant person's spouse or de facto partner or the spouse or de facto partner of any relative specified in paragraph (a),

whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person's birth or subsequently, and whether the relationship is a natural relationship or a relationship established by a written law;

[Section 5.74(1) of the *Local Government Act 1995*]

**prohibited gift** has the meaning given to it in the *Local Government (Administration) Regulations 1996*;

**prohibited gift**, in relation to a local government employee, means —

- (a) a gift worth the threshold amount or more; or
- (b) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more;

[r.19AA of the *Local Government (Administration) Regulations 1996*]

**reportable gift** means:

- (i) a gift worth more than \$20; or
- (ii) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth more than \$20.

**threshold amount** has the meaning given to it in the *Local Government (Administration) Regulations 1996*, subject to the CEO's determination under subclause (c);

**threshold amount**, for a prohibited gift, means —

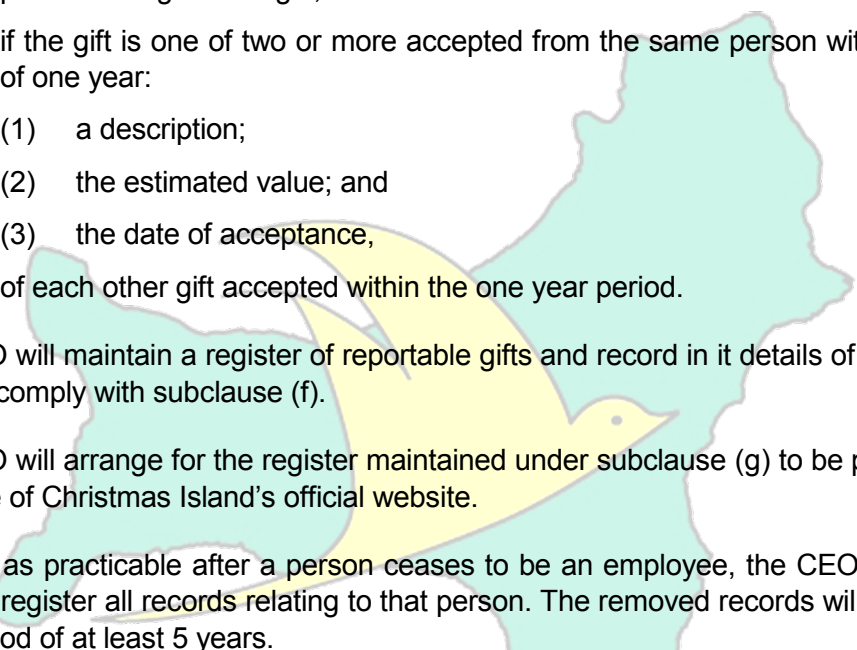
- (a) a gift worth the threshold amount or more; or
- (b) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more;

[r.19AA of the *Local Government (Administration) Regulations 1996*]

- (c) Determination

In accordance with Regulation 19AF of the *Local Government (Administration) Regulations 1996* the CEO has determined \$20 as the threshold amount for prohibited gifts.

- (d) Employees must not accept a prohibited gift from an associated person.

- 
- (e) An employee who accepts a reportable gift from an associated person is to notify the CEO in accordance with subclause (f) and within 10 days of accepting the gift.
  - (f) The notification of the acceptance of a reportable gift must be in writing and include:
    - (i) the name of the person who gave the gift; and
    - (ii) the date on which the gift was accepted; and
    - (iii) a description, and the estimated value, of the gift; and
    - (iv) the nature of the relationship between the person who is an employee and the person who gave the gift; and
    - (v) if the gift is one of two or more accepted from the same person within a period of one year:
      - (1) a description;
      - (2) the estimated value; and
      - (3) the date of acceptance,of each other gift accepted within the one year period.
  - (g) The CEO will maintain a register of reportable gifts and record in it details of notifications given to comply with subclause (f).
  - (h) The CEO will arrange for the register maintained under subclause (g) to be published on the Shire of Christmas Island's official website.
  - (i) As soon as practicable after a person ceases to be an employee, the CEO will remove from the register all records relating to that person. The removed records will be retained for a period of at least 5 years.

### **3.16 Conflict of Interest**

- (a) Employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- (b) Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire of Christmas Island, without first disclosing the interest to the CEO. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- (c) Employees will lodge written notice with the CEO describing an intention to undertake a dealing in land which is within the district of the Shire of Christmas Island, or which may otherwise be in conflict with the Local Government's functions (other than purchasing the principal place of residence).
- (d) Employees who exercise a recruitment or any other discretionary function will disclose any actual (or perceived) conflict of interest to the CEO before dealing with relatives or friends and will disqualify themselves from dealing with those persons.

- (e) Employees will conduct themselves in an apolitical manner and refrain from political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

***WALGA Note:***

*The Equal Opportunity Act 1984 provides that it is unlawful to discriminate against an employee or prospective employee on the ground of political conviction.*

### **3.17 Secondary Employment**

An employee must not engage in secondary employment (including paid and unpaid work) without receiving the prior written approval of the CEO.

### **3.18 Disclosure of Financial Interests**

- (a) All employees will apply the principles of disclosure of financial interest as contained within the Act.
- (b) Employees who have been delegated a power or duty, have been nominated as 'designated employees' or provide advice or reports to Council or Committees, must ensure that they are aware of, and comply with, their statutory obligations under the Act.

### **3.19 Disclosure of Interests Relating to Impartiality**

- (a) In this clause, **interest** has the meaning given to it in the *Local Government (Administration) Regulations 1996*.

***interest* —**

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- (b) includes an interest arising from kinship, friendship or membership of an association.

[r.19AA of the *Local Government (Administration) Regulations 1996*]

- (b) An employee who has an interest in any matter to be discussed at a Council or Committee meeting attended by the employee is required to disclose the nature of the interest:
  - (i) in a written notice given to the CEO before the meeting; or
  - (ii) at the meeting immediately before the matter is discussed.
- (c) An employee who has given, or will give, advice in respect of any matter to be discussed at a Council or Committee meeting not attended by the employee is required to disclose the nature of any interest the employee has in the matter:
  - (i) in a written notice given to the CEO before the meeting; or
  - (ii) at the time the advice is given.
- (d) A requirement described under (b) and (c) excludes an interest referred to in Section 5.60 of the Act.

- (e) An employee is excused from a requirement made under (b) or (c) to disclose the nature of an interest because they did not now and could not reasonably be expected to know:
  - (i) that they had an interest in the matter; or
  - (ii) that the matter in which they had an interest would be discussed at the meeting and they disclosed the nature of the interest as soon as possible after the discussion began.
- (f) If an employee makes a disclosure in a written notice given to the CEO before a meeting to comply with requirements of (b) or (c), then:
  - (i) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - (ii) at the meeting the person presiding must bring the notice and its contents to the attention of persons present immediately before a matter to which the disclosure relates is discussed.
- (g) If:
  - (i) to comply with a requirement made under item (b), the nature of an employee's interest in a matter is disclosed at a meeting; or
  - (ii) a disclosure is made as described in item (e)(ii) at a meeting; or
  - (iii) to comply with a requirement made under item (f)(ii), a notice disclosing the nature of an employee's interest in a matter is brought to the attention of the persons present at a meeting,the nature of the interest is to be recorded in the minutes of the meeting.

### **3.20 Use and Disclosure of Information**

- (a) Employees must not access, use or disclose information held by the Shire of Christmas Island except as directly required for, and in the course of, the performance of their duties.
- (b) Employees will handle all information obtained, accessed or created in the course of their duties responsibly, and in accordance with this Code, the Shire of Christmas Island's policies and procedures.
- (c) Employees must not access, use or disclose information to gain improper advantage for themselves or another person or body, in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Shire of Christmas Island.
- (d) Due discretion must be exercised by all employees who have access to confidential, private or sensitive information.
- (e) Nothing in this section prevents an employee from disclosing information if the disclosure:
  - (i) is authorised by the CEO or the CEO's delegate; or
  - (ii) is permitted or required by law.

### **3.21 Improper or Undue Influence**

- (a) Employees will not take advantage of their position to improperly influence Council Members or employees in the performance of their duties or functions, in order to gain

undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

- (b) Employees must not take advantage of their position to improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body.
- (c) Employees must not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.

### 3.22 Use of Shire of Christmas Island Resources

- (a) In this clause –

**Shire of Christmas Island resources** includes local government property and services provided or paid for by the Shire of Christmas Island;

**local government property** has the meaning given to it in the Act.

**local government property** means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the local government

[Section 1.4 of the *Local Government Act 1995*]

- (b) Employees will:
  - (i) be honest in their use of the Shire of Christmas Island resources and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;
  - (ii) use the Shire of Christmas Island resources entrusted to them effectively, economically, in the course of their duties and in accordance with relevant policies and procedures; and
  - (iii) not use the Shire of Christmas Island 's resources (including the services of employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the CEO).

### 3.23 Use of Shire of Christmas Island Finances

- (a) Employees are expected to act responsibly and exercise sound judgment with respect to matters involving the Shire of Christmas Island's finances.
- (b) Employees will use Shire of Christmas Island finances only within the scope of their authority, as defined in position descriptions, policies and procedures, administrative practices.

- (c) Employees with financial management responsibilities will comply with the requirements of the *Local Government (Financial Management) Regulations 1996*.
- (d) Employees exercising purchasing authority will comply with the Shire of Christmas Island's Purchasing Policy, and the systems and procedures established by the CEO in accordance with regulation 5 of the *Local Government (Financial Management) Regulations 1996*.
- (e) Employees will act with care, skill, diligence, honesty and integrity when using local government finances.
- (f) Employees will ensure that any use of Shire of Christmas Island finances are appropriately documented in accordance with the relevant policy and procedure, including the Shire of Christmas Island's Recordkeeping Plan.

### **3.24 Reporting of Suspected Breaches of the Code of Conduct**

Employees may report suspected breaches of the Code to their Line Manager, any Executive Manager or the CEO, in accordance with the Shire of Christmas Island's *Disciplinary Policy, Grievance Policy and Grievance Procedure*.

### **3.25 Handling of Suspected Breaches of the Code of Conduct**

Suspected breaches of the Code will be dealt with in accordance with the relevant Shire of Christmas Island's policies and procedures, depending on the nature of the suspected breach.

### **3.26 Reporting Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour**

- (a) Employees may report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour to their supervisor, Manager, or the CEO in accordance with Shire of Christmas Island's Public Interest Disclosure Procedures.
- (b) In accordance with the *Corruption, Crime and Misconduct Act 2003*, if the CEO suspects on reasonable grounds that the alleged behaviour may constitute misconduct as defined in that Act, the CEO will notify:
  - (i) the Corruption and Crime Commission, in the case of serious misconduct; or
  - (ii) the Public Sector Commissioner, in the case of minor misconduct.
- (a) Employees, or any person, may also report suspected serious misconduct to the Corruption and Crime Commission or suspected minor misconduct to the Public Sector Commissioner.
- (d) Employees, or any person, may also make a Public Interest Disclosure to report suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour, using the Shire of Christmas Island's Public Interest Disclosure Procedures, published on the Shire of Christmas Island's website.



### 3.27 Handling of Suspected Unethical, Fraudulent, Dishonest, Illegal or Corrupt Behaviour

Suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour will be dealt with in accordance with the appropriate Shire of Christmas Island policies and procedures, and where relevant, in accordance with the lawful directions of the appropriate statutory body.

Document Control Box							
<b>Document Responsibilities:</b>							
<b>Owner:</b>	Chris Su			<b>Owner Business Unit:</b>	Administration		
<b>Reviewer:</b>	Manager of Governance, Research, Policy and Grants			<b>Decision Maker:</b>	Resolution of Council August 2022 Ordinary Council Meeting		
<b>Compliance Requirements:</b>							
<b>Legislation:</b>	<a href="#">Local Government Act 1995</a> <a href="#">Local Government (Administration) Regulations 1996</a>						
<b>Other:</b>							
<b>Organisational:</b>							
<b>Document Management:</b>							
<b>Risk Rating:</b>	Low	<b>Review Frequency:</b>	Every three years	<b>Next Due:</b>	2024	<b>Records Ref:</b>	XXXX
<b>Version #</b>	<b>Decision Reference:</b>	<b>Synopsis:</b>					
1.	July 2021	WALGA template submitted to Council for adoption at July 2021 Ordinary Council Meeting.					
		Public Interest Disclosure Procedures added to website					
2.	August 2022	No changes					

# Shire of Christmas Island

## Code of Conduct Behaviour

## Complaints Management Policy

## for Council Members, Committee

## Members and Candidates

July 2021





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## Policy Objective

To establish, in accordance with Clause 15(2) of the *Local Government (Model Code of Conduct) Regulations 2021* and Shire of Christmas Island Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Christmas Island Code of Conduct for Council Members, Committee Members and Candidates.

To give effect to the Shire of Christmas Island's commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.

## Policy Scope

This Policy applies to complaints made in accordance with Clause 11 of the Shire of Christmas Island Code of Conduct for Council Members, Committee Members and Candidates.

This Policy applies to Council Members, Committee Members, Candidates and any person who submits a complaint in accordance with this Policy.

## Definitions

**Act** means the *Local Government Act 1995*.

**Behaviour Complaints Officer** means a person authorised in writing *[by Council resolution or by the CEO exercising delegated authority]* under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Behaviour Complaints Officer is addressed in Part 2.1 of this Policy.

**Breach** means a breach of Division 3 of the Shire of Christmas Island Code of Conduct for Council Members, Committee Members and Candidates.

**Candidate** means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act, but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.

**Candidate Complaint** means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 3.2 of this Policy.

**Code of Conduct** means the Shire of Christmas Island Code of Conduct for Council Members, Committee Members and Candidates.

**Committee** means a committee of Council, established in accordance with s.5.8 of the Act.

**Committee Member** means a Council Member, employee of the Shire of Christmas Island or other person who has been appointed by the Council to be a member of a Committee, in accordance with s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

**Complaint** means a complaint submitted under Clause 11 of the Code of Conduct.

**Complainant** means a person who has submitted a Complaint in accordance with this Policy.

**Complaint Documents** means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

**Complaint Form** means the form approved under clause 11(2)(a) of the Code of Conduct *[by Council resolution or by the CEO exercising delegated authority]*.

**Council** means the Council of the Shire of Christmas Island.

**Council or Committee Meeting** means a formal meeting of the Council or a Committee that is called and convened in accordance with the Act. It does not include informal meetings, such as workshops or briefings.

**Council Member** means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.

**Finding** means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.

**Plan** means a Plan that may be prepared and implemented under clause 12(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.

**Response Documents** means the response provided by the Respondent to the Complaint, and includes any supporting information or evidence that is supplied.

## Policy Statement

### 1. Principles

#### 1.1. Procedural fairness

The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:

- the Respondent will be afforded a reasonable opportunity to be heard before any findings are made, or a plan implemented;

- the decision maker should be objective and impartial, with an absence of bias or the perception of bias; and
- any findings made will be based on proper and genuine consideration of the evidence.

## **1.2. Consistency**

The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances, and each Complaint considered and determined on its merits, similar circumstances will result in similar decisions.

## **1.3. Confidentiality**

The Shire of Christmas Island will take all reasonable steps to maintain confidentiality when dealing with the Complaint, in order to protect both the Complainant and Respondent.

Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely, and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

## **1.4. Accessibility**

The Shire of Christmas Island will ensure that information on how to make a complaint, including this Policy, is available at the Shire of Christmas Island's Administration Building and on the Shire of Christmas Island's website. The Shire of Christmas Island will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the CEO in their role as Behaviour Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

# **2. Roles**

## **2.1. Behaviour Complaints Officer**

The Shire CEO is the Shire's Behaviour Complaints Officer.

The Shire CEO as Behaviour Complaints Officer is not an advocate for the complainant or the respondent. The Shire CEO as Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent. Their role is to also make an assessment of the complaint and make a finding, plan for action or dismissal as the case may be under this policy

In undertaking their functions, the Shire of CEO as Behaviour Complaints Officer will apply the Principles of this Policy.

### **3. Procedure**

#### **3.1. Making a complaint**

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct *[clause 11(1) of the Code of Conduct]*.

A Complaint must be made within one (1) month after the alleged Breach *[clause 11(2)(c) of the Code of Conduct]*.

A Complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Shire CEO as Behaviour Complaints Officer.

A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.

A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Shire CEO as Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a Complaint is made more than 1 month after the alleged breach, the Shire CEO as Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be made *[clause 11(2)(c) of the Code of Conduct]*.

#### **3.2. Candidate Complaints**

A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

Within 7 days after receiving a Candidate Complaint, the Behaviour Complaints Officer will provide written notice:

- To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.

If the Respondent is not elected, the Shire CEO as Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with *[clause 15(1) of the Code of Conduct]*.

### **3.3. Withdrawing a Complaint**

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint *[clause 14 of the Code of Conduct]*.

A Complainant may withdraw a Complaint by advising the Shire CEO as Behaviour Complaints Officer in writing that they wish to do so.

After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

### **3.4. Notice to Complainant**

Within 7 days after receiving a Complaint, the Shire CEO as Behaviour Complaints Officer will provide written notice to the Complainant that:

- confirms receipt of the Complaint;
- outlines the process that will be followed and possible outcomes;
- explains the application of confidentiality to the complaint;
- includes a copy of this Policy; and
- if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Shire CEO as Behaviour Complaints Officer will advise the Complainant of the process in accordance with Part 3.6 of this Policy.

### **3.5. Notice to Respondent**

Within 14 days after receiving a Complaint, the Shire CEO as Behaviour Complaints Officer will provide written notice to the Respondent that:

- advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
- includes a copy of the Complaint Documents;
- outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
- includes a copy of this Policy; and
- if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 3.6 of this Policy.



### **3.6. Alternative Dispute Resolution**

The Shire of Christmas Island recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government, such as a facilitator or mediator.

If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Behaviour Complaints Officer will resume the formal process required under this Policy.

### **3.7. Order of Complaints**

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Behaviour Complaints Officer may decide to progress those Complaints concurrently.

### **3.8. Search of Local Government Records**

The Shire CEO as Behaviour Complaints Officer may search for any relevant records in the Shire of Christmas Island's Record Management System.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting, the Shire CEO as Behaviour Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:

- the behaviour occurred at a Council or Committee Meeting,
- the behaviour was dealt with by the person presiding at the meeting, and/or
- the Respondent has taken remedial action in accordance with the Shire of Christmas Island's Meeting Procedures and Standing Orders Local Law.

### **3.9. Assessment of the Complaint**

The Shire CEO as Behaviour Complaints Officer will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 3.4 and Part 3.5 of this Policy.

The Shire CEO as Behaviour Complaints Officer must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions, or drafting the Complaint Report or recommendations.

### **3.10. Complaint Report**

The Shire CEO as Behaviour Complaints Officer will prepare a Complaint Report that will:

- outline the process followed, including how the Respondent was provided with an opportunity to be heard;
- include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments; and
- include reasons for each recommendation, with reference to Part 4 of this Policy.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy, the Complaint Report must include a Proposed Plan.



If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the Shire CEO as Behaviour Complaints Officer will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 4.2 of this Policy.

If the Shire CEO as Behaviour Complaints Officer dismisses a Complaint, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 13(2) of the Code of Conduct. This concludes the process for this Complaint.

If the Complaint is not dismissed, the Shire CEO as Behaviour Complaints Officer will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 12 of the Code of Conduct and Part 4.3 of this Policy.

If the Shire CEO as Behaviour Complaints Officer finds that the alleged Breach **did not** occur, the Shire CEO as Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Shire CEO as Behaviour Complaints Officer finds that the alleged breach **did** occur, the Committee will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy.

If the Shire CEO as Behaviour Complaints Officer decides to take no further action, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Shire CEO as Behaviour Complaints Officer decides to prepare a Plan, he/she will first consult with the Respondent in accordance with clause 12(5)\* of the Code of Conduct. The Shire CEO as Behaviour Complaints Officer will consider any submissions made by the Respondent before preparing and implementing a Plan.

### **3.11. Compliance with Plan Requirement**

The Shire CEO as Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 23 of the Code of Conduct.

The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

## 4. Decision Making

### 4.1. Objective and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy.

### 4.2. Dismissal

The Shire CEO as Behaviour Complaints Officer must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct if it is satisfied that -

- (a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- (b) either —
  - (i) the behaviour was dealt with by the person presiding at the meeting; or
  - (ii) the Respondent has taken remedial action in accordance with the Shire of Christmas Island Meeting Procedures and Standing Orders Local Law.

### 4.3. Finding

A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur *[clause 12(3) of the Code of Conduct]*.

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct.

### 4.4. Action

In deciding whether to take no further action, or prepare and implement a Plan, the Shire CEO as Behaviour Complaints Officer may consider:

- the nature and seriousness of the breach(es);
- the Respondent's submission in relation to the contravention;
- whether the Respondent has breached the Code of Conduct knowingly or carelessly;
- whether the Respondent has breached the Code of Conduct on previous occasions;
- likelihood or not of the Respondent committing further breaches of the Code of Conduct;
- personal circumstances at the time of conduct;
- need to protect the public through general deterrence and maintain public confidence in Local Government; and
- any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

#### 4.5. Plan Requirements

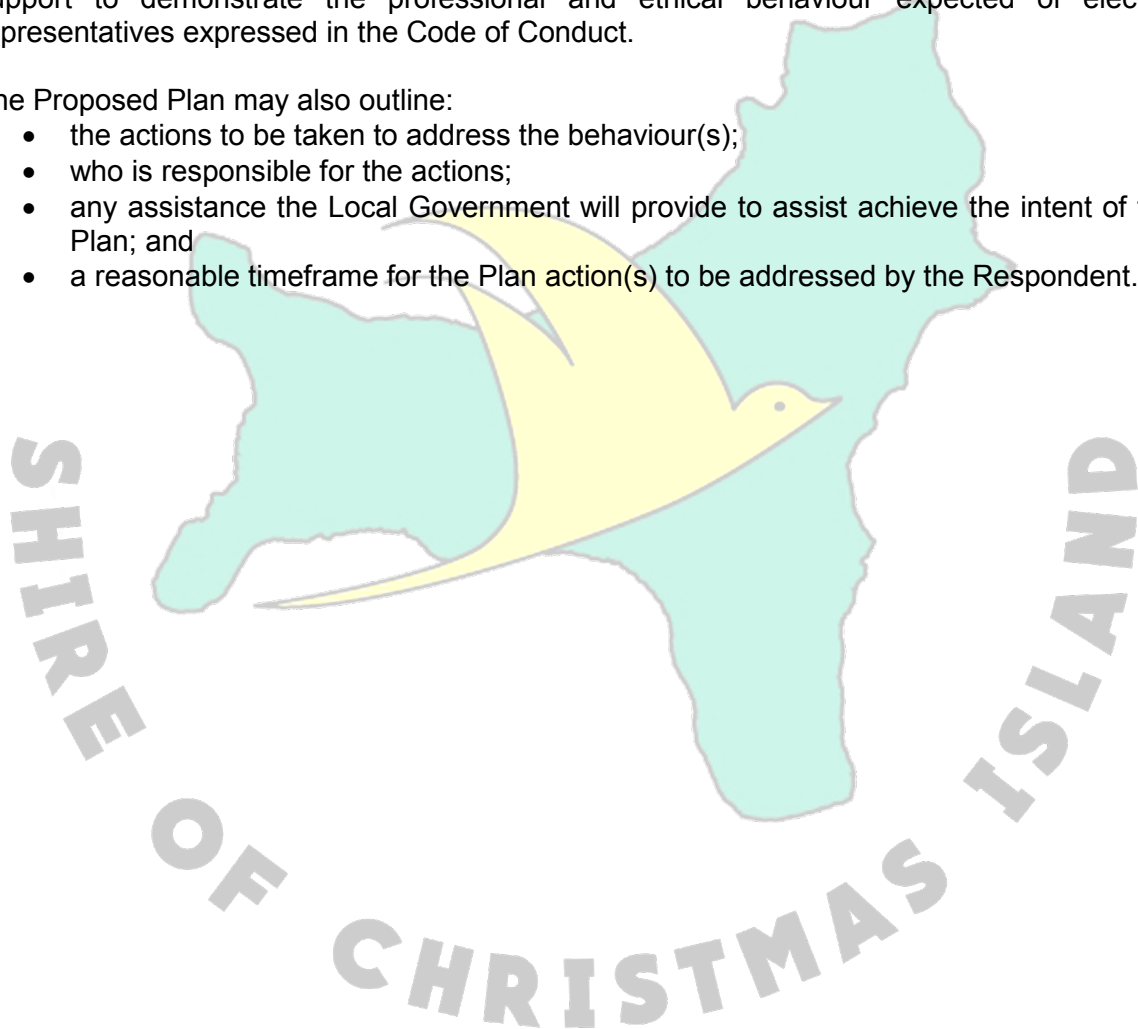
The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

- engage in mediation;
- undertake counselling;
- undertake training;
- take other action the Shire CEO as Behaviour Complaints Officer considers appropriate (e.g. an apology).

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline:

- the actions to be taken to address the behaviour(s);
- who is responsible for the actions;
- any assistance the Local Government will provide to assist achieve the intent of the Plan; and
- a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.



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Keywords	Code of Conduct, Complaints
Related Policies	Code of Conduct for Councillors, Committee Members and Candidates
Related Procedures/ Documents	
Delegation Level	Council, CEO
First endorsed by Council	-
Resolution No.	-
Adoption Conditions	Nil
Consultation	Nil required
Next Review Date	July 2023
File Reference	-

## **Land Administration 1 – Crown Land Management**

### **Objective**

- To ensure matters relating to dealings in Crown land between the Shire and the Commonwealth are suitably communicated to Councillors and the community.
- To ensure the intrinsic community value of Crown land is preserved and maintained for the benefit of present and future generations.
- To ensure Crown land with a community value is managed locally.
- To ensure the Shire does not expose itself unduly to financial liabilities when accepting management responsibility of property and its associated infrastructure.

### **Policy**

1. The Shire of Christmas Island will generally only accept management responsibility or ownership of property and its associated infrastructure where the use and function of that property is generally accepted as being a core local government area of responsibility.
2. Property and its associated infrastructure whose use and function is not generally accepted as being a core local government responsibility will not be considered for management or ownership by the Shire of Christmas Island unless there are compelling reasons to do so, there is an immediate impact upon the community if the property is unmanaged and all other avenues of property management have been exhausted.
3. No property will be accepted for management or ownership by the Shire unless the property and its associated infrastructure is compliant with accepted standards, is in an acceptable state of repair and is unaffected by contamination.
4. Upon receipt of request for the Shire of Christmas Island to accept ownership and/or management responsibility for a particular parcel of land, the Chief Executive Officer shall prepare a report to Council outlining the details of the proposal which shall include but not be limited to:
  - A detailed description of the property and its use/function to the community;
  - Details and condition assessment of any infrastructure associated with the property;
  - An estimate of annual maintenance costs associated with management of the property;
  - An estimate of the timing and costs of any required capital replacements;
  - Details of the extent of the management proposed;
  - Details of any consultation undertaken with stakeholder groups and/or the community and;
  - A recommendation to Council on the acceptance or otherwise of the management responsibility of the property.
5. Council shall consider the report of the Chief Executive Officer and decide upon the recommendation.

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Key Performance Indicators	The extent to which the policy is accurately and consistently applied
Key words	Crown, Land, Reserve, Management Order
Related Policies	Nil
Related Procedures/ documents	Chart 1 – DOTARS proposes a Reserve or Management Order Chart 2 - SOCI proposes a Reserve or Management Order
Delegation Level	Council/CEO/Manager Planning Building & Health/Manager Works & Services
Adopted by Council	9 November 2004
Resolution No.	158/04
Adoption Conditions	Absolute Majority
Consultation	No consultation necessary
Reviewed by Council	26 September 2017
Resolution No.	88/17
Next review date	September 2021
Reviewed by Council	23 August 2022
Resolution No.	XX/22
Changes	Changed title of policy from Planning and Building 1 to Land Administration 1.
Next review date	August 2024
File Reference	2.11.22

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## SHIRE OF CHRISTMAS ISLAND

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SUBMISSION TO	Ordinary Council Meeting 22 August 2022
AGENDA REFERENCE	10.5.2
SUBJECT	CI Singapore Strategy program
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	
INTEREST DISCLOSURE	Nil
DATE OF REPORT	17 August 2022
AUTHOR	Chris Su, GRPG Manager
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

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### RECOMMENDATIONS

**That Council receives the report from the Manager of Governance on Shire actions to support the Christmas Island Singapore Strategy to date.**

### BACKGROUND

Council's *Christmas Island Singapore Strategy* (CISS) adopted in December 2018 is the guiding document for Council to engage with Singaporean stakeholders for economic, cultural, educational and investment development exchanges.

### COMMENT

A great deal of momentum was lost when COVID has hampered the return of Dr. GOH Lay Beng of Singapore's Temasek Polytechnic after the doctor's visit to CI and CKI in November 2019. This was the major education / research program that CISS had worked on delivering as it tied in with the investment opportunities pending the expected land release post CISA.

The CISS has been able to still deliver on some education and cultural projects with Singapore stakeholders, including the National University of Singapore's Lee Kong Chuan Museum of Natural History. Presently the CISS program underway is the hosting of a playwright-in-residence program for Ms Nabilah Said, a Singaporean of Christmas Island extraction, to develop a play on 'the Malay experience of Christmas Island.' She will arrive on Island in September for 4 weeks of research, with the script to be developed in 2023. The Shire is accommodating her at Flat 138 to support the on-island research.

### STATUTORY ENVIRONMENT

None

### FINANCIAL IMPLICATIONS

None

### STRATEGIC IMPLICATIONS & MILESTONES

Christmas Island Singapore Strategy – *cultural and educational exchanges*.

### VOTING REQUIREMENTS

None

### ATTACHMENTS

10.5.2.1 – CISS Report

# Christmas Island Singapore Strategy Activity Report



Chris Su

Manager of Governance, Research, Policy and Grants

Shire of Christmas Island

August 2022



## Executive Summary:

The CI Singapore Strategy was adopted by Council in December 2019 and provided the direction for establishing economic, social, cultural and investment connections with Singapore.

A major element to the CISS program is its tie-in with the new Local Planning Scheme no.3 and the Commonwealth's plan to release Unallocated Crown Land post CI Strategic Assessment completion.

The CISS also provided the basis for engagement with Temasek Polytechnic and Investment Enterprise Singapore and the Singapore Food Agency (previously known as the Agri-Food and Veterinary Authority of Singapore) in 2020. This led to the November 2019 visit by Prof. GOH Lay Beng from Temasek Polytechnic to CKI and CI. The pandemic soon after halted the plans to bring the first cohort of graduate students from Temasek Polytechnic to Christmas Island in mid-2020.

Similarly the COVID-19 pandemic drew on significant Government resources and hampered the CISA program from 2020-2021; this subsequently has delayed the Shire's own LPS' completion schedule.

CISS was still able to achieve some deliverables in the cultural and education space. The Shire was able to assist two National University of Singapore students in 2020 with their graduate thesis papers in Architecture and Sociology. This involved zoom meetings and the sending of research materials back and forth to assist the students. Islander articles reported on the completion of each one.

The Shire was also able to engage the Lee Kong Chian Museum of Natural History and obtained a donation of some of the interpretive materials from the *Christmas Red* exhibit of 2020. *Christmas Red* was a six month exhibition of CI flora and fauna at the LKC Museum and drew great local and critical acclaim. It is the largest display of Christmas Island flora and fauna anywhere off Christmas Island.

One project is currently underway with the hosting of Ms. Nabilah SAID, a Singapore Straits Times journalist, playwright and board member of several arts organisations in Singapore on Christmas Island for the development of a play

about the Malay Experience on Christmas Island. She was successful with the Melbourne Malthouse Theatre in a grant program to develop this play; when completed, it will be performed in Melbourne and Singapore.

As the pandemic travel restrictions lift, the opportunity to return to Singapore and moreover, for Singaporeans to return to Christmas Island is open.

Connections from 2019 need to be re-formed, especially as the CISA draws to a close opening up land for development and investment soon after.

## Projects -

### **2019-2020 – Hosting Prof. GOH Ley Beng of Temasek Polytechnic to CKI and CI**

Prof. GOH of the Applied Sciences division of Temasek Polytechnic visited CKI and CI in November 2019. She met with many stakeholders and mapped out an early education program for the graduate students at TP Singapore in the agrisciences division to come in mid 2020.

This was unfortunately cancelled because of the pandemic.



### **2020/2021 – Discussion with Singapore High Commission**

November 23<sup>rd</sup> 2020 saw a video-conference between the Shire of Christmas Island, the Singapore High Commission in Canberra, Enterprise Singapore, Murdoch University, Phytocyte UK/AUS, the Indian Ocean Learning Communities (IOLC) and Temasek Polytechnic Singapore take place at the George Fam Building.

### **2020/21 Project - National University of Singapore, Lee Kong Chian Museum donation of 'Christmas Red' exhibits**



Interpretation from the NUS museum's Christmas Red exhibit are now stored at George Fam, awaiting the establishment of a proper interpretive building to be displayed.



### **2020/2021 Project – Presentation of the George Fam Bust to St Andrew's Junior College, Singapore**

A meeting with Mr James Lee, a former pupil at CI Asian School under the tutelage of Principal George Fam on Christmas Island in the 60<sup>th</sup> Territory Week Anniversary resulted in an invitation to visit St Andrew's Junior College in Singapore, Fam's alma mater. Manager for Governance Chris Su took up the invitation whilst on holiday in Singapore. Su wished to gift a bust of George Fam to SAJC as he noted that their tribute wall to Mr Fam was lacking one; a bust exists at CIDHS library.

Shire staff created a 3D scan and a small 1:2 mock up 3D print of the bust in preparation for a larger casting at a future date for SOCI to present to SAJC in some future exchange.



## 2021/2022 Projects

Emma Lau Si Ying's NUS Master's paper '120 Days – The Carnavalesque Island of Crabs,' completed with assistance from Shire staff and resources.

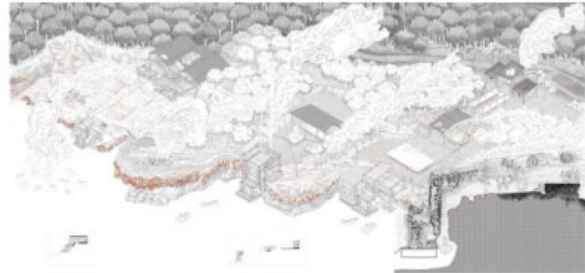


### SINGAPORE STUDY OF MA CHOR NUI NUI

National University of Singapore student Emma Lau Si Ying completed her Masters in Architecture by research with her thesis "120 Days – The Carnavalesque Island of Crabs" in 2021. It is an examination of how cultural practices, rituals, ecology and architectural theory intertwine in a specific Christmas Island context. Lau's thesis explores the Ma Chor Nui Nui Ocean Goddess Temple, the Chinese Cemetery in Settlement and the way Christmas Island Taoists worship on Island. She postulates new Taoist architectural creations to complement the sites and the worship practices locals follow.

These architectural creations are designed with the fauna of Christmas Island in mind; specifically, the omnipresent Red Crab. The spiritual importance of the Island and the creatures that inhabit it is of great significance to Taoists and Buddhists alike. Assigned Taoist deities protect the ocean and Island; devotees carry out specific rituals across a dozen temples, joss houses and shrines on dates determined in the lunar calendar to fulfill their obligations to Heaven and the Gods. Buddhists venerate the natural world as the purest examples of balance and detachment; a great deal of reflection and meditation with the aim of realising a nirvana state is a way of life for many practicing Island Chinese Buddhists.

Lau has not only made a remarkable study of these Island practices from afar, she has done so without having the opportunity to visit Christmas Island because of COVID19. Lau



Above: The Ma Chor Nui Nui precinct with concept architectural additions, Emma Lau, 2021



Above: 120 Days student exhibition at National University of Singapore, 2021

NUS Architecture Graduate Gabrielle Wong's "Architecture and Space" thesis was also completed with assistance from the Shire of CI in 2020.

ISSUE NO. 726

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### Storytelling and Architecture: Singaporean academic completes paper featuring Christmas Island

Article by Shire

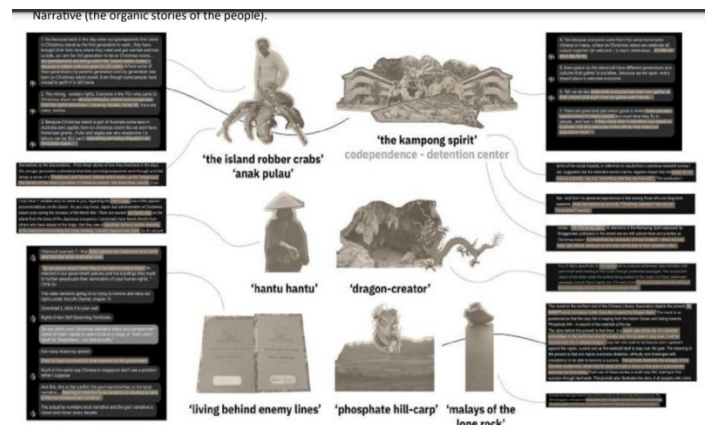
Masters of Architecture student Ms. Gabrielle Wong completed her paper 'Storytelling and Architecture' as part of her graduate school program at the National University of Singapore focusing on both Christmas Island and Daechi-dong in South Korea November 2020.

The 120 page paper is divided into three sections each with additional sub-headings on a range of topics such as *Popular vs Community Narrative*, *Architecture: Affecting Story-Space*, and *Citymaking Narratives by the State*. Wong examines the overt exertion of political will at both the individual architectural and precinct-level in Daechi-dong as well as Christmas Island by those with 'capital and power' in their respective places.

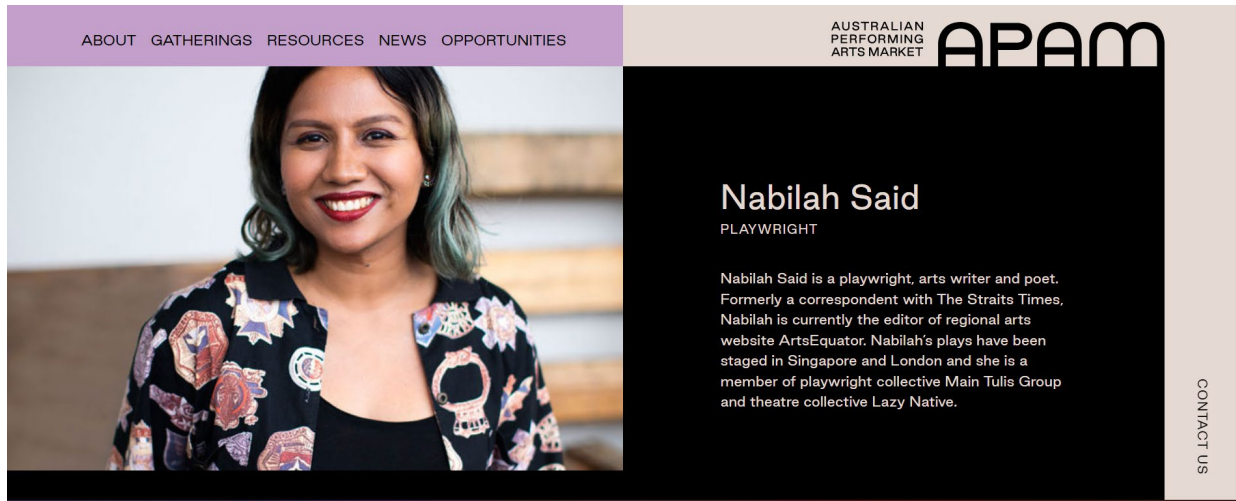
At first it seems the two could not be more far apart, with the Non-Self Governing Territory Christmas Island being a small island in the Indian Ocean and Daechi-dong being an affluent area in Seoul, South Korea. Yet the undeniable impact that *jaebols*, Korean conglomerates such as Samsung and Hyundai, have on city-planning and therefore the creation of story-spaces in them are mirrored in the type of architecture and city-planning that Christmas Island displays as a legacy of its time under British Colonial and now Australian Commonwealth control.

Wong puts forward that the effort (or lack of effort) put into the physical design of a location affects the development of narratives in a place. Therefore the actors that exert the most influence in the construction of those places tend to be able to create the Popular Narrative it wishes to promulgate. Wong also puts forward that Community Narratives also sprouted up which show a *duality of narrative* as stories organically spread through the population that may diverge from the narrative of those with capital and power.

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## 2021/22 Project – A Play on The Malay Experience of Christmas Island



Ms. Nabilah SAID is of Christmas Islander descent, and lives in Singapore. She will be visiting the Island from Sept 9<sup>th</sup> to October 7<sup>th</sup> to interview and document the malay cultural life of Christmas Island. The Shire is providing a vehicle and accommodation at Flat 138 for her visit.





## SHIRE OF CHRISTMAS ISLAND

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SUBMISSION TO	Ordinary Council Meeting of 23 August 2022
AGENDA REFERENCE	10.5.3
SUBJECT	8 Coconut Grove proposal
LOCATION/ADDRESS/APPLICANT	8 Coconut Grove, Settlement
FILE REFERENCE	
INTEREST DISCLOSURE	None
DATE OF REPORT	17 <sup>th</sup> August 2022
AUTHOR	Chris Su, Governance, Policy Research and Grants Manager
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

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### RECOMMENDATION

**That the Council accept the proposal from the owners of 8 Coconut Grove Settlement to have short-stay accommodation permission granted at their servants quarters at the rear of the residential home.**

### BACKGROUND

8 Coconut Grove is a Settlement bungalow with a separate servant's quarters at the rear. The new owners enquired with the Shire the protocol to apply for planning approval for 'short-stay accommodation' for their property.

Short-Stay Accommodation is permissible in a Residential Zone in the Town Planning Scheme 2 in force following public consultation and an advertising process as gazetted in the 2016 TPS documents.

8 Coconut Grove pursued this public consultation process with Council; Council published a "*Schedule 6 Notice of Public Advertising of Planning Approval*" for public comments in the Islander issue 765 of 29<sup>th</sup> July as well as by public notice 31/21 on 19 July 2022. The Shire allowed for four weeks till the 17<sup>th</sup> August 2022 for residents to provide comments for Council's consideration.

Nine submissions were received, all in support and are attached.

### COMMENT

The CI 2021 Strategic Community Plan lists tourism development as a central economic development goal. "...*Key actions and requirements considered in the Plan include: further developing the tourism industry with an emphasis on low impact, high yield tourism...*"

*Land Use 3 – 'Determine the long-term housing and tourism accommodation needs on CI.'*

*Infrastructure 20 – “Complete an audit of vacant buildings on Island, and determine appropriate uses for reinstating those buildings for tourism and accommodation needs, or other appropriate land uses.”*

Nine submissions were received, all are in support.

Should Council decide in the affirmative, a Schedule 8 “*Notice of Determination on Application for Planning Approval*” form will be completed by the CEO for submission to the WAPC with final approval to be granted by the Federal Minister.

The WAPC by convention will check if the process has been followed with sufficient community notice and the Minister should by convention follow the recommendation of the WAPC.

### **POLICY IMPLICATIONS**

The gazetted 2016 Town Planning Scheme 2 processes and documents were used in this process, specifically the Schedule 6 consultation document and if approved, the Schedule 7 approval document.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this matter.

### **STRATEGIC IMPLICATIONS & MILESTONES**

An affirmative decision on the matter would see Council support its CI 2021 Strategic Community Planning document.

### **CONSULTATION**

Consultation was had with the community using the gazetted method in the 2016 Town Planning Scheme 2 which required a notice in the Islander asking for community input for 14 days. Shire actually exceeded this by providing 29 days for the public to comment.

### **VOTING REQUIREMENTS**

A simple majority is required.

### **ATTACHMENTS**

1. 10.5.3.1 - 8 Coconut Grove, Schedule 5 Application for Development Approval
2. 10.5.3.2 - 8 Coconut Grove, Attachment Application for Development Approval
3. 10.5.3.3 - Public Notice 31/12, Proposed Change of Use in a Residential Area
4. 10.5.3.4 - Schedule 6, Notice of Public Advertisement of Development Application
5. 10.5.3.5 - Support Letters from nine residents
  - i) Brett Bissett
  - ii) David Watchorn
  - iii) William Dunn, Dunn Investments
  - iv) Jack Cassey, Fire and Safety Services Co
  - v) Karenn Singer
  - vi) Steven Pereira, Altitude Island Logistics
  - vii) David Watchorn, Extra Divers
  - viii) Matthew Withnell
  - ix) Alan and Theresa Thornton



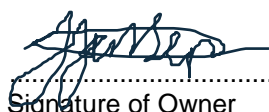
## SCHEDULE 5 – APPLICATION FOR DEVELOPMENT APPROVAL

PLANNING AND DEVELOPMENT ACT 2005 (WA) (CI) (AS AMENDED)

SHIRE OF CHRISTMAS ISLAND

### APPLICATION FOR DEVELOPMENT APPROVAL

1. Surname of Applicant Jansen Given Names Alexander Ryan  
Full Address 8 Coconut Grove, Christmas Island WA  
Postcode 6798
2. Surname of Land Owner (if different from above) .....  
Given Names .....
3. Submitted by Alexander Ryan Jansen
4. Address for Correspondence Email - alexmech14@gmail.com  
Telephone Number ..... Fax Number .....
5. Locality of Development Settlement
6. Title Details of Land Lot 155 Plan 218122 Volume 2111 Folio 624
7. Name of Road Serving Property Coconut Grove
8. Description of Development Short term accommodation (see attached for further details)  
Nature and size of all buildings proposed  
Existing building, servant's quarters 55sqm  
Materials to be used on external surfaces of building  
Existing building, rendered brick walls and colourbond roof  
General treatment of open portions of the site  
Existing gardens surrounding building  
Details of car parking and landscaping proposals  
Existing car parking adjacent to building  
Approximate cost of proposed development  
Nil  
Estimated time for completion  
Property will be available for short term accommodation following planning approval

  
Signature of Owner

.....  
Signature of Applicant or Agent

(Both signatures are required if applicant is not the owner)

18/06/2022

.....  
Date

.....  
Date

## **APPLICATION FOR DEVELOPMENT APPROVAL**

8 Coconut Grove, Christmas Island WA 6798

### **Further Information**

Accommodation at *Rumah Biruh* is located in Christmas Island's residential Settlement area. The property tastefully retains heritage features of former servant quarter accommodation. Accommodation includes open plan (studio) living, a fully equipped kitchen and bathroom with laundry facilities. The residence is nestled amongst tropical gardens with an outdoor living area for exclusive guest use.

### **Sleeping arrangements and guest limitations**

Room configuration: 1 open plan sleeping/living area

Maximum occupancy: 2 adults and up to 2 children

### **Accommodation Facilities**

- Fully furnished and self-contained open plan accommodation
- 1 Queen bed, children's bedding available upon request
- Air conditioned with ceiling fans
- Fully equipped kitchen
- Digital television
- Wireless internet connection
- Washing machine and dryer



**SHIRE OF CHRISTMAS ISLAND  
PUBLIC NOTICE**

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**31/21**

**19 July 2022**

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**PROPOSED CHANGE OF USE IN RESIDENTIAL AREA**

The Shire of Christmas Island invites the community to provide feedback on the proposed use of the rear servant's quarters at house 8 on Coconut Grove, Lot 155, as a short term accommodation facility operated by the owners of house 8 Coconut Grove.

Under the Local Planning Scheme 2 gazetted in February 2016 and in following the Planning and Development act 2015, proposed applications to change land usage require the Shire to canvass the community for their comments before proceeding to make a determination on approval or rejection of the proposal. Schedule 6 of the Local Planning Scheme 2 provides this format.

Residents have until 17th August 2022 to make comment to the local Shire regarding the proposal. Residents may do this through email to [chris@shire.gov.cx](mailto:chris@shire.gov.cx) or in writing to SOCI at PO Box 863, Christmas Island, WA 6798. They may also drop off written correspondence to the Shire's front desk during office hours. A copy of the applicant's rationale is viewable at [www.shire.gov.cx](http://www.shire.gov.cx) and at the front desk. A copy of the application and this notice will be published in The Islander of this coming 29th July.

David Price  
**Chief Executive Officer**

**SCHEDULE 6 – NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT  
APPROVAL**

**SHIRE OF CHRISTMAS ISLAND**

**LOCAL PLANNING SCHEME NO. 2**

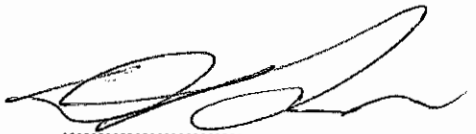
**NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL**

It is HEREBY NOTIFIED for public information and comment that the local government has received an application to develop land for the purpose described hereunder:

LAND DESCRIPTION

LOT NO. 155 Plan 218122 STREET 8 COCONUT GROVE  
PROPOSAL Short-term accommodation use of  
Servant's Quarters only at 8 COCONUT GROVE

Details of the proposal are available for inspection at the local government office. Comments on the proposal may be submitted to the local government in writing on or before the day of 17th AUGUST 2022



CHIEF EXECUTIVE OFFICER

18/7/22  
DATE

**From:** bissettbrett@yahoo.com.au [mailto:bissettbrett@yahoo.com.au]

**Sent:** Sunday, 7 August 2022 08:53

**To:** Chris Su

**Subject:** Ruma Biru

Mr Chris Su  
Governance, Research, Policy and Grants  
Shire of Christmas Island  
PO BOX 863  
Christmas Island, WA 6798

Dear Chris,

Re: SOCI Public Notice 31/22 - Proposed Change of Use in Residential Area

We write in relation to the proposed use of residential area of the rear servant's quarters located at 8 Coconut Grove, Christmas Island.

We reside at 5 Coconut Grove. Following consideration of the proposed short stay accommodation we wish to express our support for this development. We acknowledge there are a number of existing short stay accommodation developments in the surrounding settlement area, including Villa Papaya, Hibiscus House, Breeze Inn, Seaspray and Diver's Villa. We see no issues preventing development of Rumah Biru short stay accommodation within this residential area.

Regards,

Brett & Britt Bissett  
PO BOX 601  
Christmas Island, WA 6798

**From:** David Watchorn (daveskidive) [mailto:daveskidive@gmail.com]

**Sent:** Tuesday, 19 July 2022 15:00

**To:** Chris Su

**Subject:** Support of Application- Change of Use

Hi

I personally support the change of use to Short Term Accommodation at “rear servant’s quarters at house 8 on Coconut Grove, Lot 155”

Having lived in the Settlement area since 2016, there are a number of properties in the area who have short term accommodation arrangements, and adding to this should not be seen as a problem.

Breeze Inn, Villa Papaya, Seaspray and Divers Villa are already in the area.

i would hope the Shire also support this application.

Regards

David Watchorn  
2/111 Gaze Road  
Christmas Island WA 6798



Mr. Chris Su  
Governance, Research, Policy and Grants  
Shire of Christmas Island  
PO Box 863  
Christmas Island, WA 6798

13<sup>th</sup> August 2022

Dear Chris,

We are writing to inform you of our support for the proposed use of the residential area (Servant's Quarter) located at 8 Coconut Grove, Settlement, Christmas Island as we feel that Airbnb's are good for the island's economy and will generate additional accommodation that are much needed due to high demand of tourists.

Regards,

William Lee Dunn

From: **Jack Cassey - Fire & Safety** <[jackc@fssaus.com](mailto:jackc@fssaus.com)>  
Date: Wed, 20 July 2022, 16:12  
Subject: Support for short term accommodation  
To: Alexander Jansen <[alexmech14@gmail.com](mailto:alexmech14@gmail.com)>

To whom it may concern,

I support the proposal to change the use of the servants quarters at House 8 Coconut Grove to short term accommodation.

I believe it is beneficial for businesses and the community to have additional short term accommodation such as this proposed self-contained unit. In my opinion it is crucial to have the means to accommodate specialist essential workers on the island. This has become increasingly difficult with the influx of tourists in the past 2 years.

Fire & Safety Services would definitely consider utilising accommodation such as this unit for our technicians that fly to the island regularly to undertake repairs and maintenance on essential fire infrastructure across the island.

Kind regards,

Jack Cassey

Fire & Safety Services Co.

Gaze Road,

Christmas Island, WA 6798

Mob: 0417 172 484

Tel: (08) 9164 7150

Email: [jackc@fssaus.com](mailto:jackc@fssaus.com)





EXTRA DIVERS AUSTRALIA PTY LTD  
49 C GAZE ROAD  
CHRISTMAS ISLAND, WA 6798  
+61 (0)467670449  
christmasisland@extradivers.org  
www.extradivers.com.au

19th July 2022

RE:

PROPOSED CHANGE OF USE IN RESIDENTIAL AREA  
rear servant's quarters at house 8 on Coconut Grove, Lot 155

Extra Divers Australia, would like to confirm our support for this proposed change of use in a residential area.

The area already has many Air BnB, short term accommodation and tourism accommodation options, and we believe this will increase the tourism offering on Christmas Island.

Extra Divers Australia supports the change of use to Short Term Accommodation at "rear servant's quarters at house 8 on Coconut Grove, Lot 155"

We would also suggest that the entire settlement area becomes a mixed use area for further development of tourism offerings.

Regards

David Watchorn  
Manager  
Extra Divers Australia Pty Ltd.

Mr Chris Su  
Governance, Research, Policy and Grants  
Shire of Christmas Island  
PO BOX 863  
Christmas Island Indian Ocean 6798

03<sup>rd</sup> August 2022

Dear Chris,

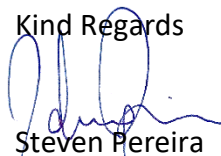
We are writing to you in relations to the proposed usage of the servant's quarters located at 8 Coconut Grove, Settlement, Christmas Island Indian Ocean.

Altitude Island Logistics would like to express our support for this development as it will generate much needed accommodation to the island which is currently in high demand. We recognize that within the area of proposed development, there are already established short term accommodations operating.

This is a great initiative by the developers in boosting the tourism industry within Christmas Island.

Should you have any queries, please do not hesitate to contact me.

Kind Regards



Steven Pereira  
Director / Secretary


**From:** Karenn Singer [mailto:k2rworld@hotmail.com]  
**Sent:** Thursday, 21 July 2022 22:14  
**To:** Chris Su  
**Subject:** Fw: SOCI Public Notice 31/22

Hi Chris

I support the proposed change of use in residential area at 8 Coconut Grove outlined in Public Notice 31-22.

Regards

Karenn Singer  
Owner/Occupier  
6 Rocky Point Cres East  
Christmas Island WA 6798



Mr Chris Su  
Governance, Research, Policy and Grants  
Shire Of Christmas Island  
PO 863  
Christmas Island Indian Ocean 6798

12<sup>th</sup> August 2022

Dear Chris

I am writing to you regarding the proposed usage of servant's quarters located at 8 Coconut Grove, Settlement, Christmas Island Indian Ocean

I would like to convey my support for the change of use to the servant's quarters. There are already established short term accommodation options, but more are needed as Christmas Island is in dire need of accommodation both for business and tourism.

Warm Regards,

**Matthew Withnell**

PO BOX 628  
Christmas Island Indian Ocean 6798

**From:** Alan Thornton [mailto:alanteresaci@gmail.com]

**Sent:** Tuesday, 19 July 2022 16:31

**To:** Chris Su

**Subject:** Proposed development plan for 8 Coconut Grove, Settlement.

Teresa and Alan Thornton are in favour of the application being approved. The conversion is well done and adds another quality unit for short term visitors to CI.

Alan and Teresa Thornton

### **Behind Closed Doors**

#### **Recommendation:**

**The meeting be closed to members of the public in accordance with section 5.23(2) of the Local Government Act 1995 for council to discuss matters of a confidential nature.**

**Meeting Reopened to the Public:**

**Recommendation:**

**The meeting be reopened to members of the public**