



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 24 August 2021 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 27 July 2021 (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 Community Assistance Grants (pg 7-9)
 - 10.1.2 Light Industrial Area Lots 509 and 510 for Sale or Lease (pg 10-12)
 - 10.1.5 Proposed Amendment to the Light Industrial Area (pg 13-45)
 - 10.2 Manager Finance & Administration**
 - 10.2.1 Schedule of Accounts – July 2021 (pg 46-51)
 - 10.2.2 Financial Statements – June & July 2021 (pg 52-60)
 - 10.3 Manager Community/Recreation Services & Training**
 - 10.4 Manager Works, Services & Waste**
 - 10.4.1 Purchase of a Toyota Fortuner (pg 61)
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 - 10.5 Manager Governance Research Policy & Grants**
 - 10.5.1 Policy Updates (pg 63-105)
 - 10.5.2 Additional Use 49A Gaze Road (pg 106-125)
 - 10.5.3 Purchasing Policy Review (pg 126-138)
- 11 Elected Members Motions of which Previous Notice has been given**
- 12 New Business of an Urgent Nature Introduced by Decision of the Meeting**
- 13 Behind Closed Doors**
- 14 Closure of Meeting**
- 15 Date of the next Ordinary Meeting
28 September 2021**



UNCONFIRMED MINUTES

Ordinary Meeting of the Shire of Christmas Island held at the George Fam Chambers at 7.00pm on Tuesday 27 July 2021

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

- 1.2 Record of Attendance

Shire President
Councillors

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

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

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

- 2.2 **Leave of Absence**

Deputy President

Cr Kee Heng **FOO**

- 2.3 **Apologies**

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

- 2.4.1 Crs THOMSON, LEE, SAW, MASLI, YON, WOO and ZAINAL declared an Impartiality Interest for item 10.1.2, Community Assistance Grants. All filled out a declaration form detailing the particulars.

- 2.4.2 Crs YON, LEE, WOO, MASLI, declared a Financial Interest for item 10.1.5, Proposed Amendment to Light Industrial Area, Cr SOH also declared a Financial Interest below a value of \$10,000. All filled out a declaration form detailing the particulars.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

- 4.1 Cr YON raised a question from a resident concerning the Commonwealth health service's policy on sending persons to Perth for hearing care. Council agreed it was a community health need that should be understood better.

ACTION ITEM – CEO to contact IOTHS to inquire about when it sends patients to the mainland for hearing health needs.

- 4.2 Cr YON inquired about the local law for the keeping of chickens and requirements for chicken coops in residential areas. CEO noted it was on the website www.shire.gov.cx and would forward a copy to Councillors and enforcement officers at the Shire.

ACTION ITEM – Policy Manager to send copy of *Animals, Environment and Nuisance Local Law 2018* to Councillors and officers responsible for its enforcement at the Shire.

- 4.3 Cr ZAINAL passed on some positive community feedback on the recent School Holiday Program. Ratepayers asked if it were possible to arrange for future School Holiday Programs a bus pick-up schedule to take children to the Foreshore Padang.

ACTION ITEM – Manager for Recreation Services to consider this in planning for next School Holiday Program.

- 4.4 Cr ZAINAL raised that some of the sulo bins at Halal Café had broken wheels.

ACTION ITEM – Works and Services to inspect and replace units.

Cr ZAINAL followed up on query regarding Malay Club skip bin; it was consistently full. Works and Services Manager Graeme HEDDITCH advised that it was a Commonwealth skip bin and not Council's responsibility.

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 15 June 2021

Members considered the unconfirmed minutes.

Council Resolution

Moved: Cr SAW

Seconded: Cr WOO

Res. No: 54/21

That Council adopt the unconfirmed minutes of the 15 June 2021 Council Meeting.

Carried: 8/0

7.2 Minutes of Special Council Meeting held on 5 July 2021

Members considered the unconfirmed minutes of the special council meeting

Council Resolution

Moved: Cr LEE

Seconded: Cr WOO

Res. No: 55/21

That Council adopt the unconfirmed minutes of the 5 July 2021 Special Council Meeting.

Carried: 8/0

7.3 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 Annual Budget 2021/22

Council Resolution

Moved: Cr MASLI

Seconded: Cr YON

Res. No: 56/21

1. Council adopts the 2021/22 Annual Budget of the Shire of Christmas Island and Note 18 as presented to the Ordinary Council Meeting of the 27 July 2021.
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	\$25,342
Councillors	\$16,367
 - 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	\$36,957
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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	\$9,239.25
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Carried: 8/0

10.1.2 Community Assistance Grants

Crs THOMSON, LEE, SAW, MASLI, YON, WOO and ZAINAL declared an Impartiality Interest in the Community Assistance Grants. All filled out a declaration form detailing the particulars.

Council Resolution

Moved: Cr LEE

Seconded: Cr WOO

Res. No: 57/21

1. The Chief Executive Officer is authorised to make payments to those organisations listed under "Proposed" in Attachment 10.1.2.1 including the request from the Islamic Council Christmas Island in Attachment 10.1.2.2 on the basis that the approved activity occurs. In the event that the activity does not occur, the donation so allocated will be returned to the fund pool.
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 2021

Council Resolution

Moved: Cr LEE

Seconded: Cr MASLI

Res. No: 58/21

That Council –

1. nominate the following elected members Cr YON, Cr LEE, Cr WOO, Cr SOH, Cr ZAINAL and Cr FOO to attend the 2021 Annual West Australian Local Government Association (WALGA) conference to be held at the Perth Convention Centre from 19 - 21 September inclusive, and

2. nominate two elected members Cr LEE and Cr ZAINAL as voting delegates and two elected members Cr FOO and Cr YON as proxy delegates to register for the forthcoming 2021 conference.

Carried: 8/0

10.1.4 Revised Organisational Chart 2021

Council Resolution

Moved: Cr YON

Seconded: Cr MASLI

Res. No: 59/21

Councils endorse the new 2021 Organisational Chart.

Carried: 8/0

10.1.5 Proposed Amendment to the Light Industrial Area

7.35pm – Cr MASLI, Cr YON, Cr WOO and Cr LEE declared a Financial Interest and removed themselves from Council Chambers. Cr SOH also declared a Financial Interest, however as the value of his interest was less than \$10,000 the CEO informed him based on advice from the DLGSCI that he was permitted to remain in the meeting. Cr THOMSON, ZAINAL, SAW and SOH remained in meeting. The meeting was in quora and the item could not be addressed.

Council Resolution

Moved:

Seconded:

Res. No:

- a) Council endorses the SOCI recommendations in response to:
- the 14 April 2021 Phosphate Resources Ltd. (PRL) submission and
 - the 6 May 2021 Eco Crab Industries (ECI) submission
- both made in relation to the March 2021 Proposed Amendment to the Light Industrial Area.
- b) The SOCI to issue attachment 10.1.1.2. to PRL and attachment 10.1.1.3. to ECI as formal response to their respective submission.
- c) Council endorses the June 2021 Proposed Amendment to the Light Industrial Area (The Report) and its proposed Actions as input into the Christmas Island Strategic Assessment (CISA) Land Use Plan (LUP), the Review of the 2015 Local Planning Strategy and ultimately the formulation of the Local Planning Scheme No.3 (LPS No.3).
- d) The SOCI to issue the endorsed Report to the DITRDC as SOCI's formal input into the CISA Land Use Plan for the LIA, Hospital, Taman Sweetland Circuit and Phosphate Hill Historic areas.
- e) The SOCI to formally engage with the DITRDC to progress Actions 1 and 2 on page 8 of the Report.

Carried: n/a due to lack of quorum.

7.43pm - Cr MASLI, Cr YON, Cr WOO and Cr LEE returned to the meeting.

Council Resolution

Moved: Cr ZAINAL

Seconded: Cr SOH

Res. No: 60/21

That the CEO be requested to apply for the exemption of Councillors in order to participate in the item when submitted to the August 24th Ordinary Council Meeting

Carried: 8/0

10.1.6 Development of Lot 601

Council Resolution

Moved: Cr YON

Seconded: Cr LEE

Res. No: 61/21

The Shire Council to seek comments from the community on the proposed redevelopment of Lot 601 through Public Notice.

Carried: 8/0

10.2 Manager Finance & Administration

10.2.1 Schedule of Accounts – June 2021

Council Resolution

Moved: Cr SAW

Seconded: Cr SOH

Res. No: 62/21

That Council approves the expenditure as presented in June 2021 Schedule of Accounts

Carried: 8/0

10.2.2 Outstanding Rates/Debtors Report

Council Resolution

Moved: Cr YON

Seconded: Cr MASLI

Res. No: 63/21

The report is noted.

Carried: 8/0

10.2.3 Assets Write Off 2020/21

Council Resolution

Moved: Cr YON

Seconded: Cr ZAINAL

Res. No: 64/21

Council approves to write off the assets of 2020/21 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 Tender for the Purchase Vehicles

Council Resolution

Moved: Cr YON

Seconded: Cr WOO

Res. No: 65/21

That Council call tenders for the Purchase of surplus vehicles and equipment as detailed in the report.

Carried: 8/0

10.5 Manager Governance, Research, Policy & Grants

10.5.1 WALGA CEO Model Template Policy

Council Resolution by Absolute Majority

Moved: Cr YON

Seconded: Cr LEE

Res. No: 66/21

That the Council adopt the *WALGA Model Template for CEO Recruitment and Termination* as the *Shire of Christmas Island Standards for CEO Recruitment and Termination* policy.

Carried: 8/0 Absolute Majority

10.5.2 Petty Cash Policy Adoption

Council Resolution**Moved: Cr SAW****Seconded: Cr MASLI****Res. No: 67/21**

That the Council adopt the Petty Cash Policy provided.

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 8.00pm

15 DATE OF NEXT MEETING: 24 August 2021



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 24 August 2021
AGENDA REFERENCE	10.1.1
SUBJECT	Community Assistance Grants
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	1.3.1
INTEREST DISCLOSURE	Nil
DATE OF REPORT	18 August 2021
AUTHOR	David Price, CEO
SIGNATURE OF CEO	SIGNED

RECOMMENDATIONS

1. **The Chief Executive Officer is authorised to make a payment to CI Robbers Junior League Club for \$3000 from the Community Assistant Grants fund.**

BACKGROUND

Council has a budget for community assistance grants of \$60,000.

The Donations to Community Organisations, Other Groups and Persons Policy (EM2) provides direction as to how any such donations are decided and managed. Council decides the general amount available through the budget process. As a general rule, donations decided by either Council are only made once it is confirmed that the activity is occurring. This report provides recommendations to Council for donations from the budgeted community assistance fund.

COMMENT

In accordance with the EM2 Policy, the Shire called for applications for community assistance by public notices in May 2021.

A late application was received from the CI Robbers Junior League Club for the IOT Rugby League Harmony Team. Attachment 10.1.2.2

There is sufficient funds remaining in the Community Assistant Fund to cover the requested amount of \$3000.

STATUTORY ENVIRONMENT

The Local Government Act 1995 (WA) (CI) and financial regulations apply in relation to the issue of establishing a budgetary basis for funding through the community assistance program.

POLICY IMPLICATIONS

As noted above, EM2 - Donations to Community Organisations, Other Groups and Persons Policy applies.

FINANCIAL IMPLICATIONS

The financial implications have been addressed via the adoption of the 2021/22 budget.

STRATEGIC IMPLICATIONS & MILESTONES

Social Environment Strategy action 1.7 – “Work with local businesses, business associations and community groups to increase funding and resources available for community programs.”

Social Environment Strategy action 2.1 – “Continue to improve the Shire’s support of community groups in relation to community events and celebrations.”

CONSULTATION

No consultation is required. The community has had the opportunity to apply for assistance by notice and the provision of application forms in the three community languages. Feedback from Councillors has been obtained.

VOTING REQUIREMENTS

A simple majority is required.

ATTACHMENT

10.1.1.1 - CI Robbers Junior League Club Assistance Request



APPLICATION FOR COMMUNITY ASSISTANCE

社区协助申请表

BANTUAN MASYARAKAT

Name of Organisation 社团名称 Nama Pertubuhan	CHRISTMAS ISLAND ROBBERS RUGBY LEAGUE CLUB INC.		
Contact Person - Name & phone number 联络人 - 姓名及电话 Orang Hubungan- Nama & Talipon Nombor	VANESSA SHU XIN GOH 0447 688 007		
Postal address 邮政信箱地址 Alamat peti surat	PO BOX 416 CHRISTMAS ISLAND INDIAN OCEAN WA 6798		
Describe the activity you want assistance for, including when it is planned to take place 举例您需要协助的活动项目, 以及有关活动的举办日期 Terangkan aktiviti yang memerlukan bantuan, termasuk bilakah ia nya akan berlaku		ATTEND HARMONY CUP EVENT IN PERTH CULTURAL EVENT IN WA, HOSTED BY NRL WA	
How much do you estimate your activity will cost? 您计划举办之活动的预算开支数额是多少? Berapakah anggaran kos aktiviti anda?	\$ 80,000.00		
How much money are you seeking from the Shire of Christmas Island? 您向圣诞岛市政局申请协助的数额是多少? Berapa banyak wang yang akan anda minta dari Shire of Christmas Island?	\$ 3000.00		
Are you also seeking in-kind assistance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 您是否也申请其他形式上的协助? <input type="checkbox"/> 是 <input checked="" type="checkbox"/> 不 Adakah anda akan meminta bantuan dari sumbangan? <input type="checkbox"/> Ya <input checked="" type="checkbox"/> Tidak			
If yes, describe what assistance you want (eg extra rubbish bins, use of stage or chairs and tables) 如是, 请举例您需要何种协助(例如; 使用附加的垃圾桶、舞台、和桌椅等) Jika ya, terangkan apakah bantuan yang anda inginkan (misalan, tong sampah tambahan, kegunaan pentas atau kerusi dan meja)			
What other funding assistance are you getting/trying to get? 您是否也向其他拨款团体寻求不同的资金捐助? Apa segi bantuan kewangan lain yang anda dapat/cuba mendapatkan?		WE HAVE BEEN FUNDRAISING AND ALSO ASKING OTHER BUSINESSES FOR FINANCIAL DONATIONS TO HELP COVER THE COST OF FLIGHTS / ACCOMMODATION AND BUS HIRE	
Signature 签名 Tanda tangan	Date 日期 Tarikh 16-08-21		

Office use only
Date received

Date acknowledged

Application within policy?
☐ Yes ☐ NoCEO recommendation
☐ Support ☐ Don't supportReferred to Council
Date:
Agenda ref:Decision of Council
☐ Approve ☐ Not approved

Applicant advised on:

Payment to be made on:



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 24 August 2021
AGENDA REFERENCE	10.1.2
SUBJECT	Light Industrial Area Lots 509 and 510 for Sale or Lease
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	1.5.11
INTEREST DISCLOSURE	None
DATE OF REPORT	19 August 2021
AUTHOR	CEO David Price
SIGNATURE OF CEO	SIGNED

RECOMMENDATION

The CEO is requested to:

1. Publically offer the LIA Lots 509 and 510 sale by tender and or offer for lease.
2. Origen Legal to be retained reply to all technical queries, requests for of information, tender submissions and Lease Offers.
3. Canvassing of any Shire of Christmas Island Councillors, Officers or Consultants will disqualify Tenderers or offer of lease from the Tender or lease process.
4. The highest or any tender or lease offer will not necessarily be accepted.

BACKGROUND

The Special Council Meeting of 16th May 2017 passed the following:

“The Indian Ocean Group Training offer of \$400,000 for Lot 508 be accepted.

That Kyte Holdings Pty Ltd be advised that their offer was unsuccessful.

That Council authorizes the Shire President and CEO or the Acting CEO to facilitate the sale of the above Lots during the current financial year.

Council directs the CEO to re-advertise the remaining 2 Lots for sale via notices in the Islander and the Western Australian.

The remaining two lots were re advertised in the Islander and the Western Australian.

Those advertisements included the contact information for Ryan Moss of Origen Legal and the clause that any canvassing of Shire Councillors or staff will disqualify that person from the process.

At the close of offers one offer was received.

- in respect of Lot 509 and Lot 510 was from Metro Enterprises Pty Ltd/Mr Billy Tan on 11/8/17

The Metro Enterprises PTY Ltd offer is for 1st preference on LOT 509 for \$150,000, is unsuccessful then their 2nd preference is LOT 510 for \$150,000.

There were other enquires that did not lead to offers.

- Matt Ryan (Commercial Manager, Defence & Government / Airports) for and on behalf of Toll Global Logistics on 21/8/17
- Muris Rebihic (Director) for and on behalf of MR Building & Construction on 28/8/17
- Mr Jeff Sweet (no organisational details provided) on 22/7/17
- Mr Jaruwan Tangsilsat (no organisational details provided) on 5/9/17
- Mandie Walter (Administration) FCF Fire & Electrical – WA South on 25/7/17

The offer from Metro Enterprises PTY was not accepted

Shire approved the LIA Business Plan at the Special Council Meeting of June 13th 2016 which also saw the resolution to have Origen Legal to be the contact point for all dealings regarding the sale (resolution 62/16).

This Business Plan complies with section 3.59 of the Local Government Act *“Commercial Enterprises by Local Government”* and the *Local Government (Functions and General) Regulation 1996*.

COMMENT

The remaining two lots 509 and 501 still remain unsold and unoccupied.

There has been an increase of economic activity on Christmas Island since those 2 Lots were offered for sale in 2017, and the advertising of those Lots would test the market against that increased economic activity. The lease offer would provide potential operators an option for a lease arrangement as against a purchase only option.

The Lots could be advertised for sale or lease and the council would reserve the right not to accept any highest offer for purchase or lease of those Lots.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act 1995 stipulates the process and requirements for the sale of property. Council can only dispose of property:

- a) To the highest bidder at public auction
- b) To the party who at the public tender called by Council, makes what is, in the opinion of Council, the most acceptable tender, whether or not it is the highest tender, or
- c) By private treaty, as long as before agreeing to dispose of the property by private treaty, it gives local public notice of the proposed disposition.

‘Dispose’ is defined in section 3.59 subsection (1) of the Act as ‘sell, lease or otherwise dispose of, whether absolutely or not.

POLICY IMPLICATIONS

No policy implications

FINANCIAL IMPLICATIONS

The LIA Business Plan approved by Council June 2016 documented the serviced value of Lot 555, being 12 subdivided lots, to be between \$2.9m and \$3.1m in total. It also documented an average cost of Civil works for each lot to be around \$300,000.

As documented in the Business Plan, the sale of each Lot on average is intended to be between \$350,000 to \$400,000. Satisfactory sale of the initial three lots of Stage One will allow Council to progress Stage Two development.

STRATEGIC IMPLICATIONS & MILESTONES

Council adopted the CI 2021 Plan as the 'Community Strategic Plan,' a requirement under the Local Government Act since 2013. An element of this Plan is attention to 'Land Use Planning.' In particular:

Action	Responsible Agencies	Priority	Timing	Links to other Strategies/Plans
Land Use 4: Determine the extent of land needed and optimal locations for retail and commercial uses, social and community uses. Ensure appropriate demand analysis techniques are utilized.	SOCI	High	Ongoing	CI Local Planning Strategy Crown Land Management Plan
Land Use 5: Ensure appropriate land use opportunities for research and development for education services	SOCI CIDHS	High	2013-2014	CI 2021 Plan Economic Development Strategic Plan
Land Use 7: Develop master plans for community focal points such as commercial areas.	SOCI	High	Ongoing	Local Planning Strategy

The Light Industrial Area project will progress these several items in the 'Land Use' element of the Community Strategic Plan.

VOTING REQUIREMENTS

Absolute majority is required.

ATTACHMENT

Nil



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 24 th August 2021
AGENDA REFERENCE	10.1.5
SUBJECT	Proposed Amendment to the Light Industrial Area
LOCATION/ADDRESS/APPLICANT	
FILE REFERENCE	1.5.11
INTEREST DISCLOSURE	
DATE OF REPORT	9/06/21
AUTHOR	David Price
SIGNATURE OF CEO	SIGNED

RECOMMENDATION

- a) Council endorses the SOCI recommendations in response to:
- the 14 April 2021 Phosphate Resources Ltd. (PRL) submission and
 - the 6 May 2021 Eco Crab Industries (ECI) submission
- both made in relation to the *March 2021 Proposed Amendment to the Light Industrial Area*.
- b) The SOCI to issue attachment 10.1.1.2. to PRL and attachment 10.1.1.3. to ECI as formal response to their respective submission.
- c) Council endorses the *June 2021 Proposed Amendment to the Light Industrial Area* (The Report) and its proposed Actions as input into the Christmas island Strategic Assessment (CISA) Land Use Plan (LUP), the Review of the *2015 Local Planning Strategy* and ultimately the formulation of the Local Planning Scheme No.3 (LPS No.3).
- d) The SOCI to issue the endorsed Report to the DITRDC as SOCI's formal input into the CISA Land Use Plan for the LIA, Hospital, Taman Sweetland Circuit and Phosphate Hill Historic areas.
- e) The SOCI to formally engage with the DITRDC to progress Actions 1 and 2 on page 8 of the Report.

BACKGROUND

The *March 2021 Proposed Amendment to the Light Industrial Area* was advertised for comments through Public Notice 03/21 issued 24 March 2021 closed 14 April 2021.

COMMENT

Two formal submissions were received in response to the Public Notice.

- 1) Phosphate Resources Ltd. made a submission on the 14 April 2021. (see full submission attached with SOCI's responses and recommendations)
- 2) Eco Crab Industries on the 6 May 2021. (see full submission attached with SOCI's responses and recommendation)

STATUTORY ENVIRONMENT

The SOCI was advised on the 18 May 2021 by the Western Australian Planning Commission (WAPC) Secretary that the Commission had considered the Shire's 22 April 2021 report of review under regulation 67 of the ***Planning & Development (Local Planning Schemes) Regulations 2015(WA)(CI) (LPS Regulations)*** and advised that the commission had agreed with the report two recommendations as follow:

“pursuant to ***Regulation 66(3)(a)(iii) of the Planning and Development (Local Planning Schemes) Regulations 2015 (WA)(CI)*** to make a recommendation to the Western Australian Planning Commission that the Shire of Christmas Island Local Planning Scheme No. 2 be repealed and a new scheme be prepared in its place”; and

“pursuant to ***Regulation 66(3)(b)(iii) of the Planning and Development (Local Planning Schemes) Regulations 2015 (WA)(CI)*** to make a recommendation to the Western Australian Planning Commission that the Shire of Christmas Island Local Planning Strategy 2015 should be repealed and a new strategy prepared in its place”

The ***June 2021 Proposed Amendment to the Light Industrial Area*** intent and key maps will inform and be included in the Draft Local Planning Strategy No.3

POLICY IMPLICATIONS

The Report is designed to consolidate the review of the 2015 Planning Strategy and maintain (as much as feasible) alignment with the CISA process.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & MILESTONES

1. Issue attachments 10.1.1.2 and 10.1.1.3. to PRL and ECI respectively
2. Issue the Report to the DITRDC as SOCI's formal input into the CISA Land Use Plan
3. Incorporate the Report's intent and key maps in the Draft Local Planning Strategy No.3

VOTING REQUIREMENTS

Simple Majority

ATTACHMENTS

- 10.1.5.1 ***SOCI's response to Eco Crab Industries 6 May 2021 Submission***
- 10.1.5.2 ***SOCI's response to Phosphate Resources Ltd. 14 April 2021 Submission***
- 10.1.5.3 ***June 2021 Proposed Amendment to the Light Industrial Area***

Item	Eco Crab Industries 6 May 2021 Submission	SOCI Response	Recommendation
1	I (Tanya Cross) have read and passed the planning document around to those involved with our organisation. This planning document is of substantial interest to us as we believe there is a certainly need for a Light Industrial Area for Christmas Island, and Eco Crab Industries in particular.	The Shire notes Eco Crab Industries' (ECI) recognition of the need for a Light Industrial Area (LIA) on CI and its interest in establishing itself there.	Nil
2	Overall, the plan seems sound as it will free up space in the tourism precinct near our headquarters,	ECI operates on a Public Reserve to the Shire. The surrounding areas are zoned Public Purpose (Religious) Commercial or Residential. Tourism is not permitted in that precinct.	Nil
	however here are some points to raise.		
3	Container storage - This plan sets aside land for container storage. It also provides easy access for container storage, without having to drive through Poon San. This sounds like a win-win. However, would transporting containers up and down the hill frequently increase truck activity, pollution and noise?	<p>The Shire notes ECI's support for the proposed container storage area and its access route by-passing Poon Saan.</p> <p>The location of the container storage area will inevitably induce a new container traffic pattern on the Island commensurate in size with the existing and future volume of freight generated by businesses and residents alike.</p> <p>For this reason, the Shire sees the direct eastern route to Murray Road as essential to minimise truck activity, pollution and noise on residential areas.</p>	Nil
4	Land Swap - While land swap seems very logical, government bureaucracies like to keep the status quo and keep hold of their own land. This biggest barrier is that the Federal Government will not approve the land swap, or delay it for long periods.	<p>The Shire is well aware of the many challenges associated with Crown Land dealings on CI.</p> <p>This said it cannot preclude the possibility of a positive and constructive land redistribution arrangement with the Commonwealth to improve/increase light industrial land offerings seen as an essential component to facilitate and expand the island's economic outlook.</p> <p>The Shire hopes this key objective will be accepted by the Commonwealth thus resulting in a fruitful new land arrangement outcome.</p>	Nil

5	<p>Therefore, it is important to provide as much feedback as possible to SOCI that this is a good idea. That means individual submissions and particularly submissions from people in business and tourism. I think it would be good for the Administrator to hear all these views as well.</p>	<p>The Shire appreciates and notes ECI's positive suggestion that the LIA land reconfiguration through land swap is a "good idea".</p> <p>The Shire sees the formal and official Public Notice vehicle to seek comments from all interested parties as the most appropriate, efficient, transparent and fair process to gather support, new ideas, constructive suggestions and or criticism from the CI residents, the business community and the public service alike.</p> <p>The Shire responses to submissions is also an open and public process through the workings of the elected Shire Council.</p> <p>It must finally be appreciated that absence of comments can only be interpreted by the Shire as a form of implicit approval or endorsement.</p>	<p>Nil</p>	
6	<p>Crab Migration - The new Quarry Rd section (in red on diagram C) should have grids or a crab bridge installed near the new proposed roundabout with Murray Rd and further up the hill near the present Quarry Rd. According to the current planning document, the crab migration corridor and "ecological and heritage corridor" are both dead ends - all of the crabs have to cross the road to migrate down the hill. This is not only of concern to the conservation of the red crabs but also poses increased risk of traffic hazards.</p>	<p>The Shire has purposely re-established the notion of crab migration into the LIA planning agenda in response to the overwhelming community backing to encourage/facilitate crab migration.</p> <p>The Shire recognises the need to consider practical environmental and traffic safety measures such as gridded passages or bridges at the implementation/construction stage to reduce the conflictual condition between traffic and crab migration along Phosphate Hill Road near the hospital, further down in the vicinity of the proposed Murray Road runabout and possibly on the eastern section of Quarry Road.</p>	<p>Show desirable locations for engineered crab migration crossings on the proposed LIA road system</p>	

7	<p>Noise and pollution - Will there be any noise or pollution concerns in the future residential area above Taman Sweetland Ct owing to proximity with the industrial area?</p>	<p>The Shire has recognised the need to have a physical buffer (estimated at 75m) between light industrial lots 1 & 6 and the hospital or the nearest future residential area east of Taman Sweetland Circuit as, in part, a noise impact mitigation planning measure.</p> <p>It is worth noting that noise emissions are controlled under the <i>WA Environmental Protection (Noise) Regulations 1997</i> and pollution levels are subject to the <i>WA Environmental Protection Act 1986</i></p>	<p>Nil</p>
8	<p>We suggest making an appointment to talk to the residents of Taman Sweetland Ct given them the opportunity to raise any concerns and/or suggestions regarding this.</p>	<p>As asserted in response 5 the Shire has formally invited, through Public Notice, the entire CI community to provide feedback on the merit or otherwise of the March 2021 Proposed Amendment to the LIA.</p> <p>The CI community (inclusive of the Taman Sweetland residents) will have, in the forthcoming months, another opportunity to raise concerns and/or suggestions regarding the LIA when the Shire fulfill its mandatory obligation to advertise its new Local Planning Strategy as part of the mandatory Shire Town Planning Scheme No.2 Review.</p>	<p>Nil</p>

Item	Phosphate Resources Ltd. 14 April 2021 Submission	SOCI Response	Recommendation
1	Thank you for providing the Shire's proposed amendment to the Light Industrial Area (The Report) and its proposed actions as input into the Christmas Island Strategic Assessment (CISA) Land Use Plan (LUP), and the Review of the 2015 Local Planning Strategy and ultimately the formulation of the Local Planning Scheme No.3 (LPS No.3). PRL have reviewed the information and wish to provide comments on the proposal.	Noted	Nil
2	Overall PRL has concerns over the proposed time frames for the relinquishment of mining lease ML 136 (Site A). We are not aware of any immediate demand for industrial land on Christmas Island that would be driving the urgency to relinquish the site.	The review of the LIA is not about immediate demand, it is about the CISA, its minimum 30 years timeframe and the need to improve/consolidate the town planning framework to induce and accelerate economic development opportunities.	Nil
3	We also believe there may exist significant technical and cost impediments to the proposed new road connecting Murray Rd into the LIA through Mining Lease 136.	<p>Technical and cost impediments for the road connecting Murray Rd into the LIA were recognised in the 2010 LIA Outline Development Plan.</p> <p>This did not constitute an obstacle to recognise the merit and strategic importance of the road and its statutory inclusion in the 2016 TPS No.2.</p> <p>As such, the case for the road is not new and its ultimate construction cost, whilst important, is not central to the remit of the town planning review.</p>	Nil

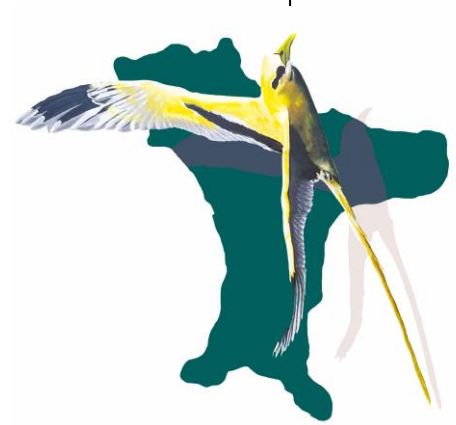
4	<p>This is due to the challenging topography of the area, steep gradient, environmental issues and the potential for future ground stability issues.</p>	<p>The review is proposing an alternative alignment to that of the TPS No.2 to minimise gradient steepness.</p> <p>Plate L on page 19 also illustrates a larger area to be assessed under the CISA than what is required to accommodate the road reserve in order to address ground stability and environmental issues during the construction of the road in the future.</p>	<p>As advised by Main Roads WA and the WA Local Government Association the SOCI to consider Austroads 2021- Guide to Road Design part 3: Geometric Design as the appropriate tool for future detail engineering road design works.</p> <p>The Guide's Section 8.5 Grades sets the maximum negotiable grade for heavy vehicles at 15% being satisfactory on low volume roads only and with extremely slow speed downhill.</p> <p>In order to achieve greater detail engineering design flexibility, the proposed road reserve varies from 30m to 50m to ensure that vertical and horizontal curve combinations, intersection arrangements, drainage requirements and ground stability can be adequately achieved.</p>	
5	<p>A. Point 13. Conclusion and proposed Actions Points - 1, 2;</p> <p>(1) As previously indicated PRL sees little value in the establishment of a formal working framework between the DITRDC, the Shire and PRL on mine site relinquishment outside of those that exist in our mining lease.</p>	<p>The 6/11/2020 PRL submission regarding the Shire Strategic Directions stated: " PRL are working through a long term relinquishment program, and currently submit 3 year plans to the Commonwealth. Priority areas should be identified by SOCI & Commonwealth as input into the longer term relinquishment program."</p>	<p>The Shire November 2020 recommendation:</p> <p><u>"Add new paragraph to the Strategic Planning Response: A formal working framework between the DITRDC, the SOCI and CIP/PRL should be established to identify priority areas as input into CIP longer term relinquishment program"</u></p> <p><u>remains valid, is relevant to points 6, 7, 8,11 & 12 below and should be upheld.</u></p>	

6	<p>There are existing legal arrangements under the mining lease between the Commonwealth and PRL which adequately address the mine site relinquishment process. These are supported by service delivery arrangements between the Commonwealth and the WA Department of Mines, Industry Regulation and Safety.</p>	<p>The Shire recognises PRL's legal obligations governing the progressive relinquishment of mining areas.</p> <p>The current system, where the Shire is not officially represented, is considered inadequate acknowledging it has not generated to this day any investment post relinquishment outside Hidden Garden.</p> <p>In the meantime, relinquished areas are revegetating thus unnecessary increasing environmental obstacles for future development.</p>	Refer to item 5 recommendation
7	<p>In terms of the Shire's interest in mining land for economic development purposes we are always open to discussion on an ongoing basis, as has been the practice in the past.</p>	<p>The Shire notes and welcomes PRL's disposition to discuss relinquishment issues centring on economic development on an on-going basis.</p> <p>It is merely proposing to formalise (and be associated with) a collaborative dialogue with the Commonwealth and PRL on relinquishment matters and priorities, at regular and set times, to prosecute what has been proposed by PRL back in November 2020 (ref. response item 5 above)</p>	Refer to item 5 recommendation
8	<p>Public comment processes such as these, also provide a suitable forum for PRL to provide input and feedback on the Shires land planning activities.</p>	<p>Noted however this process should not be considered as a substitute to the objective of item 5 recommendation</p>	Refer to item 5 recommendation

9	<p>(2) With respect to the relinquishment of ML 136 and 135, PRL has already brought forward the timeframe for relinquishment of ML 135, at the Shire's request to 2021/2022 financial year. This is despite our focus on priority remediation and relinquishment sites in other areas of the Island.</p>	<p>The Shire notes and welcomes PRL's commitment to relinquish ML 135 in the 2021/2022 financial year.</p> <p>This could allow the Shire to make a subsequent request to the Minister to enable the creation of the southern section of the LIA revised road alignment inclusive of the segment through Reserve 47475 licenced to Acker Pty Ltd.</p> <p>It will also activate the release of land in the LIA southern section for the much-needed storage of sea containers across the island and the port area in particular.</p>	<p>The Shire resolve to prepare the necessary GIS diagrams with the view to make a request to the Minister to dedicate land for the southern section of the LIA revised road alignment under the WA Land Administration Act 1997 Section 56.</p>
10	<p>ML 136 presents PRL with a range of challenges. The site is a mix of legacy (Commonwealth) and PRL mining, with deep pinnacle fields, and resulting access and safety issues. PRL has already (at the request of the Shire) relinquished part of the site to the north of the Acker Lease. (We suggest that Plate D should be updated to show the remaining mining lease as indicated on plate K).</p>	<p>The Shire acknowledges the higher level of technical and legal challenges associated with the relinquishment of ML 136.</p> <p>Plate D is a background diagram titled: <i>LIA Land Interests - early arrangement</i> (i.e. before 2010) and therefor does not warrant updating.</p> <p>Plate K was added at the request of PRL to reflect the current shapes of ML 135 and ML 136.</p>	<p>Amend the title of Plate D to: <i>LIA Land Interests prior 2010</i>.</p>

11	<p>Depending on the agreed finished landform remediation is also likely to be very time consuming and potentially costly to both PRL and the Commonwealth to complete, for the reasons stated above. Given these factors, the remainder of ML 136 is currently planned for relinquishment, at some point in the future after we complete the current priority areas.</p>	<p>The relinquishment of ML 136 remains central to the efficient and orderly development of the LIA who, in turn, constitutes an essential building block for the short and medium term economic development of the island by private parties.</p> <p>The Shire, through its planning process, is offering an ultimate road and land use layout for ML 136 considered optimum and achievable to inform simultaneously PRL and the Commonwealth, hopefully accelerate the relinquishment process and prioritise Commonwealth public works decision making that would create jobs and economic activities around the construction of the road with potential benefits to PRL, Acker Pty Ltd and the Shire.</p>	<p>Refer to item 5 recommendation. The Shire to elevate with the Commonwealth the relinquishment of ML 136 as a top priority.</p>
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12	<p>B. 8. Proposed reconfiguration of Reserve 47475</p> <p>(1) PRL understands one of the Shire's objectives is the creation of a direct road link between the port and the LIA to improve travel time and minimise heavy traffic through the Poon Saan residential areas. It makes sense, however the 2010 LIA Outline Development Plan for the road realignment was subject to further detailed design.</p> <p>Based upon the data we have available to us on the proposed route, we believe there could be significant construction costs given the topography of the route and gradient.</p> <p>This could also result in limitations to the type of vehicles that use the road. We encourage the Shire to undertake further detailed design on the road before committing to the amendment given road access is a critical part of the proposed LIA design change.</p>	<p>The average gradient for the Murray Rd. to Quarry Rd. road is understood to be around 11.5%. Provision is made for increased Road Reserve width allowing greater future engineering design flexibility for heavy vehicles and in particular container carriers.</p> <p>As demonstrated in plate B points d) & f) p.9 the question of minimising road cost has been central the Shire's agenda in reviewing the LIA layout and significant cost savings have been achieved.</p> <p>Whilst important, high road cost is not unusual for CI and should not translate into a justification for delay or worst inaction. Also refer to the response for item 3.</p>	<p>Refer to item 5 recommendation.</p> <p>Create a new plate illustrating the physical parameters (vertical distances, horizontal distances and average gradient) for the road segment between Murray Road and Quarry Road in the context of surrounding existing contours and Road Reserves widths.</p>
13	<p>C. 5. Proposal to amend the LIA</p> <p>(1) Based upon our knowledge of the site we believe that part of the proposed Sea Container Laydown area may conflict with the current heritage reserve area to the north east of the airport reserve.</p>	<p>The Shire is aware some 0.8 ha. at the eastern end of the proposed lot 17 (ref. plate C p.10) overlaps with the Heritage listed Phosphate Hill Area.</p> <p>This does not depart from the current Light Industrial zoning overlap in the TPS No.2. The Shire expects the CISA process to resolve this overlap issue and intends advocating to significantly increase the Phosphate Hill Historic Area westward into the Ecological/Heritage Corridor north of lots 16 & 17.</p>	<p>Reconfigure the eastern end of lot 17 to exactly reflect the TPS No.2 geometry.</p> <p>Create a new plate to show the LIA in the context of the Phosphate Hill Historic Area to illustrate the overlap between part of lot 17 and the Commonwealth heritage listed Phosphate Hill Historic Area.</p>



**SHIRE OF
CHRISTMAS ISLAND**

Proposed Amendment to the Light Industrial Area

June 2021

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2010 Outline Development Plan (ODP) review & rationale to amend the LIA

1. Document Purpose

This document provides the rationale for improvements to the 2010 LIA Outline Development Plan to ultimately inform the mandatory Review of the 2015 Shire of Christmas Island Local Planning Strategy (LPS) and Local Planning Scheme No.2 (LPS No.2) in accordance with the requirements of the *WA Planning and Development Act 2005 – Planning and Development (Local Planning Schemes) Regulations 2015*.

As much as feasible the review of the LPS aims at occurring concurrently with the *Christmas island Strategic Assessment (CISA)* process and appropriately input in the establishment of the CISA Land Use Plan (LUP).

In effect the Shire of Christmas Island (SOCI) is determined to ensure, with the Commonwealth's assistance, that the CISA LUP can translate seamlessly into the forthcoming Local Planning Scheme No.3 thus fulfilling the critical objective of reducing bureaucratic procedures whilst considerably increasing certainty and confidence for prospective early investors expected to boost the island economy.

2. 2010 ODP for the Light Industrial Area (LIA)

In 2010 the then Attorney General's Department commissioned engineering firm GHD to produce the *Report for Christmas Island Light Industrial Area Outline Development Plan - Dec. 2010. (ref. plate A p. 9)* The layout of the LIA, as shown in the *Christmas Island North map 2 of the Shire Local Planning Scheme No.2*, was established under the guidance of such ODP.

3. ODP translation in the LPS No.2

For most of it the ODP layout was transferred accurately into the LPS No.2 map (**ref. plate B p. 10**) however the interface between the LIA and the hospital was overlooked. Admittedly the LPS No.2 did not provide for:

- a) the recommended "environmental/crab corridor + buffer" to separate the industrial area from the hospital/urban areas and
- b) the need to reserve additional land for the expansion of the hospital.

4. Further Improvements to the LPS No.2 map

The detailed analysis of the LPS No.2 map has identified the following areas warranting further potential amendment:

- c) increase the road reserve at the junction with Murray Road to allow for a safe runabout connection;
- d) realignment of the northern road to minimise construction cost by following the nearby existing tracks;
- e) adherence as much as possible to the main feature of the cadastre (shown as existing cadastre line);
- f) elimination of the direct road link to the southern area to avoid extreme construction cost and consolidate the ecological/heritage corridor;
- g) reconciliation between zoning and cadastre on east side of Reserve 47475 and
- h) intersection geometric modification to prioritise truck movements from the port to the LIA southern section.

5. Proposal to amend the LIA

The proposed improvements identified in items a) to f) above have been translated and mapped in [plate C p. 11](#). This represents a revised ODP layout

The expectation that urban development can occur between the hospital and the Taman Sweetland circuit (LPS No.2 & CISA LUP) and the south-east east truncation of the hospital reserve to create the buffer/crab migration corridor are reinforcing the need for making provision to extend the hospital reserve northward.

This was explicitly illustrated in the 2010 ODP and consideration should be given to ensure such principle is maintained in the LPS No.3.

The adherence to the existing ex-mining track as the optimum alignment to the northern road is significantly important as it avoids unnecessary earthworks and allows a simplified and efficient cadastral design because:

- it uses most existing geometric features of the SOCI freehold asset to generate lots 6 to 11;
- it generates a more efficient use of the road with access on the south side for lots 6 to 12 and access on the northern side for larger lots 1 to 3
- it does not preclude the planned connection with the southern section of the LIA via the east.

4

There is limited land for the dedicated storage of sea containers at the port and across the island generally. This affects the port operation and concerns many medium to small businesses resulting in the unwanted semi-permanent parking of sea containers in the commercial, tourism and residential areas. Consequently, this impacts on the visual and functional character of many precincts at a time where the island is seeking to increase its tourism profile and image as a recognised economic engine post mining and immigration.

The large and relatively flat southern section of the LIA has the potential to resolve this on-going challenge as it can be set aside for the purpose of sea container common storage managed by the SOCI on lot 16 and possibly under the care, management and control of the Christmas Island Port on lot 17. These lots would remain directly connected to the port via the east side of the LIA. Lot 16 is set back some 25m from Phosphate Hill Road to provide a vegetation buffer/separation with the industrial use

The elimination of the road, directly linking the northern and southern sections of the LIA in the 2010 ODP, does not fundamentally compromise the accessibility of the LIA southern section. Furthermore, it represents a considerable cost saving benefit that would be better used for the early development of the Port to LIA road and the activation of the southern section itself.

6. Land ownership

The LIA former and present land tenure arrangements ([ref. plates D,E,F on p. 12,13,14](#)) have somehow modestly evolved since 2010 with the excision from the SOCI area of a relatively large lot for the purpose of establishing the headquarters of the IOT Power Authority and the development by the SOCI, at considerable cost in 2017, of 3 small industrial lots on the opposite side of Quarry Road.

7. Land Tenure and proposed Cadastre

The current land tenure within and around the LIA ([ref. plate G p. 15](#)) is showing the interrelationship between Unallocated Crown Land (UCL in orange) Commonwealth Reserves (pink) Road reservations (light beige) and freehold land holdings (pale yellow).

The proposed adjusted LIA subdivision layout (red lines) has been superimposed on the existing land tenure map to finalise its optimum geometric integration with the existing cadastre and illustrate its impact of the existing land tenure.

8. Proposed reconfiguration of Reserve 47475

The central objective of the ODP has and continue to be the creation of a direct road link between the port and the LIA to improve travel time and minimise heavy traffic through the Poon Saan residential areas. As mentioned above the southern section of the LIA is reliant on such road link that traverses Reserve 47475 currently licenced by the Commonwealth for the exclusive usage of Acker Pty. Ltd.

The geometric reconfiguration of Reserve 47475 ([ref. plate H p. 16](#)), is therefore envisaged in order for the road to be created as a legal entity. It is suggested the proposed reconfiguration should not affect the current operation of Acker Pty. Ltd.

Acker Pty. Ltd. licence to use Reserve 47475 has expired on the 13th of December 2020. SOCI is seeking agreement in principle from Acker Pty. Ltd. and the Commonwealth to achieve the proposed reconfiguration as a matter of priority to ensure the new licence will allow the early creation of the public road.

9. Proposed SOCI / UCL Land Swap

The LIA overall subdivision structure based on the adjusted ODP is reliant on the exchange of multiple land parcels or land swap between the SOCI and the Crown ([ref. plate I p.17](#)). The plan cannot be progressed without additional ULC allocation and a number of adjustments made to the SOCI's Lot 9001 through such land swap.

Again, The SOCI is seeking agreement in principle from the Commonwealth to achieve such land swap during the LPS No.2 review process and the finalisation of the CISA LUP.

10. Possible future Land Tenure

The possible future land tenure arrangement ([ref. plate J p.18](#)) indicates what could be the overall land tenure layout for the LIA as a result of the proposed land swaps illustrated in the previous [plates H & I](#). The future land tenure may be achieved through several stages. The rationalisation of Reserve 47475 as proposed is seen as the necessary first step in such process.

11. Mining lease over a portion of the LIA

As illustrated in [plate K p.19](#) a significant portion of the reconfigured LIA remains affected by the current mining lease whilst Christmas Island Phosphates (CIP) has, to date, no declared intention to further extract material in that location.

The orderly consolidation of the LIA is dependent on the formalisation of the proposed road network through the SOCI's ability to request to the WA Minister for Planning Land and Heritage to "dedicate Crown land as road" pursuant to **Section 56 Dedication of Land as road (2) WA Land Administration Act 1997 (CI)**.

Noting the land aspects of the **WA Mining Act 1978 (CI)** overrides the **WA Land Administration Act 1997 (CI)** it is clear that the SOCI's request to dedicate Crown land as road is subject to the removal or relinquishment of the relevant mining areas affecting the LIA.

CIP has made suggestion the SOCI and DITRDC should identify priority areas as input into CIP longer term relinquishment program. This position was formalised through the SOCI endorsed **August 2020 LPS Strategic Directions** in **Direction 7**. Consequently, the two areas shown in [plate K p. 19](#) are required by the SOCI to be prioritised for relinquishment by CIP to ultimately allow the due process of dedicating Crown land as road to proceed.

11. Murray Road to Quarry Road link

The notion of a road link between Murray Road and Quarry Road was featured in the 2010 LIA Outline Development Plan and consolidated accordingly in the LPS No.2. This direct road link between the port and the LIA to improve travel time and minimise heavy vehicle traffic through the Poon Saan residential areas remains a key infrastructure feature of the planning instrument for the LIA.

A proposed road layout is shown in [plate L p.20](#).

This diagram illustrating the road physical parameters with an average grade of 11.28% over 815m was forwarded to Main Roads WA and the WA Local Government Association who referred to *Austroroads 2021- Guide to Road Design part 3: Geometric Design* as the appropriate tool for future detail engineering road design works.

The Guide's *Section 8.5 Grades* sets the maximum negotiable grade for heavy vehicles at 15% being satisfactory on low volume roads only and with extremely slow speed downhill.

In order to achieve greater detail engineering design flexibility, the proposed road reserve varies from 30m to 50m to ensure that vertical and horizontal curve combinations, intersection arrangements, drainage requirements and ground stability can be adequately achieved.

12. Commonwealth Heritage

The *Phosphate Hill Historic Area* ([ref. plate M p. 21](#)) appears on the Commonwealth Heritage List (Class Historic – Listed Place 22/06/2004 – Place ID 105297 – Place File 9/03/001/00009). Plate M confirms that an overlap exists between the amended LIA layout and the *Phosphate Hill Historic Area*. This overlap is identical to the existing overlap between the LPS No.2 approved by the Minister in 2016 and the *Phosphate Hill Historic Area*. With the elimination of the road segment between the northern section and southern section of the LIA ([ref. plate B p.10](#)) the opportunity exists, as part of the

CISA process, to increase the *Phosphate Hill Historic Area* westward all the way to Phosphate Hill Road as shown on plate M. This would protect the entirety of the historic deep hand-dug pinnacle field as illustrated on **plate C p. 11**, and further consolidate the area as a Heritage & Ecological corridor.

12. Proposed CISA Land Use Plan for the LIA

As expressed in **section 1** the ultimate purpose of re-examining the LIA 2010 ODP and the LIA Scheme map is to ensure, through the mandatory planning review process, optimum adequacy of the planning instruments with the intent to appropriately inform the CISA Land Use Plan.

Based on the planning and land tenure rationale developed in **sections 2 to 10** the SOCI is proposing to amended the LIA shapes as shown in **plate N p. 22**. These shapes are consistent with the recommended amended layout for the LIA (**ref. plate C p. 10**).

It is worth noting the northern portion of shape **I3** is larger than the anticipated cadastre thus ensuring broader environmental assessment to cover the possible adjustment of topographic features beyond the Road Reserve providing additional flexibility during road construction and beyond lots 1 to 3 opposite the National Park also providing additional flexibility for the earthworks to establish these lots.

The review process of the LIA as also provided an opportunity for a minor improvement to the urban development potential of shape of **U4** by including as Urban Development the totality of land adjacent to Taman Sweetland Circuit.

Conclusions and proposed Actions

The LIA has not experienced significant changes in the last decade. However, the early development of the LIA remains the primary building block in the context of the envisaged economic development of the Island for the next 30 years and its related 5000 population target under the CISA LUP. The proposed land tenure amendments to the LIA illustrated above are subject to the following applied legislations and associated actions:

WA Mining Act 1978 (CI) Section 16 Power to proclaim Mineral Fields (3) stipulates that *“No Crown land that is in a mineral field shall be leased, transferred in fee simple, or otherwise disposed of under the provisions of the Land Administration Act 1997, without the approval of the Minister”*.

Action 1:

In accordance with the SOCI endorsed August 2020 LPS Strategic Directions – Direction 7: *“A formal working framework between the DITRDC, the SOCI and CIP/PRL should be established to identify priority areas as input into CIP longer term relinquishment program.”*

The mining relinquishment working framework between the three parties should be activated as a matter of immediate priority.

Action 2:

Based on a formal accord reached between the DITRDC, the SOCI and CIP/PRL through Action 1, the Minister can approve the early relinquishment of Mining Lease Areas A & B as illustrated in **plate D p.10** thus clearing the way for the application of the Land Administration Act 1997(CI)

8

WA Land Administration Act 1997 (CI) Section 14 Minister to consult local governments before exercising certain powers in relation to Crown land stipulates: *“Before exercising in relation to Crown land any power conferred by this Act, the Minister must, unless it is impracticable to do so, consult the local government within the district of which the Crown land is situated concerning that exercise.”*

Section 56 Dedication of Land as road (2) stipulates: *“If a local government resolves to make a request under subsection (1), it must a) in accordance with the regulations prepare and deliver the request to the Minister; and b) provide the Minister with sufficient information in a plan of survey, sketch plan or document to describe the dimensions of the proposed road.”*

Action 3:

The SOCI Council endorses the LIA proposed future land tenure plan as illustrated in **plate J p.16** and resolve to make a request to the Minister to enable the creation of the LIA new road.

Action 4:

The SOCI produces the LIA projected land tenure GIS shape file and transmit it to the DITRDC for the purpose of the CISA LUP and the DPHL thus allowing for the LIA land tenure case to be created in the DPLH system and progressed accordingly.

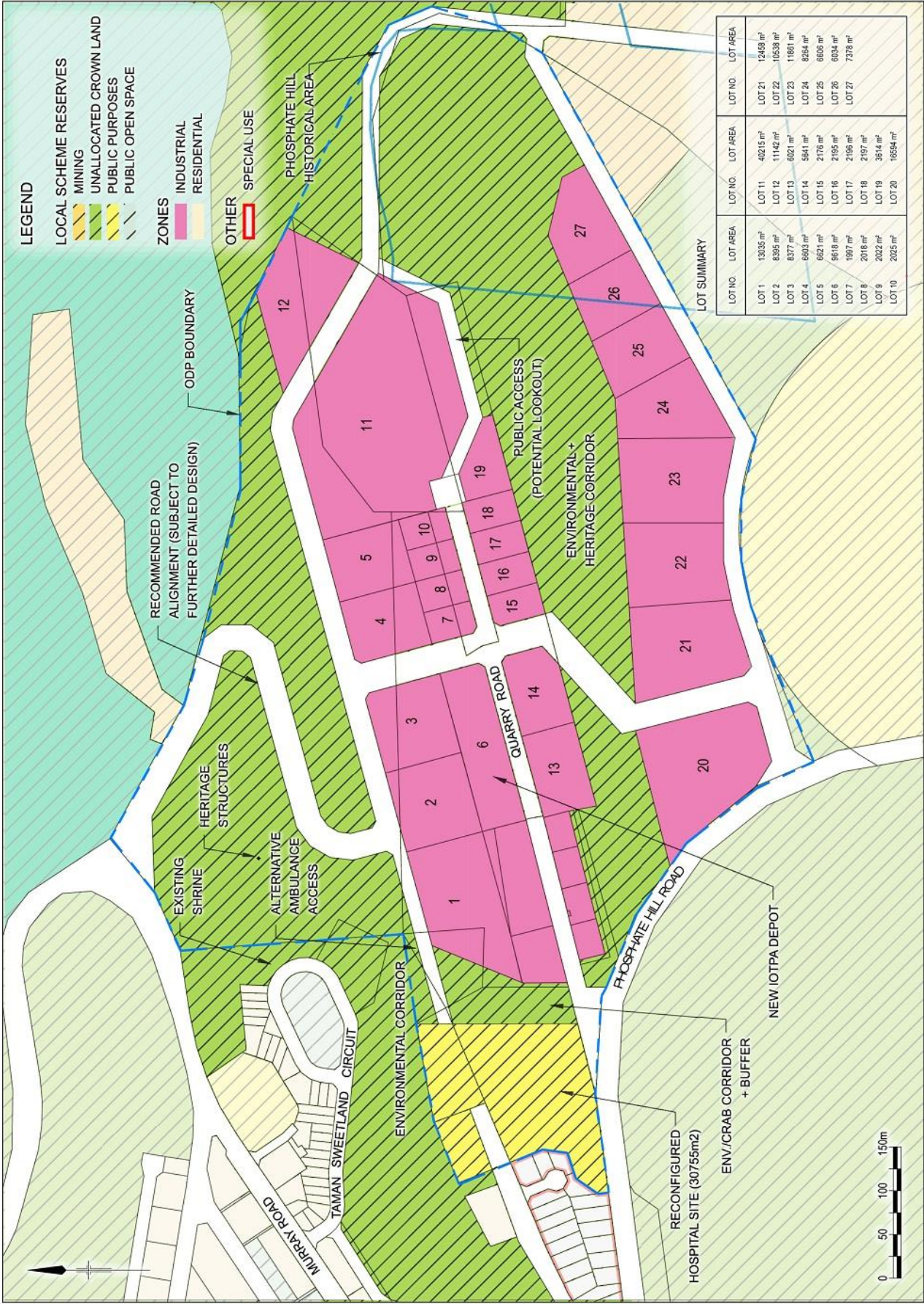
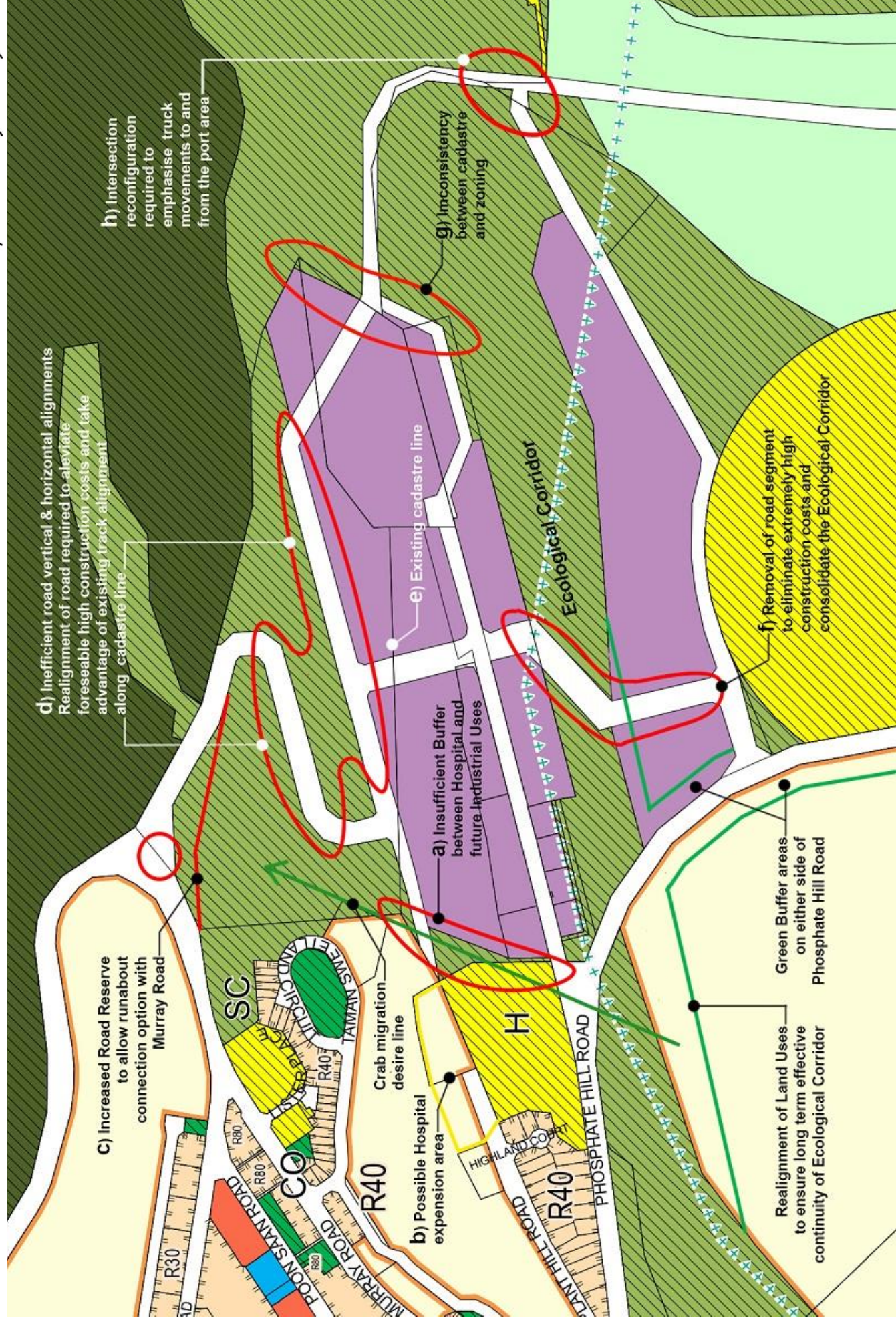
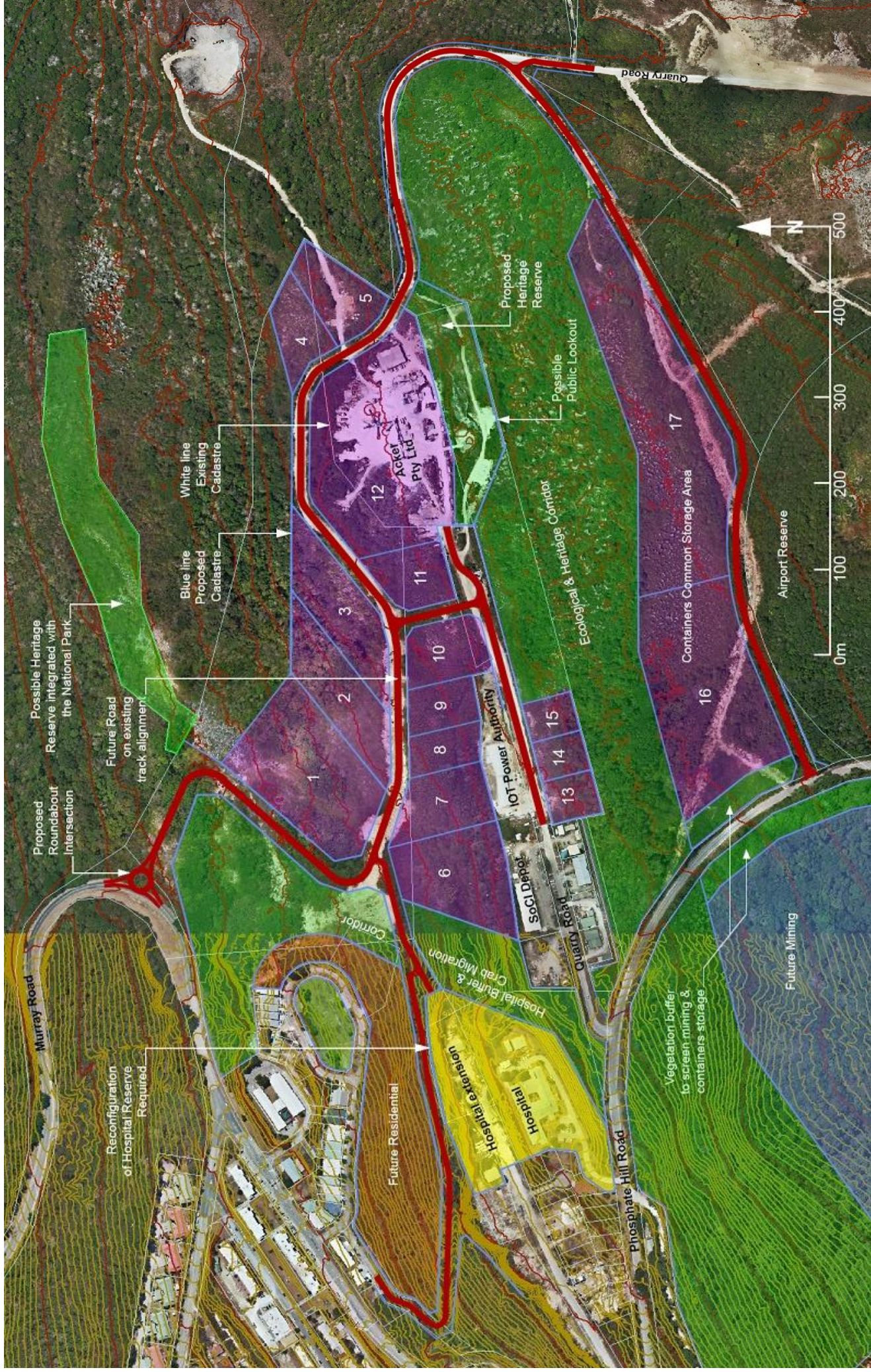
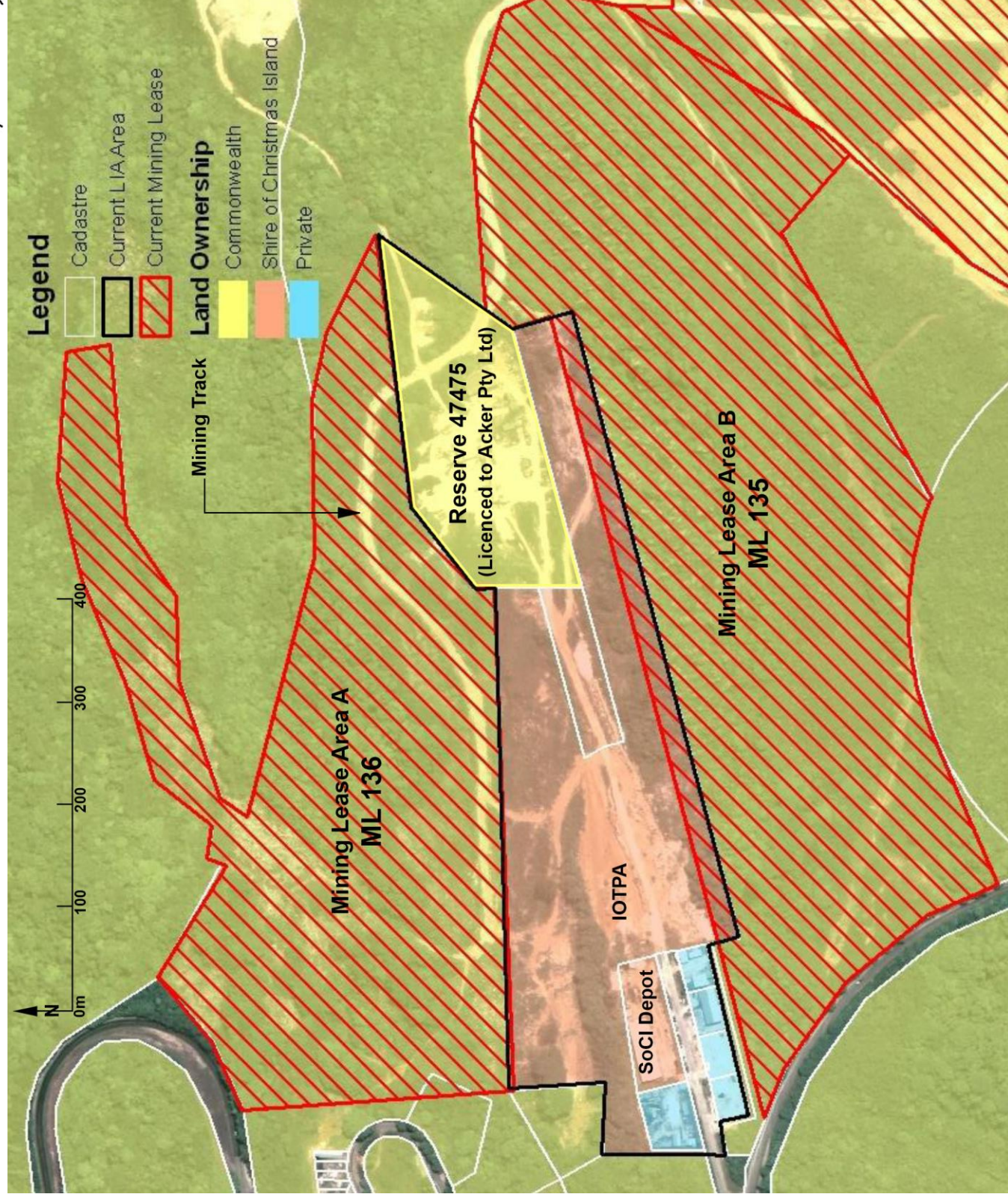


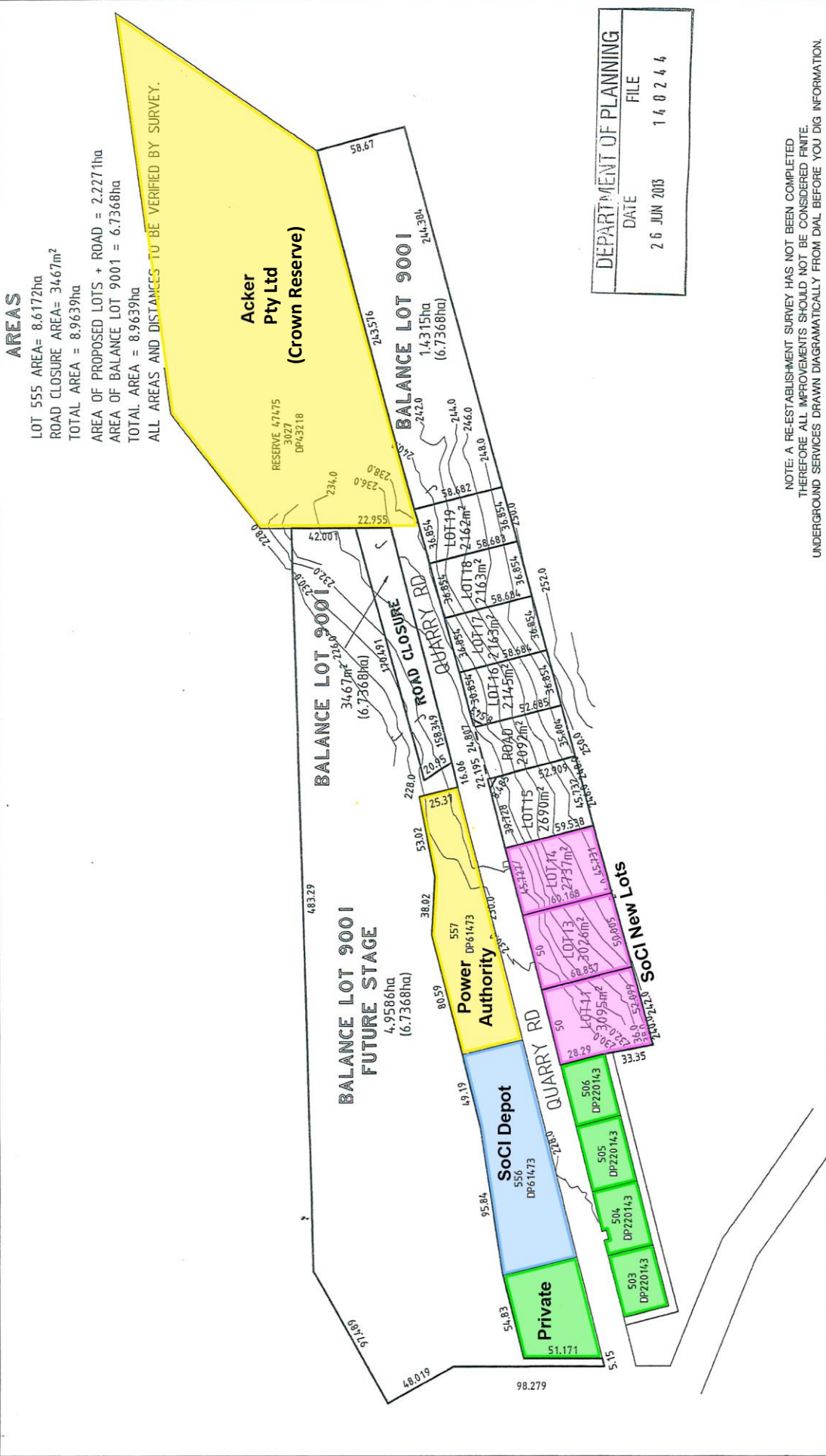
Figure 5: Outline Development Plan

A – 2010 LIA Outline Development Plan









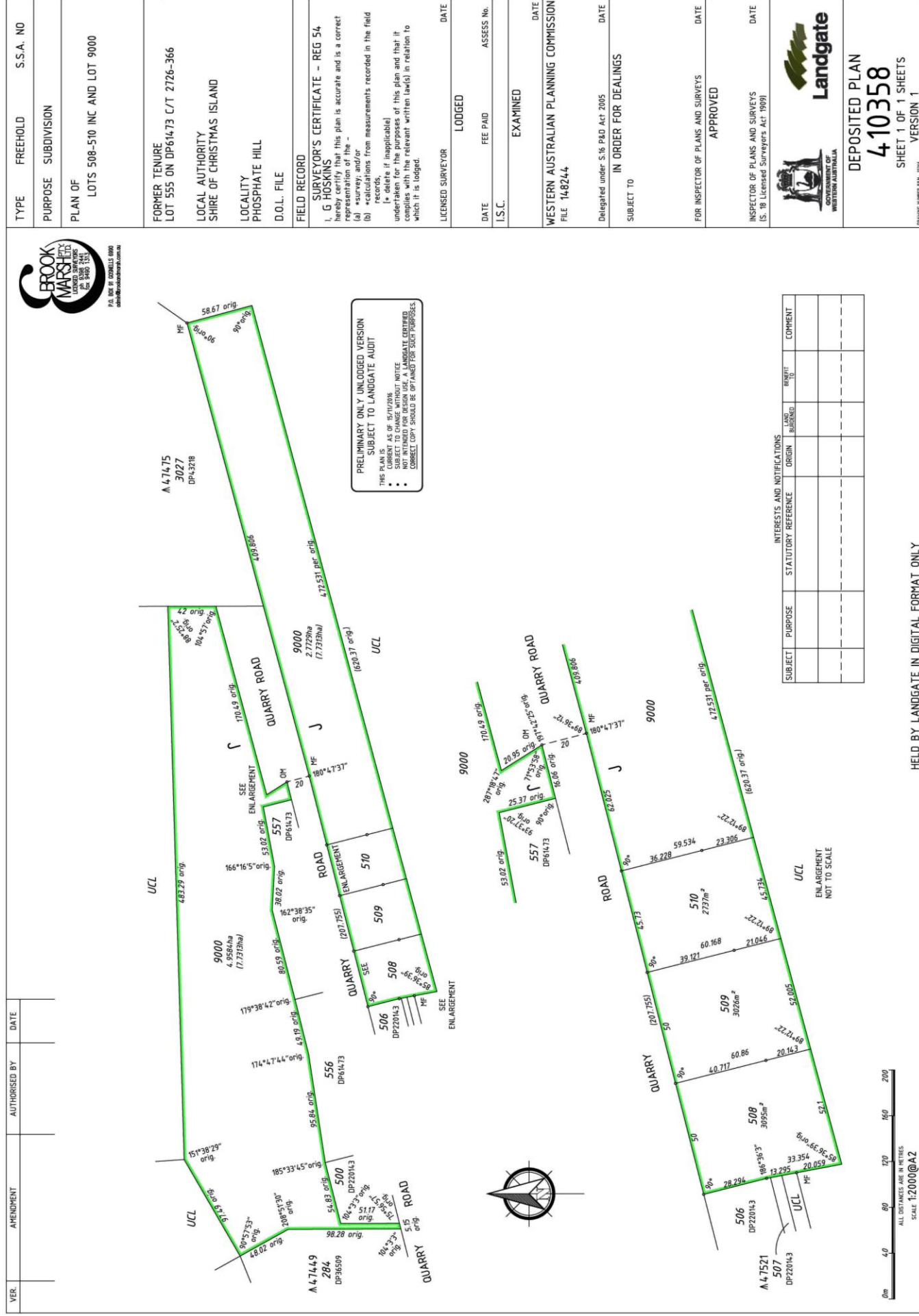
AREAS

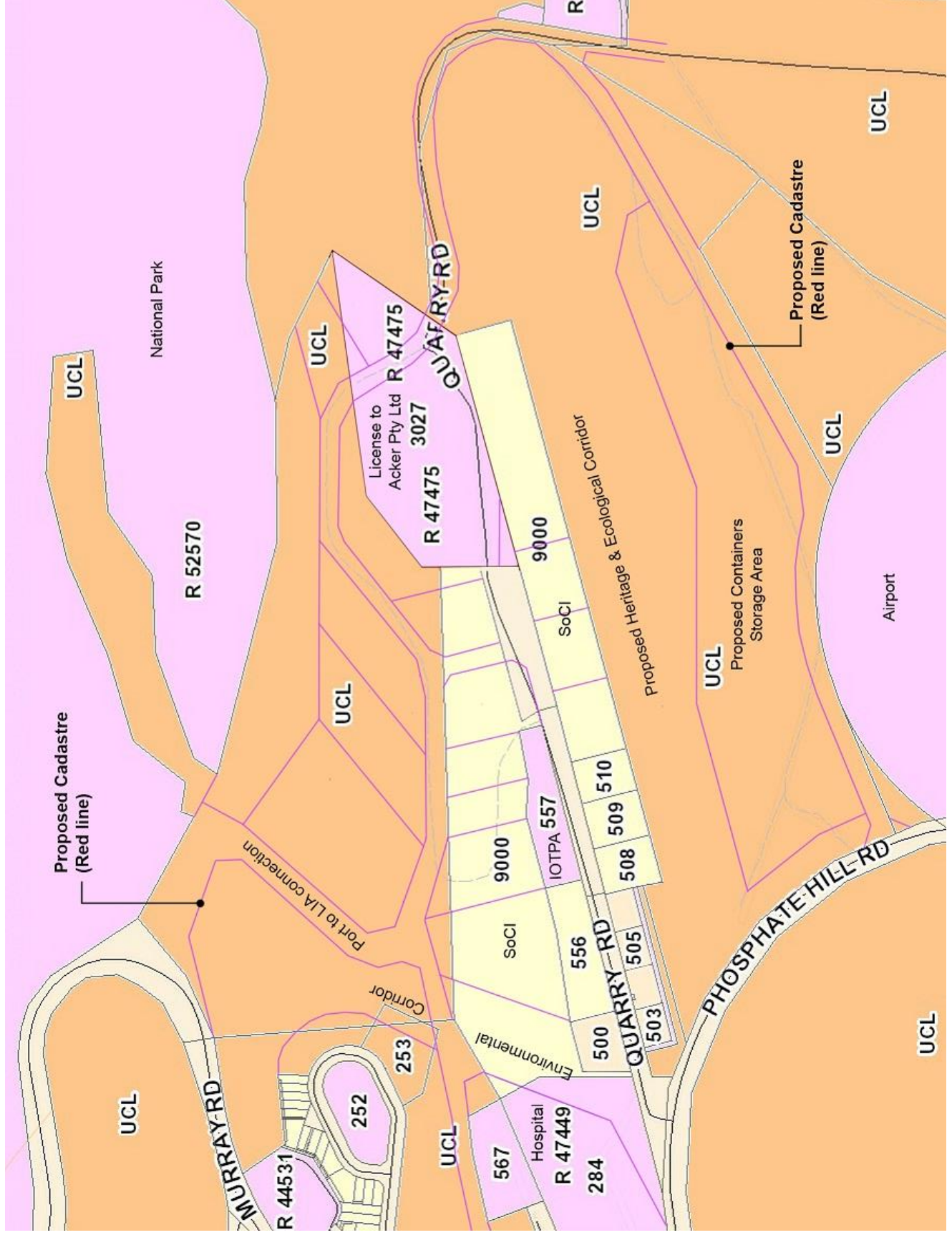
LOT 555 AREA= 8.6172ha
ROAD CLOSURE AREA= 34.67m²
TOTAL AREA = 8.9639ha
AREA OF PROPOSED LOTS + ROAD = 2.2271ha
AREA OF BALANCE LOT 9001 = 6.7368ha
TOTAL AREA = 8.9639ha
ALL AREAS AND DISTANCES TO BE VERIFIED BY SURVEY.

DEPARTMENT OF PLANNING	
DATE	FILE
26 JUN 2013	14 0 2 4 4

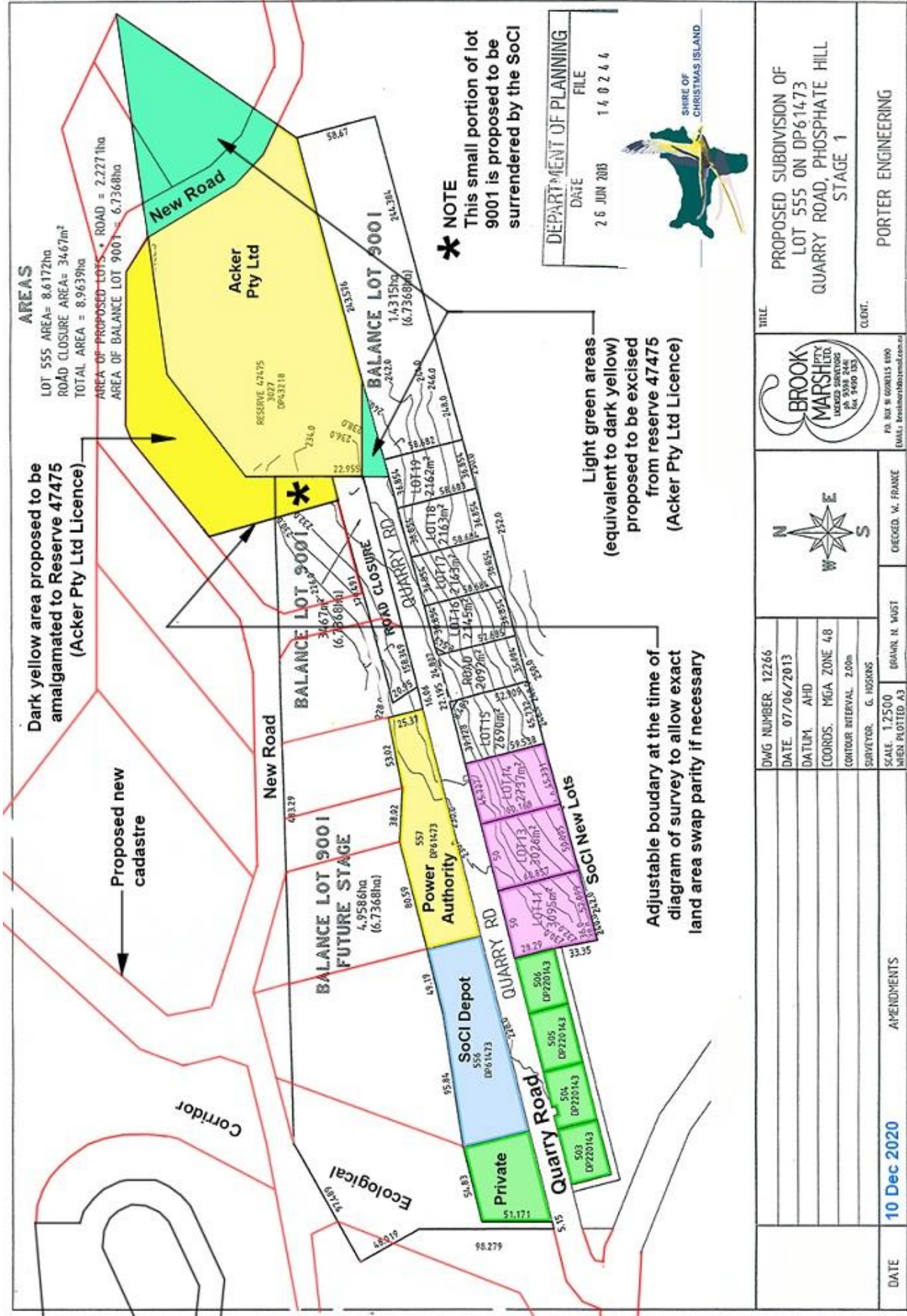
NOTE: A RE-ESTABLISHMENT SURVEY HAS NOT BEEN COMPLETED THEREFORE ALL IMPROVEMENTS SHOULD NOT BE CONSIDERED FINITE.
UNDERGROUND SERVICES DRAWN DIAGRAMMATICALLY FROM DIAL BEFORE YOU DIG INFORMATION.

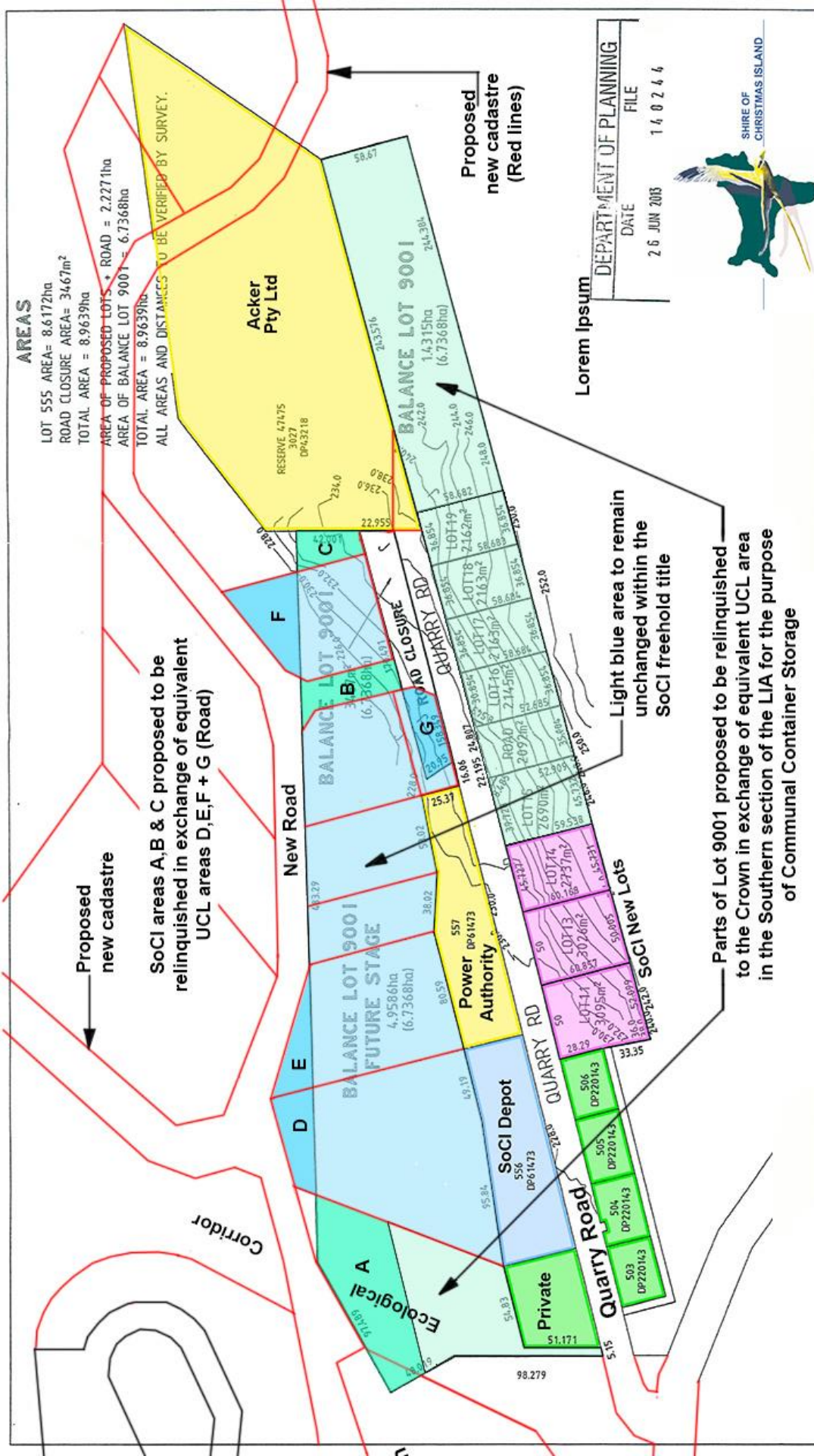
DATE	AMENDMENTS			
	DWG NUMBER	12266	N	
	DATE	07/06/2013	E	
	DATUM	AHD	W	
	COORDS	MGA ZONE 48	S	
TITLE	CONTOUR INTERVAL	2.00m		
	SURVEYOR	G. HOSKINS		
	SCALE	1:2500 WHEN PLOTTED A3		
	DRAWN	N. MUST		
	CHECKED	W. FRANCE		
PROPOSED SUBDIVISION OF LOT 555 ON DP61473 QUARRY ROAD, PHOSPHATE HILL STAGE 1			PORTER ENGINEERING	
CLIENT			PORTER ENGINEERING	





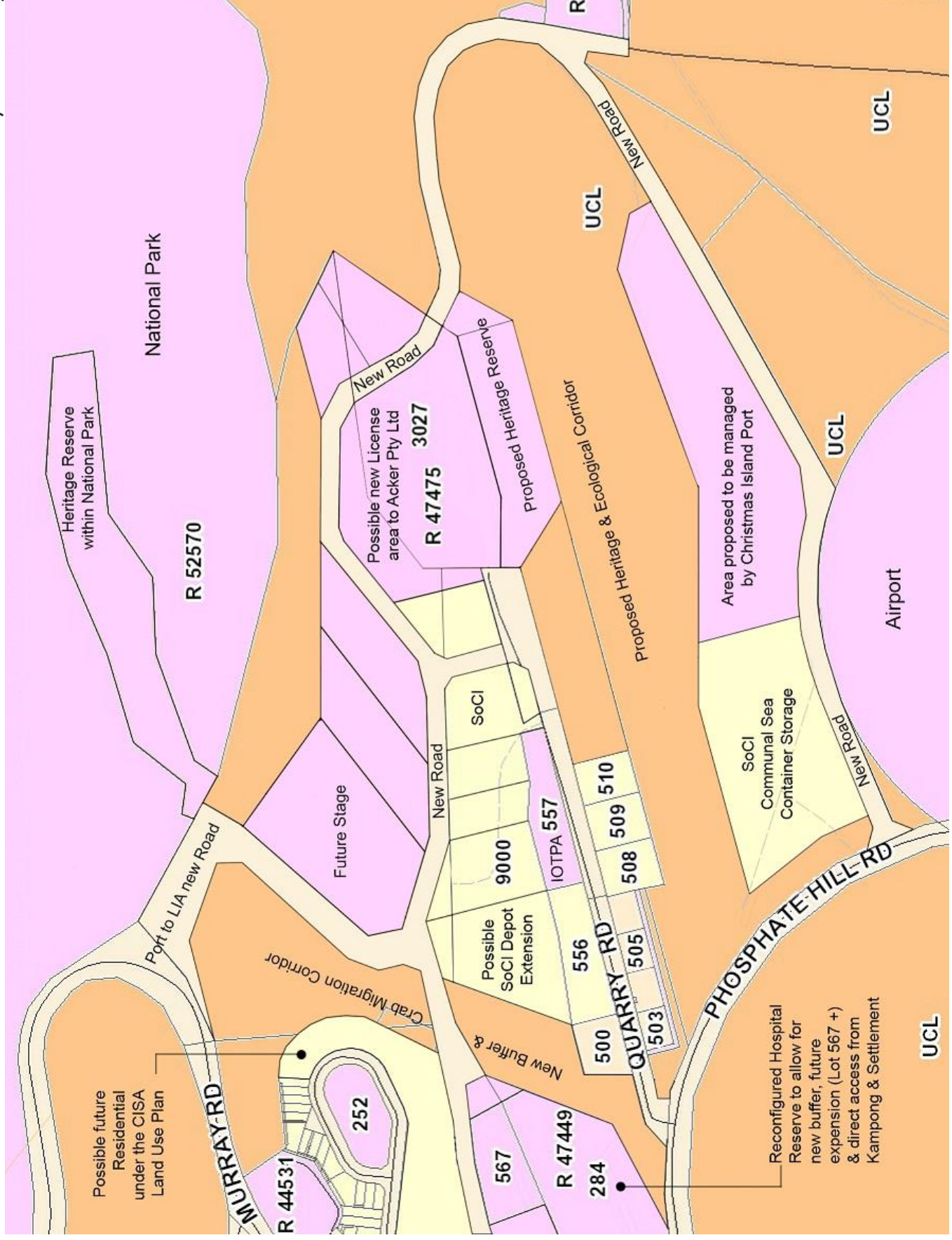


Calmey Planning & Design Pty. Ltd. ABN 20 137 599 949 – Tel (08)9450 6874 – M 0457 804 266
58 Bradshaw Crescent – MANNING WA 6152 – hervecalmy@gmail.com



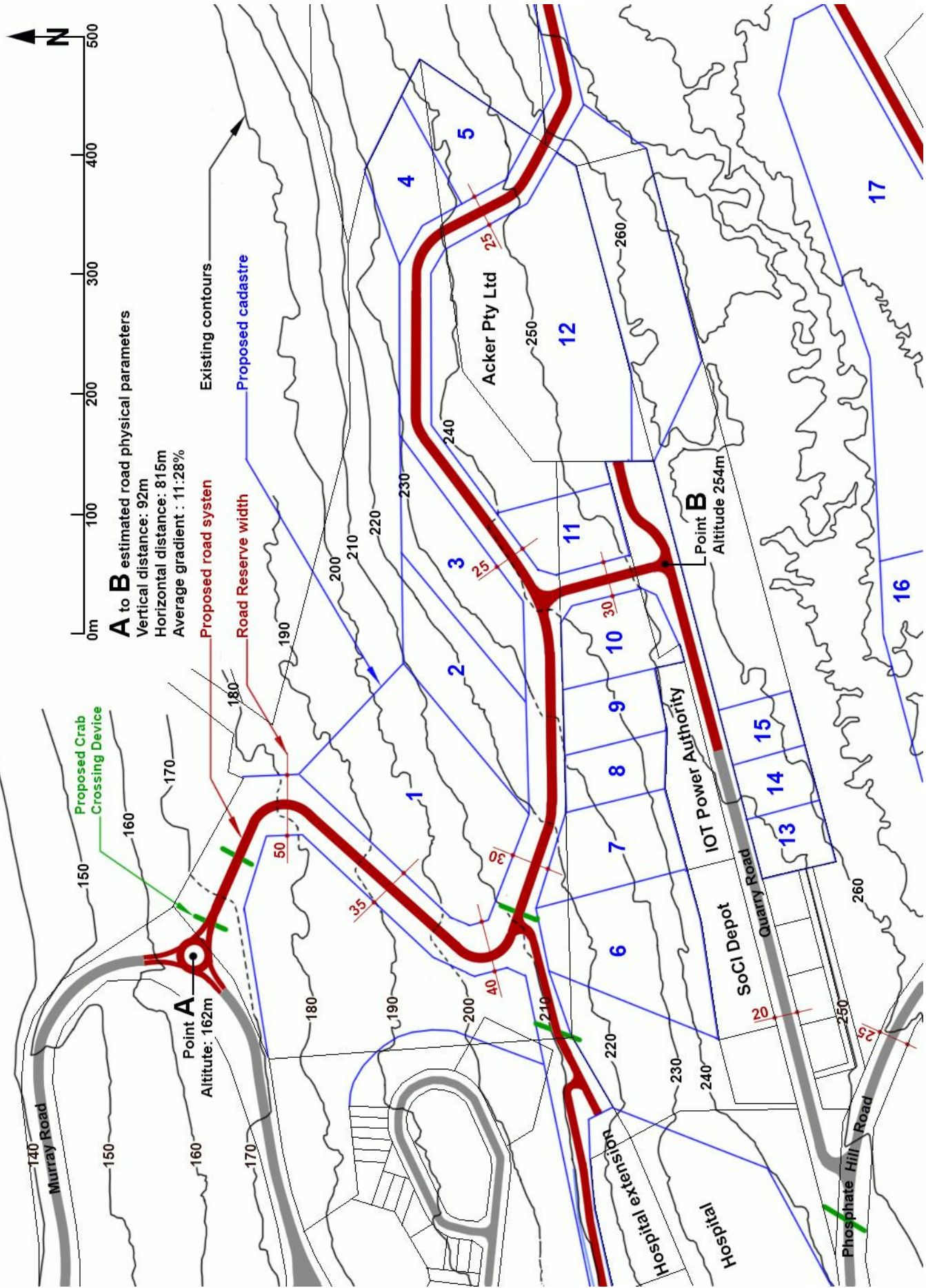


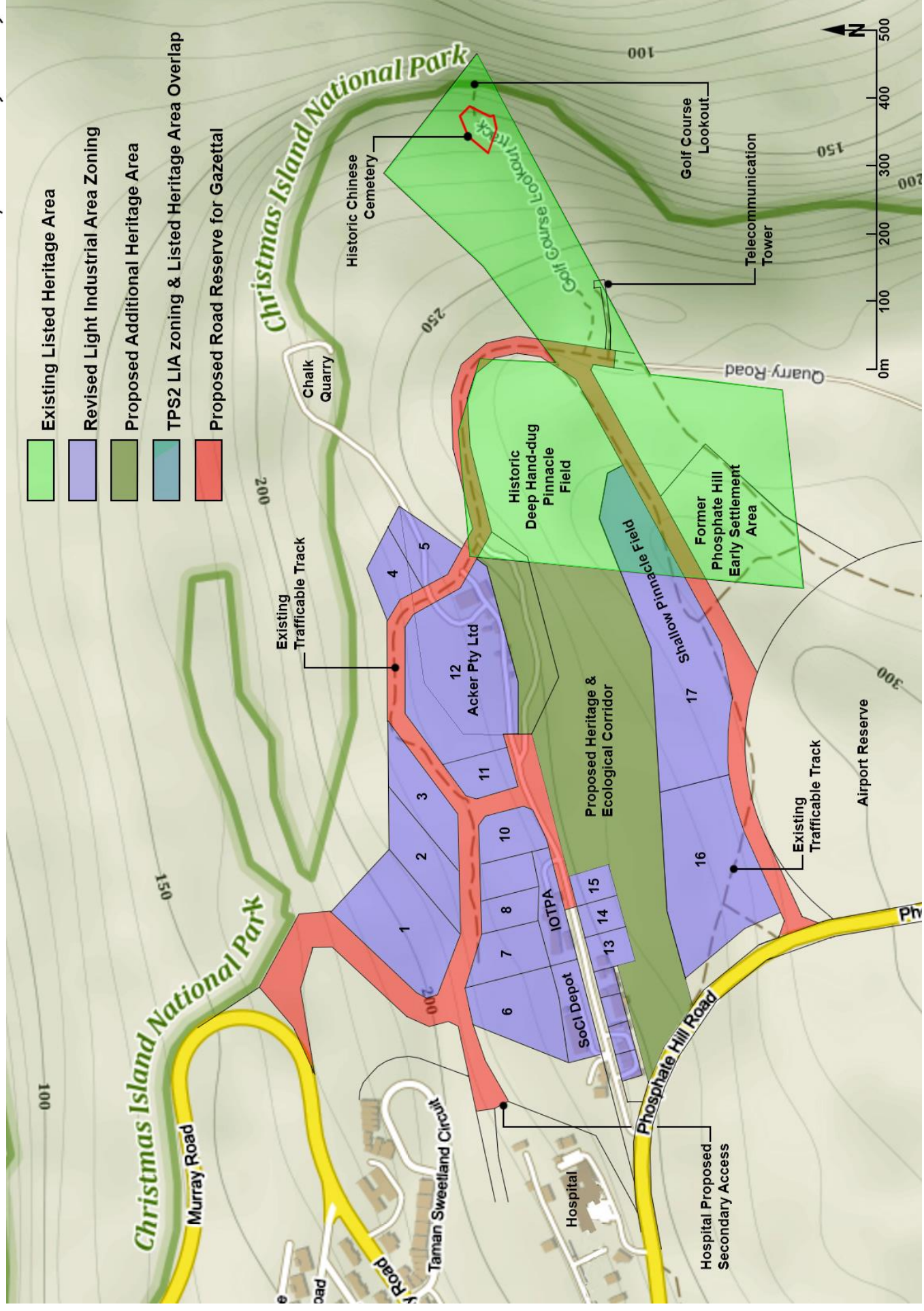
	DWG NUMBER. 12266			CHECKED. W. FRANKIE
	DATE. 07/06/2013			
	DATUM. AHD			
	COORDS. MGA ZONE 48			
	CONTOUR INTERVAL. 2.00m			
	SURVEYOR. G. HOSKINS			
	SCALE. 1:2500			
	WHEN PLOTTED A3			
	DRAWN. N. MUST			
	AMENDMENTS			
DATE	9 jan 2021			
TITILE.		PROPOSED SUBDIVISION OF LOT 555 ON DP61473 QUARRY ROAD, PHOSPHATE HILL STAGE 1		
CLIENT.		PORTER ENGINEERING		
				

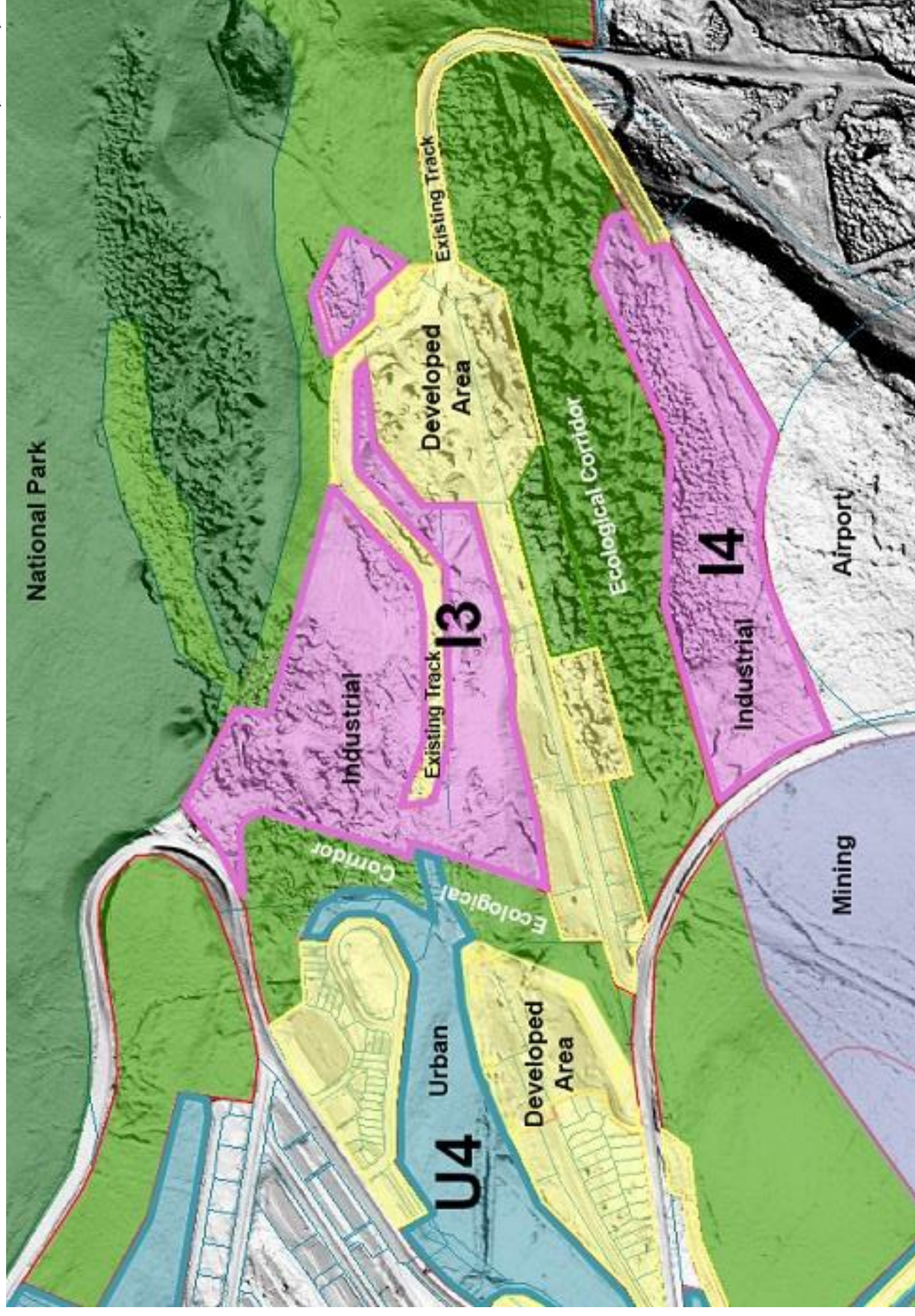




K – Mining lease requiring relinquishment









SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 24 August 2021
AGENDA REFERENCE	10.2.1
SUBJECT	Schedule of Accounts - July 2021
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	3.1.14
INTEREST DISCLOSURE	None
DATE OF REPORT	6 August 2021
AUTHOR	Gan So Hon, Manager Finance & Admin
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

RECOMMENDATION

That Council approves the expenditure as presented in July 2021 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 2021:

\$197,214.40

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 2021.

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



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 24 August 2021
AGENDA REFERENCE	10.2.2
SUBJECT	Financial Statements – June & July 2021
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	3.1.14
INTEREST DISCLOSURE	None
DATE OF REPORT	12 June 2021
AUTHOR	Gan So Hon, Manager Finance & Admin
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

RECOMMENDATION

That Council receives the Financial Statements of June 2021 (un-audited) and July 2021 for the Municipal Fund.

BACKGROUND

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

COMMENT

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

STATUTORY ENVIRONMENT

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

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

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS & MILESTONES

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

VOTING REQUIREMENTS

A simple majority is required.

ATTACHMENTS

10.2.2.1 Financial Statements - Municipal Fund 30 June 2021 (un-audited).

10.2.2.2 Financial Statements – Municipal Fund 31 July 2021.

SHIRE OF CHRISTMAS ISLAND

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2021 TO 31 JULY 2021

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

		NOTE	31 July 2021 Y-T-D Actual \$	31 July 2021 Y-T-D Budget \$	2021/22 Budget \$	Variances Budget to Actual Y-T-D %	>10% & >\$10,000
Operating							
Revenues/Sources							
General Purpose Funding	3	1	2,254,431	574,988	6,899,853	292.1%	1,679,444
Governance		2	11,569	417	5,000		
Law, Order, Public Safety		3	64	75	900		
Health		4	7,225	1,583	19,000		
Welfare		5	587	167	2,000		
Housing		6	2,550	3,917	47,000		
Community Amenities		7	87,727	64,025	768,294	37.0%	23,703
Recreation and Culture		8	3,397	15,008	180,100		
Transport		9	19,654	64,667	776,000	(69.6%)	(45,013)
Economic Services		10	2,670	2,667	32,000		
Other Property and Services		11	1,014	1,167	14,000		
			2,390,890	728,679	8,744,147		
(Expenses)/(Applications)							
General Purpose Funding	3	12	(6,058)	(12,377.42)	(148,529)		
Governance		13	(112,751)	(76,594.67)	(919,136)		
Law, Order, Public Safety		14	(10,880)	(19,371.92)	(232,463)		
Health		15	(5,337)	(15,341.67)	(184,100)		
Welfare		16	(29,494)	(54,164.83)	(649,978)		
Housing		17	(8,237)	(15,440.75)	(185,289)		
Community Amenities		18	(85,046)	(171,192.83)	(2,054,314)		
Recreation & Culture		19	(93,014)	(216,905.00)	(2,602,860)		
Transport		20	(247,023)	(370,700.00)	(4,448,400)		
Economic Services		21	(1,517)	(21,175.00)	(254,100)		
Other Property and Services		22	(132,034)	(40,833.33)	(490,000)		
			(731,390)	(1,014,097)	(12,169,169)		
Adjustments for Non-Cash							
(Revenue) and Expenditure							
Profit/(Loss) on Asset Disposals	3	23	0	0	0		
Leave Accruals		24	0	9,480	113,757		
Movement in accrual interests			0	0	0		
Depreciation on Assets		25	0	206,942	2,483,300		
Capital Revenue and (Expenditure)							
Purchase Property, Plant & Equipment	3	26	(71,562)	(53,917)	(647,000)	(32.7%)	(17,646)
Purchase Infrastructure Assets - Roads		27	(9,275)	(1,385,772)	(1,511,751)	99.3%	1,376,497
Proceeds from Disposal of Assets		28	0	0	0		
Transfers to Reserves (Restricted Assets)		29	0	(52,134)	(625,613)		
Transfers from Reserves (Restricted Assets)		30	0	36,833	442,000		
Grants		31	0	92,646	1,111,751		
ADD Net Current Assets July 1 B/Fwd	1		791,057	32,385	388,615		
LESS Net Current Assets Year to Date	1		3,841,854	0	0		
Amount Raised from Rates			(1,472,135)	(1,398,956)	(1,669,963)		

FM Reg 32(d)

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 2021 TO 31 JULY 2021

31 July 2021 Actual \$	Brought Forward 01-Jul \$
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Note 1. NET CURRENT ASSETS

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

CURRENT ASSETS

Cash - Unrestricted	3,212,792	1,005,729
Cash - Restricted	4,585,316	4,585,316
Receivables	505,091	677,304
Inventories	841,515	832,279
Other Financial Assets	21,447	31,610
	9,166,160	7,132,238

LESS: CURRENT LIABILITIES

Payables and Provisions	(738,990)	(1,755,865)
	8,427,170	5,376,373
Less: Cash - Reserves - Restricted	(4,585,316)	(4,585,316)
Less: Cash - Restricted/Committed	0	0
NET CURRENT ASSET POSITION	3,841,854	791,057

Note 2.

CURRENT RATIO

Current Assets	9,166,160	
Current Liabilities	738,990	12.40 : 1

QUICK RATIO

Current Assets - (Restricted Assets + Inventories)		
Current Liabilities		
9,166,160 - (4,585,316 + 841,515)	738,990	5.06 : 1

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

SHIRE OF CHRISTMAS ISLAND
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2021 TO 31 JULY 2021

Note 3. VARIANCES

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

OPERATING REVENUE		
1 General Purpose	292.1% above budget estimate	due to payment of 50%FAG.
7 Comm Amenities	37% above budget estimate	due to Commercial Garbage Quarterly Charges sent out in July 2021.
9 Transport	-69.6% below budget estimate	due to payment of private works
CAPITAL EXPENDITURE		
Property, Plant & Equip	-32.7% above budget estimate	due to purchase of a 3 pahse crimper with wall rack & quick change tool & foot padel

SHIRE OF CHRISTMAS ISLAND
STATEMENT OF FINANCIAL ACTIVITY

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

FOR THE PERIOD 1 JULY 2020 TO 30 JUNE 2021

	NOTE		30 June 2021 Y-T-D Actual \$	30 June 2021 Y-T-D Budget \$	2020/21 Budget \$	Variances Budget to Actual Y-T-D %	>10% & >\$10,000
Operating							
Revenues/Sources							
General Purpose Funding	3	1	6,608,943	6,445,717	6,445,717		
Governance		2	29,392	5,000	5,000		
Law, Order, Public Safety		3	17,133	900	900		
Health		4	20,286	19,000	19,000		
Welfare		5	2,476	2,000	2,000		
Housing		6	46,200	54,000	54,000		
Community Amenities		7	1,007,243	570,400	570,400	76.6%	436,843
Recreation and Culture		8	75,591	195,100	195,100		
Transport		9	1,035,168	274,000	274,000	277.8%	761,168
Economic Services		10	88,040	32,000	32,000		
Other Property and Services		11	14,595	14,000	14,000		
			8,945,067	7,612,117	7,612,117		
(Expenses)/(Applications)							
General Purpose Funding	3	12	(140,017)	(131,603)	(131,603)		
Governance		13	(724,683)	(800,735)	(800,735)		
Law, Order, Public Safety		14	(180,705)	(237,221)	(237,221)		
Health		15	(105,532)	(170,878)	(170,878)		
Welfare		16	(579,383)	(649,321)	(649,321)		
Housing		17	(152,783)	(156,103)	(156,103)		
Community Amenities		18	(1,641,776)	(1,817,099)	(1,817,099)		
Recreation & Culture		19	(1,972,528)	(2,214,634)	(2,214,634)		
Transport		20	(4,050,568)	(4,783,467)	(4,783,467)		
Economic Services		21	(131,408)	(206,249)	(206,249)		
Other Property and Services		22	(573,426)	(500,000)	(500,000)		
			(10,252,808)	(11,667,310)	(11,667,310)		
Adjustments for Non-Cash							
(Revenue) and Expenditure							
Profit/(Loss) on Asset Disposals	3	23	873	0	0		
Leave Accruals		24	(279,046)	103,754	103,754		
Movement in accrual interests			0	0	0		
Depreciation on Assets		25	1,826,817	2,426,300	2,426,300		
Capital Revenue and (Expenditure)							
Purchase Property, Plant & Equipment	3	26	(1,822,880)	(1,195,000)	(1,195,000)	(52.5%)	(627,880)
Purchase Infrastructure Assets - Roads		27	(760,405)	(700,704)	(700,704)		
Proceeds from Disposal of Assets		28	0	0	0		
Transfers to Reserves (Restricted Assets)		29	(101,656)	(72,669)	(72,669)	-39.9%	-28,987
Transfers from Reserves (Restricted Assets)		30	630,000	1,132,000	1,132,000	44.3%	(502,000)
Grants		31	816,562	700,704	700,704		
ADD Net Current Assets July 1 B/Fwd	1		384,617	405,115	405,115		
LESS Net Current Assets Year to Date	1		791,057	0	0		
Amount Raised from Rates			(1,403,917)	(1,255,693)	(1,255,693)		

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

SHIRE OF CHRISTMAS ISLAND
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2020 TO 30 JUNE 2021

30 June 2021 Actual \$	Brought Forward 01-Jul \$
---------------------------------	------------------------------------

Note 1. NET CURRENT ASSETS

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

CURRENT ASSETS

Cash - Unrestricted	1,005,729	618,221
Cash - Restricted	4,585,316	5,113,659
Receivables	677,304	210,782
Inventories	832,279	385,109
Other Financial Assets	31,610	22,107
	7,132,237	6,349,877

LESS: CURRENT LIABILITIES

Payables and Provisions	(1,755,865)	(851,602)
	5,376,372	5,498,275
Less: Cash - Reserves - Restricted	(4,585,316)	(5,113,659)
Less: Cash - Restricted/Committed	0	0
NET CURRENT ASSET POSITION	791,057	384,617

Note 2. CURRENT RATIO

Current Assets	7,132,237	
Current Liabilities	1,755,865	4.06 : 1

QUICK RATIO

<u>Current Assets - (Restricted Assets + Inventories)</u>		
Current Liabilities		
7,132,237	- (4,585,316 + 832,279)	0.98 : 1
	1,755,865	

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

SHIRE OF CHRISTMAS ISLAND
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2020 TO 30 JUNE 2021

Note 3. VARIANCES

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

OPERATING REVENUE		
⁷ Comm Amenities	76.6% above budget estimate	due to Residential Garbage charged to June 2021 & DIAC garbage collections - charged 7 days instead of 2 days per week.
⁹ Transport	277.8% above budget estimate	due to payment of LRCI Special Funding Projects - stages 1 & 2.
CAPITAL EXPENDITURE		
Property, Plant & Equip	-52.5% above budget estimate	due to construction of Skate Park/Computer & Covic-19 Staff Housing Upgrade.

10.2.2.1

Report	To Council Meeting - 24 August 2021
Item Number	F/A 10/2.2.1
Subject	Projected Cash Flows - Municipal Fund
Proponent	Finance
Reporting Officer	Manager Finance & Administration
Enabling Legislation	LG (Financial Management) Regs. 1996
File Number	

Projected Cash Flow July 2021 to December 2021

Month	July	August	September	October	November	December
Opening balance	55,000	8,000	1,000	1,000	1,000	1,000
Revenue						
General Purpose Grant	3,065,000	0	0	0	0	3,065,000
Rates	186,000	300,000	800,000	30,000	30,000	30,000
Others	74,000	70,000	70,000	70,000	70,000	70,000
CRA/R2R Grant/Com Svs Obligations	0	0	300,000	196,000	300,000	0
Reserve Funds	0	0	0	0	0	0
Transfer from Max-I/Fixed Term Deposit	595,000	463,000	0	544,000	440,000	0
Total Revenue	3,975,000	841,000	1,171,000	841,000	841,000	3,166,000
Expenditure						
Payroll	395,000	350,000	350,000	350,000	350,000	500,000
Payroll - ATO/Super	223,000	190,000	190,000	190,000	190,000	300,000
Purchases	549,000	300,000	300,000	300,000	300,000	500,000
Transfer to Fixed Term Account/Max-I	2,800,000	0	330,000	0	0	1,865,000
Total Expenditure	3,967,000	840,000	1,170,000	840,000	840,000	3,165,000
Closing Balance	8,000	1,000	1,000	1,000	1,000	1,000

Note:

Total Estimated Cash On Hand 31 July 2021

MUNICIPAL FUND

Max-I Account	\$ 3,204,213
FTD	\$0
Petty Cash/Cash Floats	\$ 600
Investments Shares	\$ 22,649
Cash At Bank	\$ 8,000
Sub-total	\$ 3,235,462
Less	
C'wealth/CRA/R2R Road Funding Projects	\$0
Outstanding Creditors 31/07/21	\$ (334,616)
Total	\$ 2,900,846

RESERVE & TRUST FUNDS

Reserve Fund Operating Account	129
Reserve Fund - Max-I Account	492,472
Reserve Fund - FTD	4,009,749
Trust Fund Operating Account	0
Trust Fund - Max-I Account	0
Trust Fund - FTD - Taman Sweetland Open Space	55,845
Trust Fund - FTD - Phosphate Hill Open Space	0
Welfare Reserve Fund Operating Account	91
Welfare Reserve Fund - Max-I Account	3,493
Welfare Reserve Fund - FTD	81,172
Total	4,642,951



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 24 August 2021
AGENDA REFERENCE	10.4.1
SUBJECT	Purchase of a Toyota Fortuner
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	5.13.47
INTEREST DISCLOSURE	Nil
DATE OF REPORT	18 August 2021
AUTHOR	Graeme Hedditch, Works & Services Manager
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

RECOMMENDATION

**That Council Accepts the Tender from Scarborough Toyota.
To Purchase a Toyota Fortuner \$ 47,013.55**

BACKGROUND

It was decided at the July 27th Council meeting go to Tender to Purchase a Toyota Fortuner.

COMMENT

Tenders for the supply of a Toyota Fortuner

- Tenders went out to Suppliers.
- Scarborough Toyota \$ 47,013.55
- Kalamunda Toyota Nil Return
- Melville Toyota. \$ 49,473.81
- Eric Davies (T/A Gastrognome) \$ 62,537.13
- CIMS Maintenance Nil Return
- PRL Shipping Nil Return
- Close of Tender date 18th August 2021.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Budget Replacement.

STRATEGIC IMPLICATIONS & MILESTONES

Nil

CONSULTATION

None required.

VOTING REQUIREMENTS

Simple majority.



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 24 August 2021
AGENDA REFERENCE	10.4.2
SUBJECT	Purchase of 3 Toyota Hilux Utes
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	5.13.48
INTEREST DISCLOSURE	Nil
DATE OF REPORT	18 August 2021
AUTHOR	Graeme Hedditch, Works & Services Manager
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

RECOMMENDATION

**That Council Accepts the Tender from Melville Toyota.
To Purchase three Toyota Hilux Utes \$130,686.64**

BACKGROUND

It was decided at the July 27th 2021 Council meeting go to Tender to Purchase 3 new Toyota Hilux Utes to replace our aging fleet.

COMMENT

Tenders for the supply of 3 Toyota Hilux Ute's

- Tenders went out to Suppliers.
- Scarborough Toyota \$133,057.61
- Kalamunda Toyota Nil Return
- Melville Toyota. \$130,686.64
- Eric Davies (T/A Gastronome) \$190,097.11
- CIMS Maintenance Nil Return
- PRL Shipping Nil Return
- Close of Tender date 2pm on 18th August 2021.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Budget Replacement.

STRATEGIC IMPLICATIONS & MILESTONES

Nil

CONSULTATION

None required.

VOTING REQUIREMENTS

Simple majority.



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 24 August 2021
AGENDA REFERENCE	10.5.1
SUBJECT	Policy Updates
LOCATION/ADDRESS/APPLICANT	
FILE REFERENCE	2.11.36/42/43
INTEREST DISCLOSURE	Nil
DATE OF REPORT	16 August 2021
AUTHOR	Chris Su
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

RECOMMENDATIONS

That the Council adopt the

- *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*

BACKGROUND

There have been some updates to the legal framework for Local Governments in WA as of 2021. These include

- *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*

Accordingly this requires local governments in WA to review their policies in regards to these changes to ensure continued compliance with the Act and Regs. The Shire adopted at the July 2021 Ordinary Council Meeting the WALGA template *CEO Recruitment, Performance and Termination Policy*.

COMMENT

As a member of the WA Local Government Association, Council has received a series of model policies written to ensure compliance with the new changes. These are the

- *Template Code of Conduct for Council Members, Committee Members and Candidates*
- *Template Code of Conduct for Employees*
- *Template Code of Conduct Behaviour Complaints Management Policy*

Council officers have reviewed the template models and inserted the necessary particulars and changes to present them for adoption.

STATUTORY ENVIRONMENT

- *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*

FINANCIAL IMPLICATIONS

STRATEGIC IMPLICATIONS & MILESTONES

VOTING REQUIREMENTS

A simple majority is required.

ATTACHMENT

- 10.5.1.1 - Shire of Christmas Island Code of Conduct for Council Members, Committee Members and Candidates
- 10.5.1.1.1 - Shire of Christmas Island Code of Conduct Council Members, Committee Members and Candidates Breach Complaint Form
- 10.5.1.2 - Code of Conduct for Employees
- 10.5.1.3 - Code of Conduct, Council Members, Committee Members and Candidates Complaints Management Policy

Shire of Christmas Island

Code of Conduct for Council Members, Committee Members and Candidates

July 2021

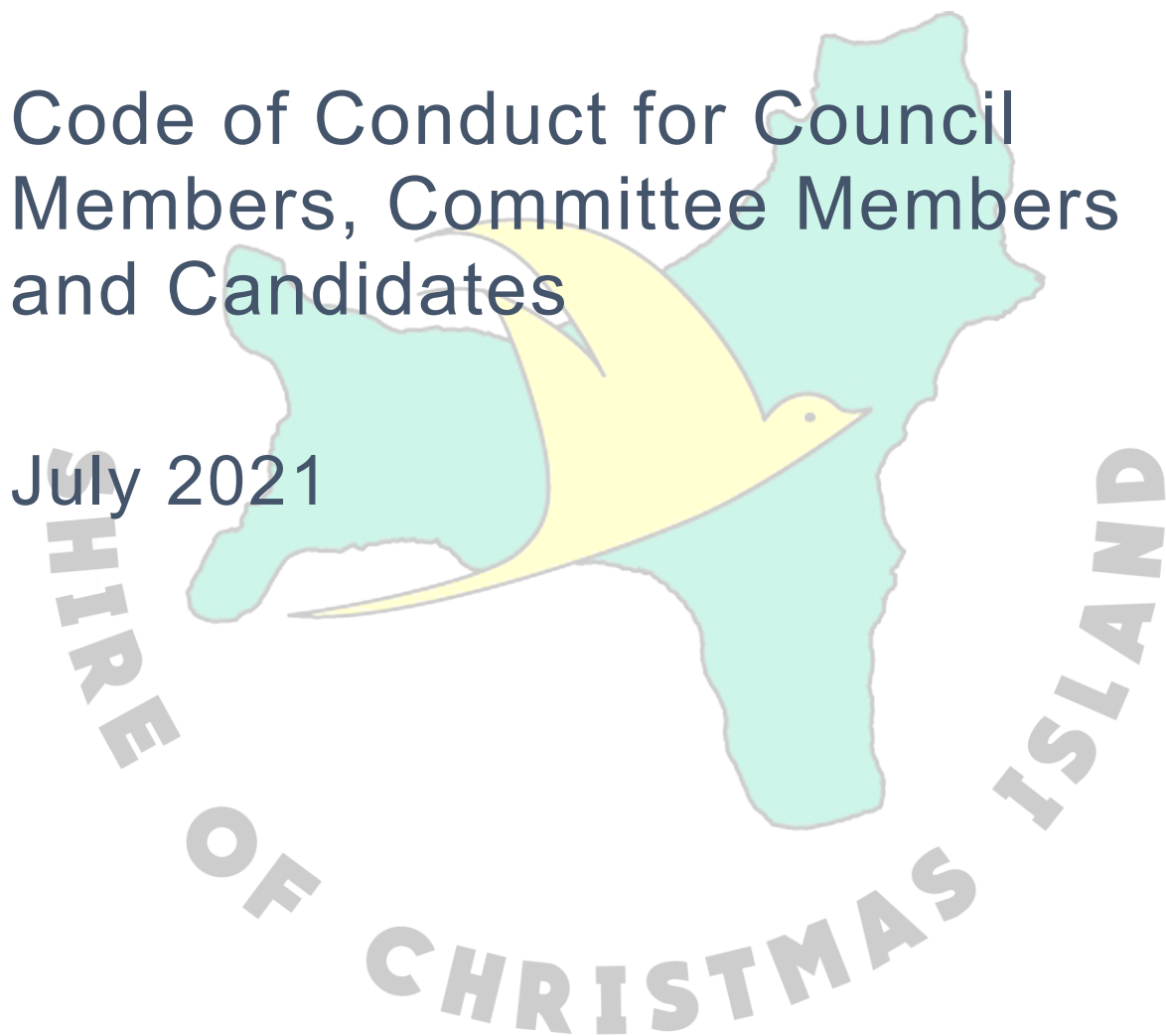


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Shire of Christmas Island Code of Conduct for Council Members, Committee Members and Candidates

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.

Behaviour Complaint Form - Code of conduct for council members, committee members and candidates

Schedule 1, Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*

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: _____
 Given Name(s) Family Name

Contact details of person making the complaint:

Address: _____
 Email: _____
 Contact number: _____

Name of the local government (city, town, shire) concerned:

Name of council member, committee member, candidate alleged to have committed the breach:

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

Manager of Governance, Research, Policy and Grants Chris Su

Chris@shire.gov.cx

July 2021

Date of alleged breach:
_____ / _____ / 20_____

SIGNED: Complainant's signature: Date of signing: _____ / _____ / 20_____
--

Received by Authorised Officer Authorised Officer's Name: Authorised Officer's Signature: Date received: _____ / _____ / 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

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

July 2021



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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

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							
Document Responsibilities:							
Owner:	Chris Su			Owner Business Unit:	Administration		
Reviewer:	Manager of Governance, Research, Policy and Grants			Decision Maker:	Resolution of Council July 2021 Ordinary Council Meeting		
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1.	July 2021	WALGA template submitted to Council for adoption at July 2021 Ordinary Council Meeting.					
2.		Public Interest Disclosure Procedures added to website					

Shire of Christmas Island

Code of Conduct Behaviour

Complaints Management Policy

for Council Members, Committee

Members and Candidates

July 2021

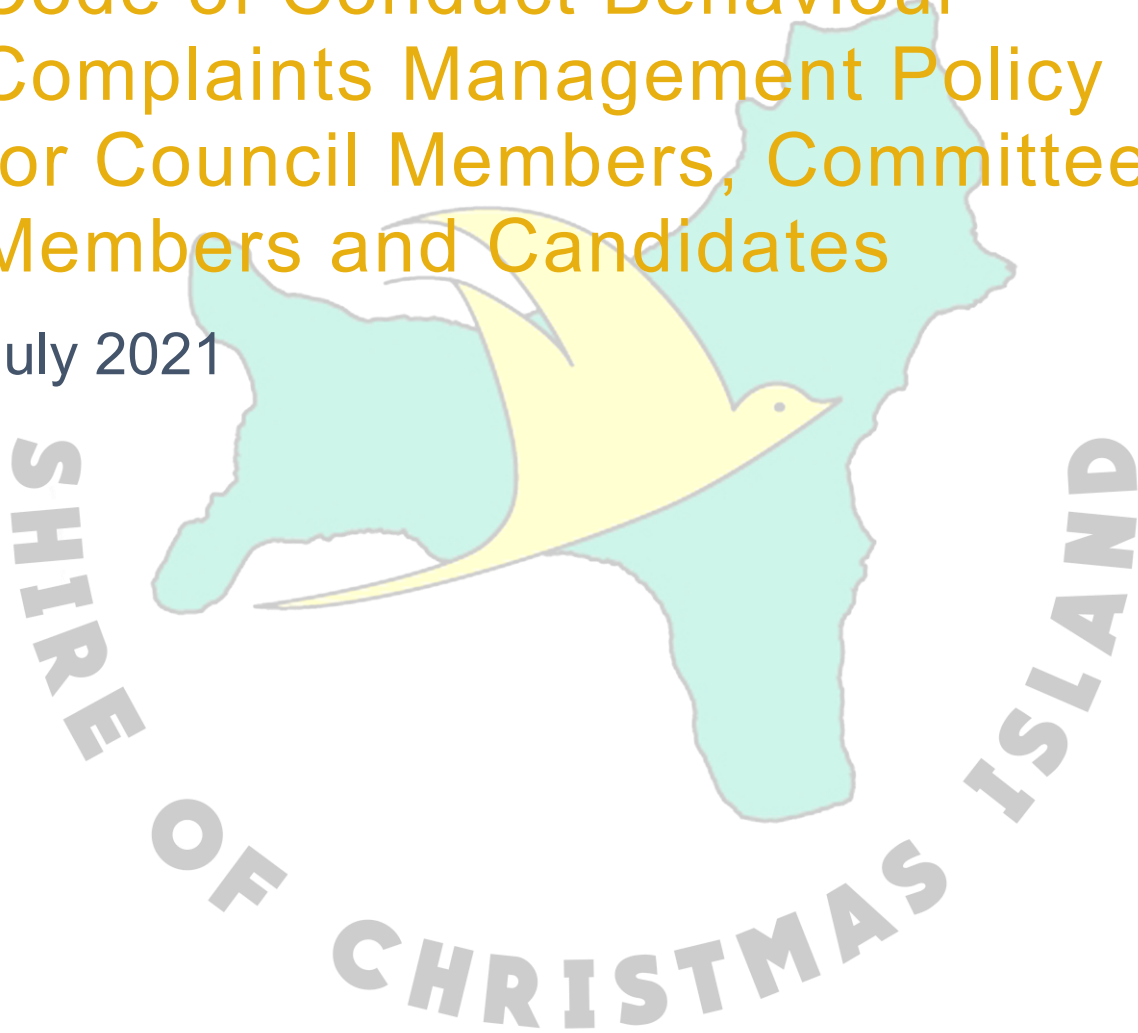


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Policy Objective

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

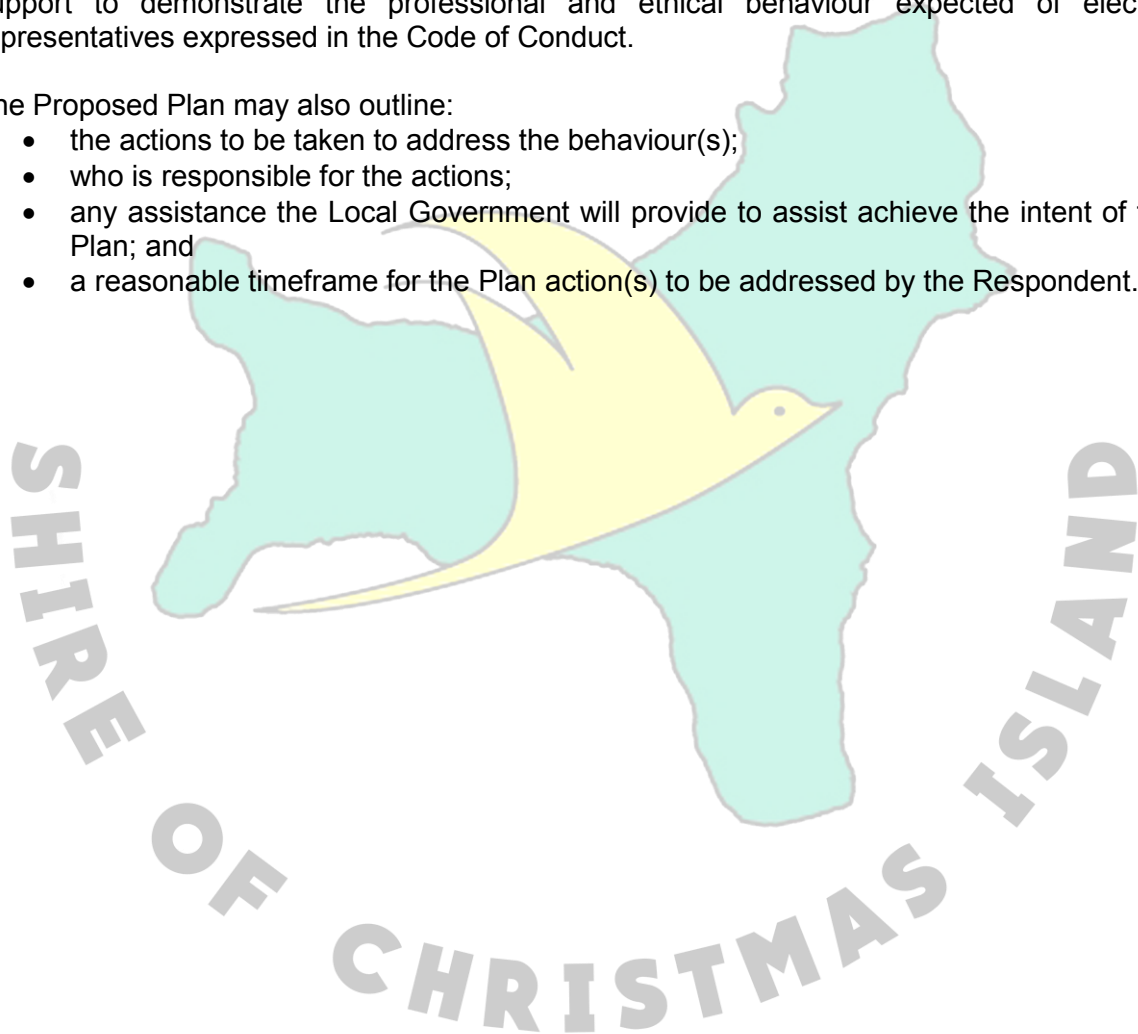
The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

- 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.



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	-



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 24 August 2021
AGENDA REFERENCE	10.5.2
SUBJECT	Additional Use 49A Gaze Road
LOCATION/ADDRESS/APPLICANT	
FILE REFERENCE	6.3.3
INTEREST DISCLOSURE	Nil
DATE OF REPORT	16 August 2021
AUTHOR	Chris Su
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

RECOMMENDATIONS

That the Council approve the application for *Additional Use Class 36 – Residential Building* for 49a Barracks, Gaze Road based on the submissions received and congruence with elements of the Shire Gaze Road Urban Design Management Plan 2012 for such usage at the Barracks.

BACKGROUND

Council received a Planning Approval application from the owner of 49a Barracks, Gaze road for consideration of *Class Use 36 - Residential Building* to be an additional use for their commercially zoned property.

This is a permissible additional for a Commercial Zoned site pending a mandatory public consultation period and a formal resolution of Council in the affirmative. The process for this is documented in the *Christmas Island Local Planning Scheme Text and the Planning and Development Act 2005 (WA)*.

The application was received on Monday 26th July, and a Public Notice informing the community of Public Advertisement of Planning Approval was released on Tuesday 27th. The Shire elected for a three week consultation period, one week longer than mandated under the Act. The consultation ended on 16th August 2021 and 8 submissions were received.

COMMENT

7 of the 8 submissions supported the use of *the Class Use 36 - Residential Building* at the site, noting its historical use of the Barracks as such by the Police Force to the 80s. The owner also extracted a segment from Council's Gaze Road UDMP 2012 which supports a mixed use of *commercial plus caretakers or short stay accommodation – shop house, residential and commercial*.

Applicant also quoted from the 2009 AGD Report for Crown Land Management Plan for the IOTs concerning the Gaze Road Tourism precinct that *should these land uses be subject to redevelopment in the future, consideration should be given to the inclusion of mixed-use buildings*.

"Mixed Use" is a zoning in the Town Planning Scheme that affords the widest possible scope of land uses in a zone pending additional Council Approval. *Class Use 36 – Residential Building* exists as both an additional use in 'Commercial' and 'Mixed Use' zones.

The property was also granted Building License approval 09/03 on 20th August 2003 by Council for a series of improvements including the fit out of bedrooms.

Council Approval for additional use tied to a site will grandfather through to most rezonings of a site.

The one submission that had concerns based these around the fact that they have to make a degree of noise, vehicle movements and other activities related to their commercial work. It closed by stating that *'should there be any potential restrictions on our or other businesses, current or future be implemented, then we would not support the application.'*

Should Council grant approval for the *Class 36 – Residential Building additional use*, Council officers will advise the applicant that noise complaints and similar quality of life complaints stemming from living in a Commercial Zone will be subject to analysis through from a Commercial Zoning standpoint. Noise complaints are dealt with under the *WA Environmental Protection (Noise) Regulations 1997*.

STATUTORY ENVIRONMENT

Planning and Development Act 2005 (WA)
Christmas Island Local Planning Scheme 2016 Text
WA Environmental Protection (Noise) Regulations 1997

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS & MILESTONES

None

VOTING REQUIREMENTS

A simple majority is required.

ATTACHMENT

- 10.5.2.1 - Public Notice of July 27th 2021, *Notice of Public Advertisement of Planning Proposal*
- 10.5.2.2 - Schedule 5 Planning Approval Application from Michael and Julie Mc Callum
- 10.5.2.3 - Supporting documents from Michael and Julie Mc Callum (Floor Plan and Submission)
- 10.5.2.4 - Scans of submissions

- 1. Extra Divers, Christmas Island
- 2. Linda Cash
- 3. Peter Whyte

- 4. Lynette Jenyns
- 5. Lynda Collette
- 6. Steven Pereira

- 7. Paul Mc Callum
- 8. Kelana Arshad



**SHIRE OF CHRISTMAS ISLAND
PUBLIC NOTICE**

27/21

27 July 2021

**Planning and Development Act 2005
Shire of Christmas Island
Notice of Public Advertisement of Planning Proposal**

The local government has received an application to use and/or develop land for the following purpose and public comments are invited.

Lot No: Lot 1, Plan S0433561, Vol. 2224 Folio 959
Street: 49a Gaze Road
Suburb: Settlement
Proposal: That 'Class 36 – Residential Building' be approved as an additional use for the property under the current Local Planning Scheme.

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 16th day of August 2021

For further information please contact the Chief Executive Officer, on telephone 9164 8300 ext 235.

David Price
Chief Executive Officer

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 *McCallum* Given Names *Julie Michelle and Michael John*
 Full Address *49a Gaze Road, Christmas Island, Indian Ocean, WA*
 Postcode *6707*

2. Surname of Land Owner (if different from above) *As Above*
 Given Names

3. Submitted by *Michael John McCallum*


4. Address for Correspondence *PO Box 423, Christmas Island, WA 6798*
 Telephone Number *0415 924 130* Fax Number *n/a*


5. Locality of Development *Christmas Island*

6. Title Details of Land *Lot 1, Plan S0433561 Vol. 2224 Folio 959 (428m2)*

7. Name of Road Serving Property *Gaze Road and Tampa View*

8. Description of Development *Approval ("D") for Class 36 - Residential Building as an Additional Use*
 Nature and size of all buildings proposed
Residential premises - single storey. As existing in accordance with Shire of Christmas Island approvals
 Materials to be used on external surfaces of building
As existing - in accordance with Shire of Christmas Island Building Approvals
 General treatment of open portions of the site
As existing - in accordance with Shire of Christmas Island Building Approvals
 Details of car parking and landscaping proposals
As existing - in accordance with Shire of Christmas Island Building Approvals
 Approximate cost of proposed development
Nil
 Estimated time for completion
Completed 2004 - in accordance with Shire of Christmas Island Building Approvals 20/08/03

 Signature of Owner

 Signature of Applicant or Agent

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

23rd July 2021 *23rd July 2021*
 Date Date

Mr. Michael & Julie McCallum
57 Snapper Loop
Exmouth, WA 6707
23rd July 2021

49a Gaze Road _ Planning Approval Additional Use
Governance, Research, Policy and Grants Manager
Shire of Christmas Island
George Fam Centre
2 Murray Road
Christmas Island 6798

RE: 49a Gaze Road (The Barracks), Christmas Island: Planning Approval for 'Class 36 - Residential Building' additional use for commercially zoned property.

Dear 49a Gaze Road _ Planning Approval Additional Use,

Please find attached our 'Schedule 5 - Application for Development Approval', for consideration by Council to grant 'Class 36 – Residential Building' as an additional use for our property located at 49a Gaze Road, Christmas Island.

As advised, we also include additional supporting documentation below, to explain the rationale why granting approval supports the amenity of the area, and is consistent with Shire policy requirements under the CI Town Planning Scheme No. 2 and the Planning and Development Act 2005 (WA)(CI).

Firstly, thank you for your advice and guidance so far, your understanding of the challenges that CI can present and the practical approach you have shown is greatly appreciated.

We consider that this proposal is consistent with the intent of State and Local planning framework and offer the following evidence from those provisions:

- As you are aware, we received Building Approval for the development of Residential Premises by the Shire of Christmas Island on 20th August 2003. Thus, we formally seek the Councils endorsement of that Building Approval and grant 'Class 36 – Residential Building' as an additional use under the current zoning.
- The Barracks complex has enjoyed a mix of residential and commercial uses for nearly 3 decades, since being refurbished in the early 1990's as part of the CI Rebuilding Program. In fact, the original SoCI Rates Notice stated split zoning of Residential / Commercial. We simply request that the residential use is officially recognized in 2021.

- DPLH and SoCI state The Barracks residential area is historically significant as a reminder of the phase of Christmas Island history when the island came under the control of the British Phosphate Commission, and as such has always housed residents.
- It is well documented in both SoCI and DoITCRD assessments that there is an acute accommodation shortage on Christmas Island, and consolidation of existing housing should be facilitated and promoted.
- Mixed-use development is encouraged for The Barracks precinct in all SoCI planning strategies, with residential investment being part of that mix, that will “contribute to enhancing the appeal and vitality of the precinct”.
- The current zoning / land use anomaly also poses a massive obstruction to investment, as banks, lenders and brokers have advised it is extremely difficult, if not impossible to secure finance until land use and zoning align.
- Most importantly, this zoning / land use discrepancy has made it impossible to obtain building insurance. The approval of residential use, and the possibility of future zone amendments may allow access to appropriate insurance cover.

As property owners at The Barracks, we have found it increasingly difficult over the years in dealing with brokers, both financial and insurance, as they already view Christmas Island in a complex manner, thus options are usually extremely limited or non-existent. We are optimistic that this formal approval from the Council, for ‘Class 36 – Residential Building’ as an additional use for our property, will facilitate our options as we go forward and plan further investment in our house and Christmas Island. Ultimately, we just want to make it easier to deal with off-island institutions.

We thank Council for their time and consideration, and hope that our submission adequately addresses and satisfies the community’s needs. Please don’t hesitate in requesting further information that will assist you in granting our approval.

Best regards,

Michael & Julie McCallum.

*Commonwealth and Shire of Christmas Island planning endorsing application attached on pg.3

1. Shire of Christmas Island Local Planning Strategy Review - Updated Strategic Directions Draft 4 - 02/03/2020

2. Shire of Christmas Island Gaze Road Tourism & Commercial Precinct Urban Design Master Plan January 2012

- 3.2 Current Land Tenure
 - Given the heritage significance of the privately held old barracks buildings, redevelopment options are limited. However much needed additional incidental development could be created on the foreshore frontage to improve the built environment. The “do nothing” option is not sustainable and would be to the detriment of the precinct as a whole.
- 4.6 Encourage Mixed Use
 - The introduction of mixed-use developments into the precinct is the best way to increase development opportunities that will contribute to enhancing the appeal and vitality of the precinct.
 - The recently completed *Accommodation Needs Assessment for Christmas Island* has revealed an acute accommodation shortage across all user groups, hesitations from investors, relatively high construction costs and a perceived land shortage. These factors will need to be considered in determining the appropriate land use mix for the precinct.
 - Many public and private development opportunities are available and the investigative nature of the stakeholders’ consultation process has provided valuable insight in terms of accommodation and commercial development opportunities. Topography, acceptable densities, retention of existing buildings and vegetation may be limiting factors whilst foreshore frontage across Gaze Road and ocean views will offer development incentives.
- 5. Consultation.
 - Uses of Barracks buildings should be commercial plus caretakers or short stay accommodation, shop, house, residential and commercial.
 - Incidental development within the Barracks buildings should be limited to a maximum of two story’s and be designed to take into account severe weather impacts

3. Report for Crown Land Management Plan for the Indian Ocean Territories (September 2009) – AG’s Department (GHD)

- 6.6 Gaze Road Tourism and Commercial Precinct
 - Most of the land in this precinct is already committed to uses that are not likely to change significantly in the future. Should these land uses be subject to redevelopment in the future, consideration should be given to the inclusion of mixed-use buildings

4. Department of Regional Australia, Regional Development & Local Government (IOT Administration) - Accommodation Needs Assessment Christmas Island & Cocos (Keeling) Islands June 2011

- 8. All business, community groups and households are able to access appropriate insurance cover by July 2011. It appears that property, building and strata **insurance covers are difficult, if not impossible to obtain on CI.**

This item is relevant to the Councils approved Our Strategic Plan 2030, Land & Economics Futures Charter 2018 and Our Future: Christmas Island Community Strategic Plan 2013.



EXTRA DIVERS AUSTRALIA PTY LTD
49 C GAZE ROAD
CHRISTMAS ISLAND, WA 6798
ABN: 66 612 521 614
+61 (0) 475 247 789
CHRISTMASISLAND@EXTRADIVERS.ORG
WWW.EXTRADIVERS.COM.AU

28th July 2021

Dear David,

RE: Application to use and/or develop land.

Following the local government's public announcement of the change in use application for
Lot No: Lot 1, Plan S0433561, Vol. 2224 Folio 959, Street: 49a Gaze Road, Suburb: Settlement

Please accept our comments below for your discussion:

Our company, Extra Divers Australia Pty Ltd, leases 49C Gaze Road next door to the applicant. We have been present in the property since August 2016 and are committed to increasing the tourism potential Christmas Island has, having invested over \$3 million dollars in this time.

Our premises is currently used as a "Dive Shop", which includes - a retail shop, areas for storage/ rental of snorkel & scuba equipment, a decking area for training, paperwork and socialising for visitors and local clientele.

In addition at the premises we carry out maintenance tasks when needed, office work, and preparation, testing of equipment. When our charter vessel is removed from the water, maintenance is carried out in front of the shop for the low season.

As part of operating our Scuba dive business, we are required to fill scuba cylinders which involves the use of two large air compressors. We have 150 cylinders.

Historically, before our tenancy, the premises was used as a dive shop for many years in this exact location and local area. This is evident in the applicants plans.

Our business hours are normally 0630 to 1830, 7 days a week, but this often varies, due to flight arrival times, delays, and client requests for evening/night dives, we adapt each week.

Our company supports the growing tourism industry on the island, offering water based activities to all who visit or live and it is well known this industry, needs to offer 24/7 365 days a year- effectively we don't close.

Previous operators and tenants would have used the same equipment, compressors and generally operated under the same hours as our business.

With the application for change of use, we would have concerns that our business, or any future business may be affected negatively, by a residential property next door.

This could range from noise, opening hours, lights being left on, vehicle movements etc.

We have always had a good relationship with our neighbours, and are mindful of when we operate in anyway that may affect them, however, we need to operate a business on a commercial property, and zoned as such, which is limited on the island.

If the local government is willing to accept that the current and future operation of any business operating on these premises would not be affected or restricted in anyway, then we would support the application.

Should there be any potential for restrictions on our or other businesses ,current or future be implemented, then we would not support the application.

Yours sincerely,

David Watchorn

Manager, Extra Divers (Australia) Pty Ltd

Wei Ho

From: Linda Cash <linda@splash.cx>
Sent: Monday, 2 August 2021 6:21 AM
To: general Mailbox
Subject: Lot 1, Plan S0433561, Vol. 2224 Folio 959

Proposal that 'Class 36 - Residential Building' - be approved as an additional use for the property under the Local Planning Scheme" -

We agree with this proposed approval.

Thank you.

Philip and Linda Cash
Owners: 2/119 Gaze Road, Christmas Island, WA, 6798



Wei Ho

From: PETER WHYTE <peter@ciremovals.com.cx>
Sent: Thursday, 5 August 2021 4:00 PM
To: general Mailbox
Subject: Public Notice 27/21

Attention: Mr David Price

Dear Sir

With reference to the above Public Notice titled "Planning and Development Act 2005, Shire Of Christmas Island, Notice of Public Advertisement of Planning Proposal, dated 27 July 2021.

We would like to fully support the application as below:

Lot No: Lot 1, Plan S0433561, Vol. 2224 Folio 959

Street: 49a Gaze Road

Suburb: Settlement

Proposal: That 'Class 36 – Residential Building' be approved as an additional use for the property under the current Local Planning Scheme.

For years many people / residents have used properties located in the various Tourism or Commercial zoned area's for accommodation without any issues. The current zoning is detrimental to future investment on Christmas Island, there are people wanting to sell their properties and also buyers for properties, but with the current zoning banks will not consider loans to be issued.

Mr McCallum's submission is very reasonable and balanced and we hope the Shire Of Christmas Island will react proactively in this matter.

Yours Faithfully
Peter Whyte and Margaret Pereira
Owners Lot 10
55-63 Gaze Rd
Christmas Island WA 6798

5/8/2021

To whom it may concern.

Re public notice 27/21

I fully agree with the application to add Residential building to 49A Gaze Rd Settlement at 'The Barracks'.

It has been home for Lynda and Brady Collett for at least 10 years now so I can't see any reason this shouldn't be applied.

For as long as I have lived on CI(26yrs), I have known people who have lived in the back and front of these properties in that time as they still do now.

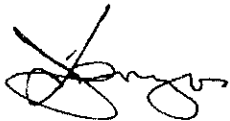
'The Barracks' may have been a Commercial area once but many shops have been shut for YEARS with unmaintained gardens and buildings which isn't a pleasant sight.

49A Gaze Rd has always been a well maintained property and is a credit to Micheal & Julie as well as Lynda & Brady.

I give my support 100% for this application.

Kind regards

Lynnette Jenyns.

A handwritten signature in black ink, appearing to read 'Lynnette', with a large 'X' mark over the first part of the signature.

Wei Ho

From: Lynette Jenyns <sparky.pulau@gmail.com>
Sent: Thursday, 5 August 2021 3:53 PM
To: general Mailbox
Cc: Chris Su
Subject: Fwd: SOCI
Attachments: SwiftScan 5 Aug 2021 4.29 pm.pdf

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6/8/21

Hello David and any one else who reads my letter.

I have lived in the front of the 49A Gaze Road property for 10years now. It has never been an issue for me or anyone else as far as I'm aware. I have seen many changes along The Barracks with people coming and going as well as shops opening and closing.

To see The Barracks as a Commercial area doesn't make sense anymore when some properties down the Police Station end of The Barracks have been empty for years. Some of those building and gardens are never maintained which isn't a good look for any potential investors, tourists or locals. It seems obvious commercial properties aren't in demand with so many empty places.

Only Shorefire is open with full day trading hours. Red Crab Surf shop only opens 2 hours a day & the few other shops open with mostly irregular hours & some closing days at a time. I fully believe Residential at 'The Barracks' has no impact at all on any businesses open at the Barracks.

With Mark from Shorefire, we maintain the lawns, our gardens & I keep the footpaths mould free by water blasting. The property next to Shorefire has consistently had residents living in the property so I experience myself that Residential & commercial have always worked well in the 10yrs I have lived here.

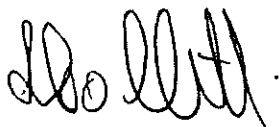
I have read in the SOCI strategy plans that they encourage mixed use development for the area which I fully agree and support. If it helps getting future investors for CI then that can only be a good thing.

I agree with Michael, trying to get insurance for my contents when the property is zoned commercial was impossible. I know Michael also couldn't get property insurance for a commercial property.

I fully agree with Michael & Julie McCallum's application to add Residential building 'additional use' to 49A Gaze Rd Settlement ('The Barracks').

Kind Regards

Lynda Collett



Lynda
Regards

Please find attached my letter in response to public notice 27/21 for Michael & Julie McCallum.

Hi David & Chris,

From: Lynda Collett <lyndacollett@hotmail.com>
Sent: Friday, 6 August 2021 11:19 AM
To: general Mailbox
Cc: Chris Su
Subject: Public notice 27/21
Attachments: Lynda, SOCI .pdf

Wei Ho

To Whom it may concern,

With reference to the Public Notice titled "Planning and Development Act 2005, Shire of Christmas Island, Notice of Public Advertising of Planning Proposal", dated 27 July 2021.

I would like to support the application as shown below:

Lot No: Lot 1, Plan S0433561, Vol. 2224 Folio 959
Street: 49a Gaze Road
Suburb: Settlement
Proposal: That 'Class 36 – Residential Building' be approved as an additional use for the property under the current Local Planning Scheme.

The future of investment on Christmas Island is valued by many residents and commercial operations around the area, however the current zoning prevents and further progress.

In support of the above-mentioned plan, this will allow future growth and commercial operations in the area.

Kind Regards,

Steven Pereira
Resident
Christmas Island

Wei Ho

From: Steve Pereira <steven.pereira@ciremovals.com.au>
Sent: Wednesday, 11 August 2021 9:41 AM
To: Wei Ho
Subject: RE: SOCI Public Notice 27/21
Attachments: Shire Letter.pdf

Hi Wei,

Please find attached letter for support of public notice.

Kind Regards, Steve



STEVE PEREIRA • Director

08 9164 8521

Steven.Pereira@ciremovals.com.au

0407 474 968

PO Box 147, Christmas Island
Indian Ocean 6798

From: Wei Ho <Wei.ho@shire.gov.cx>
Sent: Tuesday, 27 July 2021 11:13 AM
Subject: SOCI Public Notice 27/21

Hi All,

Please find attached public notice.

Kindly distribute through your network.



Regards
Wei Ho
Executive Assistant
Shire of Christmas Island
PO Box 863 | Christmas Island 6798
Ph: 9164 8300 | Fax: 9164 8304

Paul McCallum
47A Gaze Road 'The Barracks'
Christmas Island 6798
0448 985 121

Attn: CEO Shire of Christmas Island
Mr David Price
Shire of Christmas Island
George Fam Centre
2 Murray Road
Christmas Island 6798

RE: 49a Gaze Road (The Barracks) Christmas Island: Planning Approval for 'Class 36 - Residential Building' additional use.

Dear David,

Thank you for the opportunity to comment on the above planning proposal.

As the adjoining property owner, I would like to offer my endorsement for the use of 'Class 36 – Residential Building' at 49a Gaze Road.

I fully agree with the rationale, supporting evidence and the stated planning provisions of the submission.

I believe that the approval of this land use under the current Local Planning Scheme can only assist the property owners in the precinct with finance and insurance options going forward, which therefore results in increased investment due to certainty. I would hope that this initiative from the applicant and council could remove an obstruction and simplify a complex process when dealing with institutions.

Thank you for your support with this item.

Best Regards

Paul McCallum (Maca)

paulmac@runbox.com

12/08/2021

Wei Ho

From: Maca <paulmac@runbox.com>
Sent: Sunday, 15 August 2021 12:57 PM
To: general Mailbox
Subject: Planning Approval for 49A Gaze Road - Christmas Island
Attachments: Paul McCallum _ Planning Approval 49a Gaze Road 2.pdf

Attention Mr David Price. CEO - Shire of Christmas Island.

Dear David,

please find my letter in support of Michael's application for this long overdue planning approval for the Barracks complex properties.

Trust all is well on CO.

Best regards

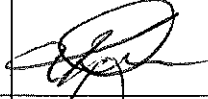






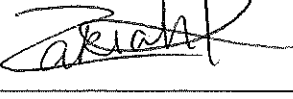
Maca

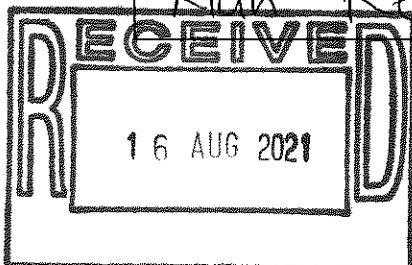
To the Shire of Christmas Island

Re: 49 Gaze Road planning approval for 'Class 36 - Residential Building'

We, the undersigned, are resident of Christmas Island and hereby wish to support Mr. Michael and Julie McCallum's application for Planning approval for the additional use of the property at 49a Gaze Road, to be developed and used for residential purposes.

In the past, the Barracks were used as residential and Police Quarters.

NAME	SIGNATURE	DATE
KELANI ARSHAD		16/08/2021
EWIAS LOH		16/8/21
SHAHRIK JAMIL		16/8/21
YASIN ZAKARIAH		16/8/21
ZAKARIA LOH		16/8/21
GAVIN DE GROOT		16/8/21
Bee Eng		16/8/21
Regine Andersen		16/8/21
Ami Arshad		16/8/21
Kiah Kelana		16/08/21





SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 24 August 2021
AGENDA REFERENCE	10.5.3
SUBJECT	Purchasing Policy Review
LOCATION/ADDRESS/APPLICANT	
FILE REFERENCE	2.11.12
INTEREST DISCLOSURE	Nil
DATE OF REPORT	17 August 2021
AUTHOR	Chris Su
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

RECOMMENDATIONS

That the Council adopt the reviewed Purchasing Policy and Corporate Credit Cards Policy

BACKGROUND

RSM Auditors and the Office of the Auditor General at the 2021 audit noted that the review of the purchasing policies needed to be reviewed. They were last reviewed in 2018. There have been no compliance matters raised from auditors since that period; all procurements were made under the policies.

COMMENT

Council officers completed a review of the F12 Purchase Policy and F13 Corporate Credit Card policy to satisfy. Section 11 of the Local Government (Functions and General) Regulations (WA) (1996) states that Councils have to go to tender when a procurement will be more than \$150,000. The Shire of Christmas Island has in its policies that our benchmark is set lower, at \$100,000. This has assisted Council in consistently procuring items at the best rates.

No changes were made to the F12 Purchasing Policy or F13 Corporate Credit Card policy after internal review.

STATUTORY ENVIRONMENT

Local Government (Functions and General) Regulations (WA) (1996)
Local Government Act (WA)(1995)

FINANCIAL IMPLICATIONS

STRATEGIC IMPLICATIONS & MILESTONES

VOTING REQUIREMENTS

A simple majority is required.

ATTACHMENT

- 10.5.3.1 – F12 Purchasing Policy
- 10.5.3.2 – F13 Corporate Credit Card Policy

Authority: Section 3.57 Local Government Act 1995 (WA) (CI); Section 4 Local Government (Functions and General) Regulations 1996; Local Government (Functions and General) Amendment Regulations 2007

FI 2 – PURCHASING

Objective

- To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007).
- To deliver a best practice approach and procedures to internal purchasing for the Shire of Christmas Island.
- To ensure consistency for all purchasing activities that integrates within all the Shire of Christmas Island operational areas.
- To efficiently and effectively purchase goods and services recognising that the remoteness of Christmas Island limits the Shire's capacity to implement competitive purchasing strategies and recognising that the Shire is expending public monies that must accounted for.

Policy

The Shire of Christmas Island is committed to setting up efficient, effective, economical and sustainable procedures in all purchasing activities. This policy:

- Provides the Shire of Christmas Island with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.
- Ensures that the Shire of Christmas Island receives value for money in its purchasing.
- Ensures that the Shire of Christmas Island considers the environmental impact of the procurement process across the life cycle of goods and services.
- Ensures the Shire of Christmas Island is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Upholds respect from the public and industry for the Shire of Christmas Island's purchasing practices that withstands probity.

ETHICS & INTEGRITY

All officers and employees of the Shire of Christmas Island shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Christmas Island.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Christmas Island policies and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire of Christmas Island by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Christmas Island. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

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

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

SUSTAINABLE PROCUREMENT

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

Shire of Christmas Island is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Christmas Island's sustainability objectives.

Practically, sustainable procurement means the Shire of Christmas Island shall endeavour at all times to identify and procure products and services that:

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

PURCHASING THRESHOLDS

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

Amount of Purchase	Policy
Under \$200	Direct purchase from suppliers using petty cash or purchase order
\$201 to \$1,000	Direct purchase from suppliers requiring only two verbal quotations.
\$1,001 - \$19,999	Obtain at least three verbal or written quotations.
\$20,000 - \$39,999	Obtain at least three written quotations.
\$40,000 - \$99,999	Obtain at least three written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$100,000 and above	Conduct a public Tender process.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$50,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$50,000, a Request for Tender process that entails all the procedures for tendering outlined in this policy must be followed in full.

\$201 to \$1,000

Where the value of procurement of goods or services is between \$201 to \$1,000, purchase on the basis of at least two verbal quotations is permitted. However it is recommended to use professional discretion and occasionally undertake market testing with a greater number or more formal forms of quotation to ensure best value is maintained.

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

Record keeping requirements must be maintained in accordance with record keeping policies.

\$1,001 to \$19,999

This category is for the procurement of goods or services where the value of such procurement ranges between \$1,001 and \$19,999.

At least three verbal or written quotations (or a combination of both) are required. Where this is not practical, e.g. due to limited suppliers, it must be noted through records relating to the process.

The general principles for obtaining verbal quotations are:

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

Record keeping requirements must be maintained in accordance with record keeping policies.

\$20,000 to \$39,999

For the procurement of goods or services where the value exceeds \$20,000 but is less than \$39,999, it is required to obtain at least three written quotes (commonly a sufficient number of quotes would be sought according to the type and nature of purchase).

The responsible officer is expected to demonstrate due diligence seeking quotes and to comply with any record keeping and audit requirements. Record keeping requirements must be maintained in accordance with record keeping policies.

The Shire can still access a WALGA Preferred Supply Contract for these types of purchases.

NOTES: The general principles relating to written quotations are;

- An appropriately detailed specification should communicate requirement(s) in a clear, concise and logical fashion.
- The request for written quotation should include as a minimum:
 - Written Specification
 - Selection Criteria to be applied
 - Price Schedule
 - Conditions of responding
 - Validity period of offer
- Invitations to quote should be issued simultaneously to ensure that all parties receive an equal opportunity to respond.
- Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.
- Responses should be assessed for compliance, then against the selection criteria, and then value for money and all evaluations documented.
- Respondents should be advised in writing as soon as possible after the final determination is made and approved.

\$40,000 to \$99,999

For the procurement of goods or services where the value exceeds \$40,000 but is less than \$99,999, it is required to obtain at least three written quotations containing price and a sufficient amount of information relating to the specification of goods and services being purchased.

Record keeping requirements must be maintained in accordance with record keeping policies.

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

\$100,000 and above

For the procurement of goods or services where the value will be \$100,000 or more, Shire staff need to put the procurement to tender. Staff shall follow the procedures described in the relevant subsections of this policy to do so.

TRADES REGISTER

The Shire will maintain a Trades Register for the supply of electrical, plumbing, painting, mechanical, maintenance and construction goods and services provided by local businesses.

The Trades Register will be utilised to procure services valued at \$99,999 or less via the quotation system. Entry onto the Register will be restricted to businesses, persons or groups which meet nominated assessment criteria to ensure that they are suitably qualified and capable of carrying out quality work for the Shire.

Invitations for entry onto the Register shall be formally advertised on an annual basis however new businesses may be entered onto the Register at any time subject to meeting the nominated assessment criteria.

The nominated assessment criteria for entry onto the register shall include as a minimum but shall not be limited to:

- A current ABN or ACN;
- Currency of Public Liability insurance of not less than \$10M;
- Currency of Workers Compensation;
- Qualifications and experience of personnel.

REGULATORY COMPLIANCE

Tender Exemption

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

Anti-Avoidance

The Shire of Christmas Island shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$50,000.

Tender Criteria

The Shire of Christmas Island shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

An evaluation panel shall be established prior to the advertising of a tender and shall include a mix of skills and experience relevant to the nature of the purchase. The panel must contain a minimum of 3 members.

Advertising Tenders

Tenders are to be advertised in a state wide publication e.g. "The West Australian" newspaper, Local Government Tenders section, preferably on a Wednesday or Saturday.

Tenders must remain open for at least 14 full days after the date the tender is advertised.

The notice must include;

- a brief description of the goods or services required;
- information as to where and how tenders may be submitted;
- the date and time after which tenders cannot be submitted;
- particulars identifying a person from who more detailed information as to tendering may be obtained;
- detailed information shall include;
 - such information as the Shire of Christmas Island decides should be disclosed to those interested in submitting a tender;
 - detailed specifications of the goods or services required;
 - the criteria for deciding which tender should be accepted;
 - whether or not the Shire of Christmas Island has decided to submit a tender; and
 - whether or not tenders can be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.

As a general rule, advertising of tenders by statewide notice as required in the Regulations will be addressed by advertising in The Islander and by public notice. Where the goods or services are not available on Island, notice will be advertised off Island.

Issuing Tender Documentation

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Christmas Island not to compromise its Duty to be Fair.

Tender Deadline

A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

Opening of Tenders

No tenders are to be removed from the tender box, or opened (read or evaluated) prior to the Tender Deadline.

Tenders are to be opened in the presence of the Chief Executive Officer's delegated nominee and at least one other Council Officer. The details of all tenders received and opened shall be recorded in the Tenders Register.

Tenders are to be opened in accordance with the advertised time and place. There is no obligation to disclose or record tendered prices at the tender opening, and price

information should be regarded as commercial-in-confidence to the Shire of Christmas Island. Members of the public are entitled to be present.

The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Shire of Christmas Island Officers present at the opening of tenders.

No Tenders Received

Where the Shire of Christmas Island has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- a sufficient number of quotations are obtained;
- the process follows the guidelines for seeking quotations between \$20,000 & \$49,999 (listed above);
- the specification for goods and/or services remains unchanged;
- purchasing is arranged within 6 months of the closing date of the lapsed tender.

Tender Evaluation

Tenders that have not been rejected shall be assessed by the Shire of Christmas Island by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

Addendum to Tender

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Christmas Island may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

Minor Variation

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Christmas Island and tenderer have entered into a Contract, a minor variation may be made by the Shire of Christmas Island.

A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender.

Notification of Outcome

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- The name of the successful tenderer
- The total value of consideration of the winning offer

The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

Records Management

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- Tender documentation;
- Internal documentation;
- Evaluation documentation;
- Enquiry and response documentation;
- Notification and award documentation.

For a direct purchasing process this includes:

- Quotation documentation;
- Internal documentation;
- Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Christmas Island's internal records management policy.

Keywords	Tender, Goods and Services, Purchases
Related Policies	FI1 regional Price Preference Policy
Related Procedures/ Documents	Tender/Procurement Procedure WALGA Purchasing and Tender Guide
Delegation Level	Council, CEO
First endorsed by Council	13 March 2007
Resolution No.	30/07
Adoption Conditions	Nil
Consultation	Nil required
Reviewed by Council	24 th August 2021
Council Resolution	
Next Review Date	September 2023
File Reference	2.11.12

Authority Local Government Act 1995
 Local Government (Financial Management)
 Regulations 1996, 11

FI 3 – CORPORATE CREDIT CARDS

The Shire of Christmas Island shall have one corporate credit card for use by staff only for goods and services to be used on behalf of the Shire. The corporate credit card is by the delegation of the Chief Executive Officer and whose use will be administered by the Manager of Finance and Administration only.

1. Introduction

Corporate credit cards can deliver significant benefits to the Shire of Christmas Island through improved administrative practices and more effective cash management. However, they can also expose the Shire to significant risks if not properly controlled.

2. Objective

- The purpose of the Shire of Christmas Island's Corporate Credit Card Policy is to establish rules for their use by Shire staff
- The policy will describe the protocol of how Shire staff may access the card and under what circumstances.
- The policy and associated purchasing policy are designed to minimize any risks associated with the use of the Corporate Credit Cards while providing cardholders with a convenient method of purchasing goods and services on behalf of the Shire.

3. Legislation

The following provisions of the Local Government Act (CI) 1995 (the Act) and associated Regulations impact on the use and control of corporate credit cards:

- Section 2.7 (2) (a) and (b) of the Act requires the council to oversee the allocation of the local government's finances and resources and to determine the policies of the local government.
- Section 6.5 (a) of the Act requires the CEO to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.
- Local Government (Financial Management) Regulation 11(1) (a) requires local governments to develop procedures for the authorization and payment of accounts to ensure that there is effective security and appropriate authorizations in place for the use of credit cards.

4. Advantages of Corporate Credit Card

When used correctly, a credit card can:

- Eliminate or reduce time spent on paper based ordering and payments;
- Reduce administrative costs;
- Reduce the number of payments per month;
- Provide a useful resource in remote and emergency situations;
- Provide an effective audit trail of expenditures.

5. Policies and Procedures Governing the Use of Corporate Credit Cards

Policies and procedures for controlling the use of credit cards:

- The Shire of Christmas Island's Corporate Credit Card may be issued to the Chief Executive Officer and Manager Finance and Administration for use where it is inappropriate or inconvenient to use the Shire's normal payment systems.
- The Council must approve the issue of the credit card to the Chief Executive Officer. The Chief Executive Officer approves the issue of a Corporate Credit Card (under delegation) to the Manager Finance & Administration.
- The Shire of Christmas Island's Corporate Credit Cards are to be issued by Westpac Banking Corporation.
- The Finance Manager and Administration is responsible for the security of the credit card issued.
- Credit cards should only be used for purchasing goods and services on behalf of the Shire;
- Use of the Shire corporate credit card for personal expenditure is prohibited;
- The credit card cannot be used for cash withdrawals;
- Any staff member wishing to use the Shire Credit Card for purchase of goods or services must obtain written consent from either the Chief Executive Officer or Manager of Finance and Administration detailing the goods or services to be procured and its necessity for that staff member and why the normal means of procurement are not suitable.

For example, some suppliers may have a policy that credit card payment is the only form of purchase.

6. Monitoring and Accountability Requirements

The following safeguards and accountability requirements are to be followed to minimize the risk of misuse of the credit card.

- A tax invoice is required to be obtained for every purchase made by the credit card holder. This is required in reconciliations of the corporate credit card statement at the end of each month. The tax invoice is to be provided to the Manager of Finance and Administration as soon as it is obtained.
- If a transaction is done by internet, telephone or by mail order, the cardholder will need to ensure that an appropriate tax invoice is obtained from the supplier and included with the monthly reconciliation.

- Cardholder is to check and sign that the goods and services listed in the monthly statements have been purchased.
- Any suspicious misuse of the credit card is to be immediately reported to the CEO for further investigation.
- Details of the credit card payments to be included in the monthly schedule of accounts with all supporting documentation to be provided at the next regular Ordinary Council Meeting for Council information and inspection.

7. Card Lost or Stolen

Cards that are lost or stolen must be reported immediately by the cardholder to Westpac Banking Corporation in accordance with the procedures for such by the Bank.

A replacement card will be arranged and issued to the cardholder upon receipt from the bank.

8. Disposal of Credit Card

The Manager of Finance and Administration is to destroy the card in a safe manner upon its expiry or replacement.

Key Performance Indicators	Save administrative costs and number of payments per month;
Keywords	Credit card
Related Policies	Purchasing policy
Related Procedures/ Documents	Credit Card/Purchasing procedures
Delegation Level	CEO
First endorsed by Council	24 July 2012
Resolution No.	
Review Date	No later than 24 July 2017
Adoption Conditions	Nil
Consultation	Nil required
Reviewed by Council	18 th August 2021
Council Resolution	
Next Review Date	September 2023
File Reference	2.11.29
