



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 September 2024** 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 August 2024 (pg 1-5)
 - 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 SOCI Representative on the Christmas Island Economic Future Working Group (pg 6-12)
 - 10.2 **Director Finance & Administration**
 - 10.2.1 Schedule of Accounts – August 2024 (pg 13-19)
 - 10.2.2 Financial Statements – August 2024 (pg 20-40)
 - 10.3 **Director Community/Recreation Services & Training**
 - 10.4 **Director Works, Services & Waste**
 - 10.4.1 Supply and Delivery of Various Items of Plant (pg 41- 43)
 - 10.4.2 RFT 02-2024 Surplus Plant and Vehicles Tender (pg 44-45)
 - 10.5 **Director Planning, Governance & Policy**
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- 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**
22 October 2024



UNCONFIRMED MINUTES

Ordinary Meeting of the Shire of Christmas Island held at the George Fam Chambers at 7.00pm on Tuesday 27 August 2024

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

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

1.2 Record of Attendance

Shire President

Deputy President

Councillors

Cr Gordon **THOMSON**

Cr Azmi **YON**

Cr Philip **WOO**

Cr Hafiz **MASLI**

Cr Vincent **SAW (7.03pm)**

Cr Kelvin Kok Bin **LEE**

Cr Kee Heng **FOO**

Cr Steve **PEREIRA (7.03pm)**

Cr Swee **TUNG**

Chief Executive Officer

Director Planning, Governance & Policy/Minute Taker

Director Community/Recreation Services

Director Works, Services & Waste

Assistant Director of Finance and Corporate Services

David **PRICE**

Chris **SU**

Olivier **LINES**

Troy **DAVIS**

Wei **HO**

2.2 **Leave of Absence**

2.3 **Apologies**

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

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4 PUBLIC QUESTION TIME

4.1 Cr Azmi YON passed his congratulations to the SOCI Community Services team for a successful 2024 Christmas Island Marathon on Sunday 25th August. Thanked Director for Community/Recreation Services Oliver LINES and team members Wei HO, Cheau LING, Suzane CHAN, Garry FOO, Darren MARSH, Chris SU and the many community volunteers who assisted at the event.

Cr Azmi YON thanked the Civil Works team for efforts on East-West baseline and the progress to date.

4.2 Cr Mel TUNG raised an item discussed at the Indian Ocean Territories Health Service Community Advisory Committee (IOTHS CAC) regarding the island's rat population. Cr Mel TUNG noted that Parks at SOCI provide rat baits to the community and requested information to be produced to teach persons how to utilise rat baits safely. Cr Mel TUNG also requested initiative from Council to inform residents how to keep their premises as clear as possible from rat infestation.

CEO David PRICE advised that SOCI had a meeting that day 27th August 2024 with IOTA regarding such matters in the Flying Fish Cove precinct. SOCI is considering removal of debris in areas to the rear of some Flying Fish Cove housing that would be prone to rat habitation. SOCI has endorsed an additional \$30,000 for control methods in the 2024/2025 budget to help address rat management in the lead up to the wet season when fruiting trees and crab remains provide easier food sources that increase the rat population. CEO David PRICE advised that in two Islander issues following a joint Commonwealth-SOCI notice will be made to advise on the joint rat and chicken control program between the agencies.

CEO David PRICE noted that education of debris management was key, as is handling of food waste.

- 4.3 Cr TUNG asked how can a member of the public arrange for an abandoned car to be removed? CEO David PRICE advises that members of the public should report abandoned cars to SOCI.

Cr Kelvin LEE notes that the rear of Block 408, an immigration block, had a number of abandoned vehicles there possibly from former Island residents employed at the Immigration Detention Centre.

- 4.4 Cr PEREIRA asked for an update on the repair works at the Foreshore Padang. CEO David PRICE advises that some of the ordered lights have arrived. The splash pad has been tested and found to be in functional order; shade sail cloths for the splash pad are due to arrive. CEO advised that the necessary astroturf is due to arrive on the next ship but noted that the supplier could not get sand ordered in time for the same ship; the sand will arrive the ship following. The astroturf cannot be installed until the sand arrives. The aluminium skatepark equipment is due to arrive December and will be installed then.

- 4.5 Cr PEREIRA requested an update on any plans for a vet to visit Christmas Island. Director of Policy Chris SU advised that SOCI had contacted the vet and vet office that the Shire of Cocos (Keeling) Islands (SOCKI) engaged for their 2022/2023 vet visits, Dr Ian MCDOWELL of Riseley Veterinary Centre, Perth.

Dr Ian MCDOWELL summarised the SOCKI engagement and the scope of works performed on Cocos. Chris SU advised that the scope of works proposed on Christmas Island would be similar – to chip and desex cats in an organised program to facilitate cat ownership under the local cat laws.

Director Chris SU advised Dr Ian MCDOWELL of the joint SOCI-Parks invasive species management efforts, including the targeting of wild cats and unlicensed cats. Dr Ian MCDOWELL supported this control initiative. Dr Ian MCDOWELL advised that his vet surgery would require two persons to travel to Christmas Island, a vet and a nurse technician and could schedule time in the first quarter of 2025.

Dr Ian MCDOWELL is to write to SOCI formally to follow up with proposed costs, and a formal plan be submitted to Council for consideration by Director Chris SU.

- 4.6 Cr PEREIRA asked about SOCI's waste recycling practices and what is SOCI doing to provide additional waste recycling support around e-waste?

Director Troy DAVIS provided that SOCI has not provided any additional waste recycling support for e-waste at present. Director Troy DAVIS provided background on the new legislative requirements around local government handling of e-waste from 2025; all e-waste is to be delivered from council pickups and sent to nominated facility within 12 months of pickup.

Director Troy DAVIS advised that this was achievable in metro WA where the e-waste sorting centre will be, and where the bulk of the population in WA are. The legislative requirements however extend across the entire state and also the Indian Ocean Territories. The IOT local governments will be required under the legislation to collect, separate, store and eventually ship e-waste to the mainland. SOCI noted a 12 month window for waste to have to be sent once received.

Director Troy DAVIS advised Council that the financial impost of this unfeasible for Council to do given the expected volume and shipping costs to the mainland. Council has written to the responsible authorities to request an exemption from the legislation.

The Council waste tip team is still accepting and segregating e-waste received.

- 4.7 Cr PEREIRA asked about SOCI's media projection into the island community, who the responsible officers were at Council for this, and if there was an officer dedicated to getting news to the community outside the Islander?

CEO David PRICE advised that SOCI projected information into the community via an email list, the website and the Islander in translation. It also uses post office box drops and the emergency SMS service as needed. There is no specific 'media person' although there is the editorial committee of The Islander and staff who update the website and sends email blasts.

CEO David PRICE advised that a static Facebook page was being considered to deliver public notices online as an additional outlet for communications.

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 23 July 2024

Members considered the unconfirmed minutes.

Council Resolution			
Moved: Cr LEE	Seconded: Cr FOO	Res. No:	56/24
That Council adopt the unconfirmed minutes of the 23 July 2024 Council Meeting.			
Carried:	9/0		
For:	Cr Gordon THOMSON	Cr Azmi YON	Cr FOO Kee Heng
	Cr Hafiz MASLI	Cr Phillip WOO	Cr Vincent SAW
	Cr Steven PEREIRA	Cr Mel TUNG	Cr Kelvin LEE
Against:			

7.2 Business Arising from the Minutes of Previous Meetings

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 REPORTS OF COMMITTEES

9.1 Minutes of Fisheries Management Committee

Council Resolution			
Moved: Cr YON	Seconded: Cr SAW	Res. No:	57/24

That Council receive -

- Confirmed Minutes of the 19 February 2024 FMC Meeting
- Confirmed Minutes of the 5 June 2024 FMC Meeting
- Draft Unconfirmed Minutes of the 12 August FMC Meeting

Carried: 9/0

For: Cr Gordon THOMSON Cr Azmi YON Cr FOO Kee Heng
Cr Hafiz MASLI Cr Phillip WOO Cr Vincent SAW
Cr Steven PEREIRA Cr Mel TUNG Cr Kelvin LEE

Against:

10 REPORTS OF OFFICERS

10.1 Chief Executive Officer

10.1.1 RFQ 04-2024 Supply of Sealing Aggregate

Council Resolution

Moved: Cr YON **Seconded: Cr MASLI** **Res. No: 58/24**

That Council

1. Accepts the submission by Bitumen Surfacing for the unit price of \$218.75 per tonne in response to RFQ 04-2024 Supply of Sealing Aggregate.
2. Endorses the lump sum price of \$970,875 for the supply and delivery of 900 tonnes of sealing aggregate to the Shire landfill.

Carried: 9/0

For: Cr Gordon THOMSON Cr Azmi YON Cr FOO Kee Heng
Cr Hafiz MASLI Cr Phillip WOO Cr Vincent SAW
Cr Steven PEREIRA Cr Mel TUNG Cr Kelvin LEE

Against:

10.1.2 Community Assistance Grants

Council Resolution

Moved: Cr YON **Seconded: Cr LEE** **Res. No: 59/24**

That Council grant the CI Robbers \$1200 towards the cost of their community project from the Community Assistance Grant fund 2024/2025.

Carried: 9/0

For: Cr Gordon THOMSON Cr Azmi YON Cr FOO Kee Heng
Cr Hafiz MASLI Cr Phillip WOO Cr Vincent SAW
Cr Steven PEREIRA Cr Mel TUNG Cr Kelvin LEE

Against:

10.2 Director Finance & Administration

10.2.1 Schedule of Accounts – July 2024

Council Resolution			
Moved: Cr FOO	Seconded: Cr SAW	Res. No:	56/24
That Council approves the expenditure as presented in July 2024 Schedule of Accounts			
Carried:	9/0		
For:	Cr Gordon THOMSON	Cr Azmi YON	Cr FOO Kee Heng
	Cr Hafiz MASLI	Cr Phillip WOO	Cr Vincent SAW
	Cr Steven PEREIRA	Cr Mel TUNG	Cr Kelvin LEE
Against:			

10.2.2 Financial Statements – July 2024

Council Resolution			
Moved: Cr YON	Seconded: Cr MASLI	Res. No:	61/24
That Council receives the Financial Statements of July 2024 for the Municipal Fund.			
Carried:	9/0		
For:	Cr Gordon THOMSON	Cr Azmi YON	Cr FOO Kee Heng
	Cr Hafiz MASLI	Cr Phillip WOO	Cr Vincent SAW
	Cr Steven PEREIRA	Cr Mel TUNG	Cr Kelvin LEE
Against:			

10.3 Director Community/Recreation Services & Training

10.4 Director Works, Services & Waste

10.5 Director Planning, Governance & Policy

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 7.37pm

15 DATE OF NEXT MEETING: 24 September 2024



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 24 September 2024
AGENDA REFERENCE	10.1
SUBJECT	SOCI Representative on the Christmas Island Economic Future Working Group
LOCATION/ADDRESS/APPLICANT	Nil
FILE REFERENCE	1.5.23
INTEREST DISCLOSURE	Nil
DATE OF REPORT	18 September 2024
AUTHOR	David Price, CEO
SIGNATURE OF CEO	SIGNED

RECOMMENDATIONS

That Council considers its representative on the Christmas Island Economic Future Working Group

BACKGROUND

On the 3rd of July 2024 via email the Administrator forwarded correspondence regarding an invitation to join the CIEFWG. (attachment 10.1.1.1) that email also contained the CIEFWG Terms of Reference (attached 10.1.1.2)

COMMENT

Councilor Masli was put forward as the Shire's representative on the CIEFWG.

On the 25 July 2024 the Administrator sent an email suggesting that the CEO would be a more appropriate nomination and she was advised that the nomination of Councilor Masli stood.

On the 28th August Councilor Masli advised that he was no longer able to represent the Shire on the CIEFWG and the Administrator was advised accordingly and that the Shire would determine its representation at the Ordinary Meeting of Council on 24 September 2024.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS & MILESTONES

CI Singapore Strategy 2023

SOCI Corporate Business Plan 2023-2028

VOTING REQUIREMENTS

Simple Majority

ATTACHMENTS

10.1.1.1 – Invitation correspondence

10.1.1.2 - CIEFWG Terms of Reference



Farzian Zainal

Administrator of Christmas Island
Administrator of the Cocos (Keeling) Islands

Mr. David Price
Chief Executive Officer
Shire of Christmas Island
shire.ceo@shire.gov.cx

Dear David,

Invitation to join the Christmas Island Economic Future Working Group

The Christmas Island Economic Future Working Group (EFWG) is responsible for identifying practical solutions to the economic challenges facing Christmas Island. The Group will bring industry, business, and community representatives together to discuss ideas in order to reach consensus positions and develop strategies for the benefit of Christmas Island.

The Working Group's primary purpose is to seek opportunities for members to individually and collectively improve economic resilience and sustainability in consideration of the island's shared aspirations and seek alignment of implementable actions through a comprehensive and collaborative approach. The EFWG is not a decision making body, but the Group can provide advice to the Australian Government through my Office.

EFWG members will be invited to provide their views on matters raised by the Administrator. Members will also be able to raise ideas or matters of importance to the broader community in relation to the following:

- The economic transition and development of Christmas Island
- The use, allocation, and development of land on Christmas Island and future investment
- Infrastructure and community assets and amenities
- Investment opportunities and sectoral issues (e.g. tourism, small businesses & enterprise)
- Workforce development

The EFWG, while focused on Christmas Island, is encouraged to consider the potential impacts, both positive and negative, of its initiatives on the Cocos (Keeling) Islands (CKI). It should actively seek areas of common ground on which to collaborate with CKI businesses or groups.

I will act as Chair of the Committee, and the group will meet every two months, or otherwise as advised. I will also be seeking expressions of interest from community members to fill three positions on the EFWG. These three members will be appointed for a period of 12 months, with consideration given to the cultural and ethnic diversity of CI when selecting community members. The other members of the group will be representatives from key stakeholders on Christmas Island.

PO Box 868, Christmas Island INDIAN OCEAN 6798
Telephone: +61 8 9164 7959 • Email: IOTAdministrator@infrastructure.gov.au



I would like to formally invite you, or a Shire delegate, to be a member of this working group. I look forward to working collaboratively with stakeholders and I hope that you will accept this invitation to play a key role in providing a shared voice on the community's vision for the future of Christmas Island. Please find attached the Terms of Reference for the Christmas Island EFWG. I look forward to hearing from you and please do not hesitate to contact me should you require further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Farzian Zainal'.

Farzian Zainal
Administrator of Christmas Island
and Cocos (Keeling) Islands

3 July, 2024

Christmas Island

Economic Future Working Group

Terms of Reference

1. Purpose

The Christmas Island Economic Future Working Group (EFWG) is responsible for identifying practical solutions to the economic challenges facing Christmas Island. The Group includes members from across industry, government and community to ensure people affected by economic change are considered by decision-makers and that actions are planned and staged to minimise negative impacts and maximise positive opportunities.

The EFWG will bring industry, business and community representatives together to discuss ideas in order to reach consensus positions and develop a shared voice on the community's vision for the future of Christmas Island.

The EFWG is not a decision making body. While it can provide advice to the Australian Government through the Administrator, the EFWG's primary purpose is to seek opportunities for members to individually and collectively improve economic resilience and sustainability in consideration of the island's shared aspirations and seek alignment of implementable actions through a comprehensive and collaborative approach.

2. Scope

EFWG members will be invited to provide their views on matters raised by the Administrator. Members are also able to raise ideas or matters of importance to the broader community in relation to the following:

- The economic transition and development of Christmas Island
- The use, allocation and development of land on Christmas Island and future investment
- Infrastructure and community assets and amenities
- Investment opportunities and sectoral issues (eg tourism, small businesses & enterprise)
- Workforce development
- Any other matter at the discretion of the Administrator.

The EFWG, while focused on Christmas Island, is encouraged to consider the potential impacts, both positive and negative, of its initiatives on the Cocos (Keeling) Islands (CKI). It should actively seek areas of common ground on which to collaborate with CKI businesses or groups.

3. Membership

The membership is invited by the Administrator and may be amended at any time at the sole discretion of the Administrator.

The membership currently consists of the following:

1. The Administrator of Christmas Island (Chair)
2. Three community members

And one senior representative from each of the following organisations:

3. IOT Regional Development Organisation
4. The Shire of Christmas Island
5. Indian Ocean Territories Administration
6. Parks Australia
7. Christmas Island Phosphates
8. Christmas Island Tourism Association
9. Christmas Island Business Association Inc.

Following an expression of interest, three community members are appointed by the Administrator for a period of 12 months from the date of appointment. Consideration will be given to the cultural and ethnic diversity of CI when selecting community members. At the expiration of their term, existing community members are able to be reappointed at the discretion of the Administrator.

Representatives of the government, including officials from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, other government departments and agencies, and members of parliament may be invited to attend and contribute to particular discussions as observers based on the agenda.

Experts in relevant fields may also be invited to provide a presentation and/or contribute to discussions based on the agenda.

4. Meeting Arrangements

The EFWG will meet every two months or otherwise as advised at the discretion of the Administrator.

The default location for meetings of the EFWG will be in the Administrator's Boardroom in the Administrator's Office however other locations may be used at the discretion of the Administrator.

5. Agendas

Meeting agendas will be circulated in advance of each meeting.

Members are able to raise matters for discussion with the secretariat ahead of meetings or are able to raise matters as part of Other Business.

All matters that a member requests to be added to an agenda must be made in writing by midday, five business days before the scheduled meeting.

6. Reporting

The EFWG will develop a biannual environmental scan of challenges and opportunities to share with the Minister, DITRDCA and the community to reflect the group's research and analysis of issues.

An agreed Communique will be published following each EFWG meeting to communicate key areas of strategy discussed, and seek community engagement where appropriate.

The Chair will share a register of actions with the Minister and DITRDCA following each meeting to influence and inform policy development and funding or investment decisions.

The EFWG will establish a mechanism to receive community input and feedback to support evaluation of success and progress, and elicit data and information.

7. Governance

All members have an equal voice and all members have an opportunity to speak.

As this is an advisory committee, no voting takes place, however the Administrator will work to find a consensus position on any contentious matters.

The Administrator retains the right to accept or reject the collective advice of the EFWG.

Nominated proxies can be made by agency representatives and they can attend meetings.

At the Administrator's discretion, guests may be invited to present or otherwise contribute to the meeting.

8. Code of Conduct

The EWG is intended to be a collaborative forum in which ideas are shared and discussed. Members and guests are required to act constructively, ethically and in the interest of the broader community. Where views on particular issues differ, it is the responsibility of all members to seek a consensus position. If this is not possible, the Administrator reserves the right to end the discussion and move on to the next topic.

9. Secretariat

The Secretariat role will be fulfilled by staff in the Administrator's Office. All correspondence should be directed to IOTAdministrator@infrastructure.gov.au.

The secretariat will circulate an agenda ahead of each meeting and will record and circulate the minutes

These Terms of Reference are to be reviewed by the first anniversary of the first meeting of the EFWG.



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 24 September 2024
AGENDA REFERENCE	10.2.1
SUBJECT	Schedule of Accounts - August 2024
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	3.1.14
INTEREST DISCLOSURE	None
DATE OF REPORT	10 September 2024
AUTHOR	Wei Ho, Assistant Director of FCS
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

RECOMMENDATION

That Council receive the expenditure totaling \$1,324,983.19 as presented in August 2024 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 August 2024: **\$ 152,632.24**

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) authorises 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 – August 2024 (including Credit Card Transaction in accordance with Financial Regulation 13A)

“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 September 2024
AGENDA REFERENCE	10.2.2
SUBJECT	Financial Statements – August 2024
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	3.1.14
INTEREST DISCLOSURE	None
DATE OF REPORT	18 September 2024
AUTHOR	Wei Ho, Assistant Director of FCS
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

RECOMMENDATION

That Council receives the Financial Statements of August 2024.

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 quarterly financial report is attached to this report, setting out expenditure from the Municipal and Trust Funds. This report is provided in compliance with the Act and Regulations. Also included is a status report on Asset Acquisition expenditure for the period.

This financial statement are prepared in a new accrual type format including the statement of financial activity (operating income and expenditure) and statement of financial position (balance sheet).

This new format provides council with a more comprehensive of financial information and is in line with all other local government monthly financial report.

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 August 2024

SHIRE OF CHRISTMAS ISLAND

MONTHLY FINANCIAL REPORT

(Containing the required statement of financial activity and statement of financial position)

For the period ended 31 August 2024

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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SHIRE OF CHRISTMAS ISLAND
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 AUGUST 2024

Note	Adopted	YTD	YTD	Variance*	Variance*	Var.
	Budget Estimates (a) \$	Budget Estimates (b) \$	Actual (c) \$	\$ (c) - (b) \$	% ((c) - (b))/(b) %	
OPERATING ACTIVITIES						
Revenue from operating activities						
General rates	1,904,574	1,904,574	1,941,075	36,501	1.92%	▲
Grants, subsidies and contributions	8,681,131	4,191,921	3,969,032	(222,889)	(5.32%)	▼
Fees and charges	1,221,706	203,522	462,872	259,350	127.43%	▲
Interest revenue	293,385	48,876	62,905	14,029	28.70%	▲
Other revenue	32,600	16,256	24,033	7,777	47.84%	▲
Profit on asset disposals	29,499	8,908	0	(8,908)	(100.00%)	▼
	12,162,895	6,374,057	6,459,917	85,860	1.35%	
Expenditure from operating activities						
Employee costs	(7,884,318)	(1,313,458)	(984,118)	329,340	25.07%	▲
Materials and contracts	(4,283,327)	(638,736)	(347,419)	291,317	45.61%	▲
Utility charges	(128,297)	(21,360)	(27,521)	(6,161)	(28.84%)	▼
Depreciation	(1,702,000)	(283,534)	(266,915)	16,619	5.86%	▲
Insurance	(217,399)	(36,198)	(182,186)	(145,988)	(403.30%)	▼
Other expenditure	(304,406)	(67,568)	(186,456)	(118,888)	(175.95%)	▼
Loss on asset disposals	(346)	0	0	0	0.00%	
	(14,520,093)	(2,360,854)	(1,994,615)	366,239	15.51%	
Non cash amounts excluded from operating activities	2(c) 1,672,847	274,626	266,915	(7,711)	(2.81%)	
Amount attributable to operating activities	(684,351)	4,287,829	4,732,217	444,388	10.36%	
INVESTING ACTIVITIES						
Inflows from investing activities						
Proceeds from capital grants, subsidies and contributions	2,465,477	410,744	236,658	(174,086)	(42.38%)	▼
Proceeds from disposal of assets	55,475	0	0	0	0.00%	
	2,520,952	410,744	236,658	(174,086)	(42.38%)	
Outflows from investing activities						
Payments for property, plant and equipment	(1,689,172)	(69,138)	(161,514)	(92,376)	(133.61%)	▼
Payments for construction of infrastructure	(2,421,357)	(403,396)	(236,658)	166,738	41.33%	▲
	(4,110,529)	(472,534)	(398,172)	74,362	15.74%	
Amount attributable to investing activities	(1,589,577)	(61,790)	(161,514)	(99,724)	(161.39%)	
FINANCING ACTIVITIES						
Inflows from financing activities						
Transfer from reserves	650,000	0	0	0	0.00%	
	650,000	0	0	0	0.00%	
Outflows from financing activities						
Transfer to reserves	(251,711)	0	0	0	0.00%	
	(251,711)	0	0	0	0.00%	
Amount attributable to financing activities	398,289	0	0	0	0.00%	
MOVEMENT IN SURPLUS OR DEFICIT						
Surplus or deficit at the start of the financial year	2(a) 1,603,052	1,603,052	1,766,586	163,534	10.20%	▲
Amount attributable to operating activities	(684,351)	4,287,829	4,732,217	444,388	10.36%	▲
Amount attributable to investing activities	(1,589,577)	(61,790)	(161,514)	(99,724)	(161.39%)	▼
Amount attributable to financing activities	398,289	0	0	0	0.00%	
Surplus or deficit after imposition of general rates	(272,587)	5,829,091	6,337,289	508,198	8.72%	▲

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data outside the adopted materiality threshold.

▲ Indicates a variance with a positive impact on the financial position.

▼ Indicates a variance with a negative impact on the financial position.

Refer to Note 3 for an explanation of the reasons for the variance.

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

**SHIRE OF CHRISTMAS ISLAND
STATEMENT OF FINANCIAL POSITION
FOR THE PERIOD ENDED 31 AUGUST 2024**

	Actual 30 June 2024	Actual as at 31 August 2024
	\$	\$
CURRENT ASSETS		
Cash and cash equivalents	3,162,032	4,996,430
Trade and other receivables	234,267	2,571,947
Other financial assets	5,612,689	5,654,334
Inventories	47,255	139,680
Other assets	4,535	4,035
TOTAL CURRENT ASSETS	9,060,778	13,366,426
NON-CURRENT ASSETS		
Property, plant and equipment	15,299,705	15,317,738
Infrastructure	23,005,422	23,118,645
TOTAL NON-CURRENT ASSETS	38,305,127	38,436,383
TOTAL ASSETS	47,365,905	51,802,809
CURRENT LIABILITIES		
Trade and other payables	532,033	152,384
Other liabilities	947,050	1,087,009
Employee related provisions	2,221,241	2,221,241
TOTAL CURRENT LIABILITIES	3,700,324	3,460,634
NON-CURRENT LIABILITIES		
Employee related provisions	8,717	8,717
TOTAL NON-CURRENT LIABILITIES	8,717	8,717
TOTAL LIABILITIES	3,709,041	3,469,351
NET ASSETS	43,656,864	48,333,458
EQUITY		
Retained surplus	14,254,427	18,931,021
Reserve accounts	5,592,618	5,592,618
Revaluation surplus	23,809,820	23,809,820
TOTAL EQUITY	43,656,865	48,333,459

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

SHIRE OF CHRISTMAS ISLAND
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 AUGUST 2024

1 BASIS OF PREPARATION AND MATERIAL ACCOUNTING POLICIES

BASIS OF PREPARATION

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

Local Government Act 1995 requirements

Section 6.4(2) of the *Local Government Act 1995* read with the *Local Government (Financial Management) Regulations 1996*, prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Local Government (Financial Management) Regulations 1996, regulation 34 prescribes contents of the financial report. Supplementary information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 31 August 2024

THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements.

MATERIAL ACCOUNTING POLICES

Material accounting policies utilised in the preparation of these statements are as described within the 2024-25 Annual Budget. Please refer to the adopted budget document for details of these policies.

Critical accounting estimates and judgements

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

As with all estimates, the use of different assumptions could lead to material changes in the amounts reported in the financial report.

The following are estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year and further information on their nature and impact can be found in the relevant note:

- Fair value measurement of assets carried at reportable value including:
 - Property, plant and equipment
 - Infrastructure
- Impairment losses of non-financial assets
- Expected credit losses on financial assets
- Assets held for sale
- Investment property
- Estimated useful life of intangible assets
- Measurement of employee benefits
- Measurement of provisions
- Estimation uncertainties and judgements made in relation to lease

SHIRE OF CHRISTMAS ISLAND
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 AUGUST 2024

2 NET CURRENT ASSETS INFORMATION

(a) Net current assets used in the Statement of Financial Activity

	Adopted Budget Opening 1 July 2024	Actual as at 30 June 2024	Actual as at 31 August 2024
Note	\$	\$	\$
Current assets			
Cash and cash equivalents	3,162,032	3,162,032	4,996,430
Trade and other receivables	234,267	234,267	2,571,947
Other financial assets	5,635,464	5,612,689	5,654,334
Inventories	74,108	47,255	139,680
Other assets	4,535	4,535	4,035
	9,110,406	9,060,778	13,366,426
Less: current liabilities			
Trade and other payables	(532,032)	(532,033)	(152,384)
Other liabilities	(947,050)	(947,050)	(1,087,009)
Employee related provisions	(2,221,241)	(2,221,241)	(2,221,241)
	(3,700,323)	(3,700,324)	(3,460,634)
Net current assets	5,410,083	5,360,454	9,905,792
Less: Total adjustments to net current assets	2(b) (3,807,031)	(3,593,868)	(3,568,503)
Closing funding surplus / (deficit)	1,603,052	1,766,586	6,337,289

(b) Current assets and liabilities excluded from budgeted deficiency

Adjustments to net current assets			
Less: Reserve accounts	(5,615,393)	(5,592,618)	(5,592,618)
Less: Current assets not expected to be received at end of year			
- Current financial assets at amortised cost - self supporting loans			
- Other liabilities [describe]	(198,610)		(247)
Add: Current liabilities not expected to be cleared at the end of the year			
- Current portion of other provisions held in reserve			25,612
- Current portion of employee benefit provisions held in reserve	2,006,972	1,998,750	1,998,750
Total adjustments to net current assets	2(a) (3,807,031)	(3,593,868)	(3,568,503)

(c) Non-cash amounts excluded from operating activities

	Adopted Budget Estimates 30 June 2025	YTD Budget Estimates 31 August 2024	YTD Actual 31 August 2024
	\$	\$	\$
Adjustments to operating activities			
Less: Profit on asset disposals	(29,499)	(8,908)	0
Add: Loss on asset disposals	346	0	0
Add: Depreciation	1,702,000	283,534	266,915
Total non-cash amounts excluded from operating activities	1,672,847	274,626	266,915

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the local governments' operational cycle.

FM Reg 34 (2)(b) **3 EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.

The material variance adopted by Council for the 2024-25 year is \$10,000 or 5.00% whichever is the greater.

Description	Var. \$	Var. %	
	\$	%	
Revenue from operating activities			
General rates	36,501	1.92%	▲
Early payment rate discount 2.5% only apply on payment		Timing	
Grants, subsidies and contributions	(222,889)	(5.32%)	▼
Project has not complete to generate grants - Housing Support Program, Australia Day and Bus Service		Timing	
Fees and charges	259,350	127.43%	▲
Yearly Food Licence, Residential Waste Management Levy generate with rates		Timing	
Interest revenue	14,029	28.70%	▲
Budget is allocated evenly every month		Timing	
Other revenue	7,777	47.84%	▲
Employee incentive payment received not budget but will amend budget Sponsorship Payment from CIP for T-Week		Permanent Timing	
Profit on asset disposals	(8,908)	(100.00%)	▼
Asset disposal has not proceed as planed		Timing	
Expenditure from operating activities			
Employee costs	329,340	25.07%	▲
Overhead has not been transfer & some project has not started		Timing	
Materials and contracts	291,317	45.61%	▲
Activity not as hight as budgeted for		Timing	
Utility charges	(6,161)	(28.84%)	▼
Yearly charge on water, sewerage service & waste management levy		Timing	
Depreciation	16,619	5.86%	▲
Slightly under budget - to be review at mid-year review		Timing	
Insurance	(145,988)	(403.30%)	▼
Insurance paid in July 2024, budget is allocated evenly every month		Timing	
Other expenditure	(118,888)	(175.95%)	▼
Storm Damage Clean-up not budgeted, will be reimburse from insurance		Timing	
Inflows from investing activities			
Proceeds from capital grants, subsidies and contributions	(174,086)	(42.38%)	▼
Project has not complete to generate grants		Timing	
Outflows from investing activities			
Payments for property, plant and equipment	(92,376)	(133.61%)	▼
New plant arrive in July 2024		Timing	
Payments for construction of infrastructure	166,738	41.33%	▲
Some project has not started yet due to lack of stock		Timing	
Surplus or deficit at the start of the financial year	163,534	10.20%	▲
Increase in surplus following annual financial statement		Permanent	
Surplus or deficit after imposition of general rates	508,198	8.72%	▲
Due to variances discribed above			

SHIRE OF CHRISTMAS ISLAND
SUPPLEMENTARY INFORMATION

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BASIS OF PREPARATION - SUPPLEMENTARY INFORMATION

Supplementary information is presented for information purposes. The information does not comply with the disclosure requirements of the Australian Accounting Standards.

SHIRE OF CHRISTMAS ISLAND
 SUPPLEMENTARY INFORMATION
 FOR THE PERIOD ENDED 31 AUGUST 2024

1 KEY INFORMATION

Funding Surplus or Deficit Components

Funding surplus / (deficit)				
	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$1.60 M	\$1.60 M	\$1.77 M	\$0.16 M
Closing	(\$0.27 M)	\$5.83 M	\$6.34 M	\$0.51 M

Refer to Statement of Financial Activity

Cash and cash equivalents		
	\$10.63 M	% of total
Unrestricted Cash	\$5.04 M	47.4%
Restricted Cash	\$5.59 M	52.6%

Refer to 3 - Cash and Financial Assets

Payables		\$0.15 M	% Outstanding
Trade Payables	\$0.15 M		
0 to 30 Days			88.1%
Over 30 Days			11.9%
Over 90 Days			1.5%

Refer to 9 - Payables

Receivables		
	\$0.59 M	% Collected
Rates Receivable	\$1.98 M	3.9%
Trade Receivable	\$0.59 M	% Outstanding
Over 30 Days		10.9%
Over 90 Days		0.3%

Refer to 7 - Receivables

Key Operating Activities

Amount attributable to operating activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$0.68 M)	\$4.29 M	\$4.73 M	\$0.44 M

Refer to Statement of Financial Activity

Rates Revenue		
YTD Actual	\$1.94 M	% Variance
YTD Budget	\$1.90 M	1.9%

Grants and Contributions		
YTD Actual	\$3.97 M	% Variance
YTD Budget	\$4.19 M	(5.3%)

Refer to 11 - Grants and Contributions

Fees and Charges		
YTD Actual	\$0.46 M	% Variance
YTD Budget	\$0.20 M	127.4%

Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$1.59 M)	(\$0.06 M)	(\$0.16 M)	(\$0.10 M)

Refer to Statement of Financial Activity

Proceeds on sale		
YTD Actual	\$0.00 M	%
Adopted Budget	\$0.06 M	(100.0%)

Refer to 6 - Disposal of Assets

Asset Acquisition		
YTD Actual	\$0.24 M	% Spent
Adopted Budget	\$2.42 M	(90.2%)

Refer to 5 - Capital Acquisitions

Capital Grants		
YTD Actual	\$0.24 M	% Received
Adopted Budget	\$2.47 M	(90.4%)

Refer to 5 - Capital Acquisitions

Key Financing Activities

Amount attributable to financing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$0.40 M	\$0.00 M	\$0.00 M	\$0.00 M

Refer to Statement of Financial Activity

Borrowings	
Principal repayments	\$0.00 M
Interest expense	\$0.00 M
Principal due	\$0.00 M

Reserves	
Reserves balance	\$5.59 M
Net Movement	\$0.00 M

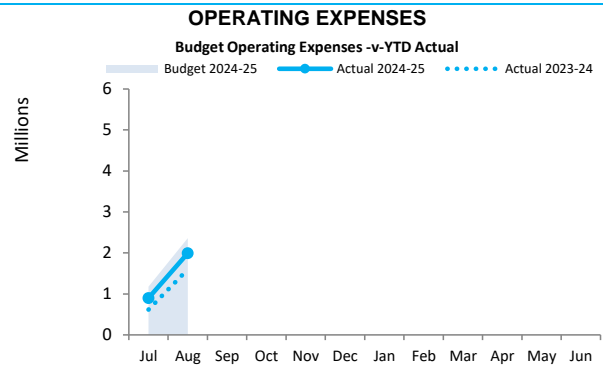
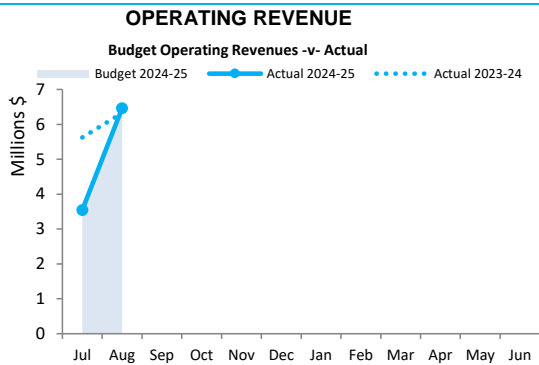
Refer to 4 - Cash Reserves

This information is to be read in conjunction with the accompanying Financial Statements and notes.

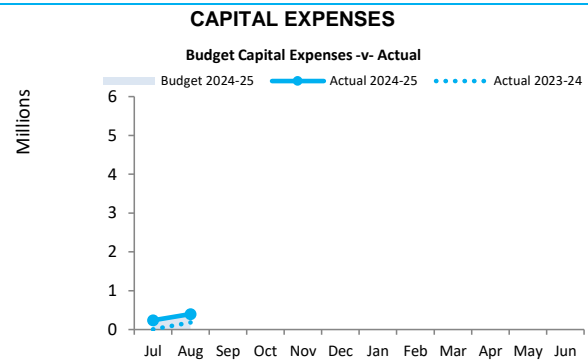
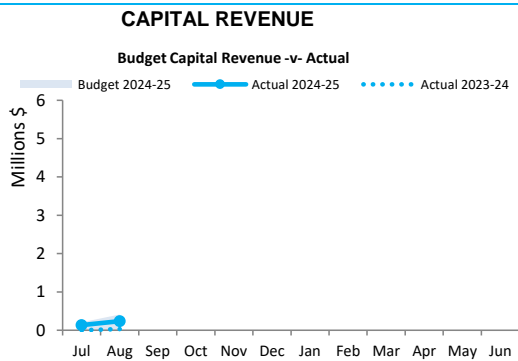
**SHIRE OF CHRISTMAS ISLAND
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 AUGUST 2024**

2 KEY INFORMATION - GRAPHICAL

OPERATING ACTIVITIES



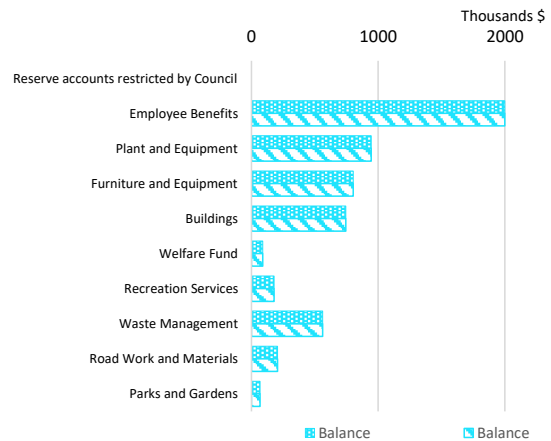
INVESTING ACTIVITIES



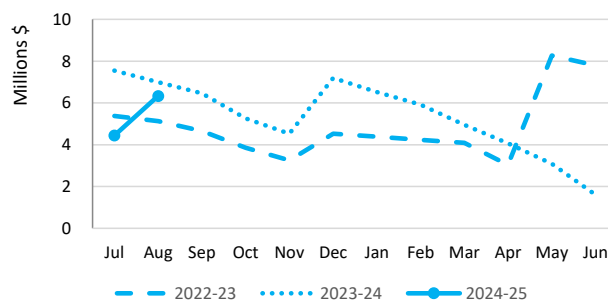
FINANCING ACTIVITIES

BORROWINGS

RESERVES



Closing funding surplus / (deficit)



This information is to be read in conjunction with the accompanying Financial Statements and Notes.

SHIRE OF CHRISTMAS ISLAND
 SUPPLEMENTARY INFORMATION
 FOR THE PERIOD ENDED 31 AUGUST 2024

3 CASH AND FINANCIAL ASSETS AT AMORTISED COST

Description	Classification	Unrestricted	Reserve Accounts	Total	Trust	Institution	Interest Rate	Maturity Date
		\$	\$	\$	\$			
Petty Cash and Floats	Cash and cash equivalents	600	0	600	0	N/A	N/A	On Hand
Municipal Fund	Cash and cash equivalents	2,853,137	0	2,853,137	0	Bank-Westpac	Variable	N/A
Municipal Fund FTD #936	Cash and cash equivalents	642,693	0	642,693	0	Bank-Westpac	4.32%	02-2025
Municipal Fund FTD #933	Cash and cash equivalents	500,000	0	500,000	0	Bank-Westpac	4.08%	10-2024
Municipal Fund FTD #934	Cash and cash equivalents	500,000	0	500,000	0	Bank-Westpac	4.16%	11-2024
Municipal Fund FTD #935	Cash and cash equivalents	500,000	0	500,000	0	Bank-Westpac	4.24%	12-2024
Trust Fund FTD #139	Financial assets at amortised cost	0	0	0	59,204	Bank-Westpac	4.32%	09-2024
Community Welfare Fund	Financial assets at amortised cost	(0)	2,585	2,585	0	Bank-Westpac	Variable	N/A
CW Fund FTD #230	Financial assets at amortised cost	520	24,140	24,660	0	Bank-Westpac	4.80%	08-2025
CW Fund FTD #228	Financial assets at amortised cost	0	34,338	34,338	0	Bank-Westpac	4.32%	09-2024
CW Fund FTD #229	Financial assets at amortised cost	0	27,518	27,518	0	Bank-Westpac	4.32%	09-2024
Reserve Fund	Financial assets at amortised cost	1,594	685,795	687,389	0	Bank-Westpac	Variable	N/A
Reserve Fund FTD #350	Financial assets at amortised cost	39,527	1,835,014	1,874,541	0	Bank-Westpac	4.80%	08-2025
Reserve Fund FTD #344	Financial assets at amortised cost	0	68,527	68,527	0	Bank-Westpac	4.32%	09-2024
Reserve Fund FTD #345	Financial assets at amortised cost	0	780,135	780,135	0	Bank-Westpac	4.32%	09-2024
Reserve Fund FTD #346	Financial assets at amortised cost	0	522,127	522,127	0	Bank-Westpac	4.80%	03-2025
Reserve Fund FTD #347	Financial assets at amortised cost	0	547,629	547,629	0	Bank-Westpac	4.32%	11-2024
Reserve Fund FTD #348	Financial assets at amortised cost	0	543,809	543,809	0	Bank-Westpac	4.32%	11-2024
Reserve Fund FTD #349	Financial assets at amortised cost	0	521,000	521,000	0	Bank-Westpac	4.32%	11-2024
Total		5,038,071	5,592,617	10,630,689	59,204			
Comprising								
Cash and cash equivalents		4,996,430	0	4,996,430	0			
Financial assets at amortised cost - Term Deposits		41,641	5,592,617	5,634,259	59,204			
		5,038,071	5,592,617	10,630,689	59,204			

KEY INFORMATION

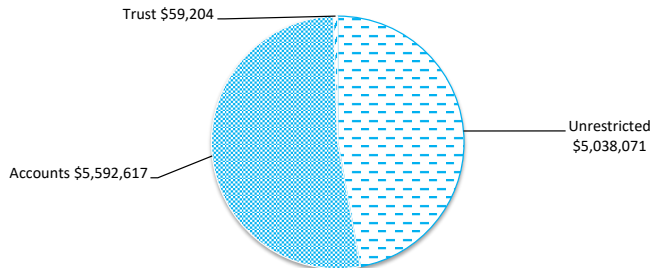
Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 8 - Other assets.



**SHIRE OF CHRISTMAS ISLAND
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 31 AUGUST 2024**

4 RESERVE ACCOUNTS

Reserve account name	Budget				Actual			
	Opening Balance	Transfers In (+)	Transfers Out (-)	Closing Balance	Opening Balance	Transfers In (+)	Transfers Out (-)	Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$
Reserve accounts restricted by Council								
Employee Benefits	2,006,972	75,693		2,082,665	1,998,750			1,998,750
Plant and Equipment	949,320	75,773	(400,000)	625,093	945,001			945,001
Furniture and Equipment	805,451	30,384		835,835	802,242			802,242
Buildings	748,310	28,215	(200,000)	576,525	745,133			745,133
Welfare Fund	88,491	5,929		94,420	88,491			88,491
Recreation Services	178,711	5,176		183,887	178,108			178,108
Waste Management	563,194	8,041	(50,000)	521,235	560,996			560,996
Road Work and Materials	206,427	19,918		226,345	205,692			205,692
Parks and Gardens	68,517	2,582		71,099	68,205			68,205
	5,615,393	251,711	(650,000)	5,217,104	5,592,618	0	0	5,592,618

5 CAPITAL ACQUISITIONS

Capital acquisitions	Adopted		YTD Actual	YTD Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Buildings - non-specialised	180,000	0	0	0
Buildings - specialised	150,000	0	0	0
Furniture and equipment	115,000	2,498	63,559	61,061
Plant and equipment	1,244,172	66,640	97,955	31,315
Acquisition of property, plant and equipment	1,689,172	69,138	161,514	92,376
Infrastructure - roads	2,421,357	403,396	236,658	(166,738)
Acquisition of infrastructure	2,421,357	403,396	236,658	(166,738)
Total of PPE and Infrastructure.	4,110,529	472,534	398,172	(74,362)
Total capital acquisitions	4,110,529	472,534	398,172	(74,362)
Capital Acquisitions Funded By:				
Capital grants and contributions	2,465,477	410,744	236,658	(174,086)
Other (disposals & C/Fwd)	55,475	0	0	0
Reserve accounts				
Plant and Equipment	400,000		0	0
Buildings	200,000		0	0
Waste Management	50,000		0	0
Contribution - operations	939,577	61,790	161,514	99,724
Capital funding total	4,110,529	472,534	398,172	(74,362)

KEY INFORMATION

Initial recognition

An item of property, plant and equipment or infrastructure that qualifies for recognition as an asset is measured at its cost.

Upon initial recognition, cost is determined as the amount paid (or other consideration given) to acquire the assets, plus costs incidental to the acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Local Government (Financial Management) Regulation 17A(5)*. These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

Individual assets that are land, buildings and infrastructure acquired between scheduled revaluation dates of the asset class in accordance with the Shire's revaluation policy, are recognised at cost and disclosed as being at reportable value.

Measurement after recognition

Plant and equipment including furniture and equipment and right-of-use assets (other than vested improvements) are measured using the cost model as required under *Local Government (Financial Management) Regulation 17A(2)*. Assets held under the cost model are carried at cost less accumulated depreciation and any impairment losses being their reportable value.

Reportable Value

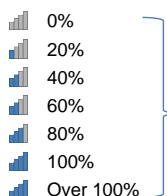
In accordance with *Local Government (Financial Management) Regulation 17A(2)*, the carrying amount of non-financial assets that are land and buildings classified as property, plant and equipment, investment properties, infrastructure or vested improvements that the local government controls.

Reportable value is for the purpose of *Local Government (Financial Management) Regulation 17A(4)* is the fair value of the asset at its last valuation date minus (to the extent applicable) the accumulated depreciation and any accumulated impairment losses in respect of the non-financial asset subsequent to its last valuation date.

5 CAPITAL ACQUISITIONS (CONTINUED) - DETAILED

Capital expenditure total

Level of completion indicators

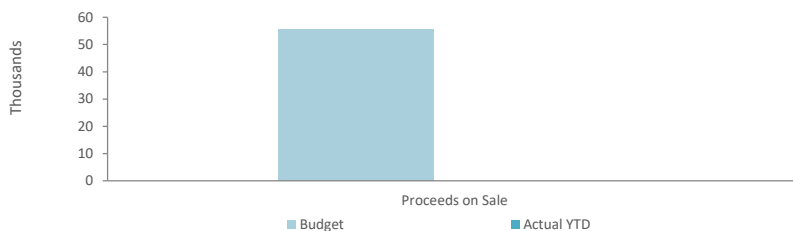


Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

Account Description	Adopted		YTD Actual	Variance (Under)/Over
	Budget	YTD Budget		
	\$	\$	\$	\$
Furniture and Equipment				
1127805 Lily Beach Redevelopment	10,000	1,666	1,763	(97)
1127800 Replacement of Poon Saan Outdoor Cinema Seating	20,000	0	0	0
1127800 Playground & Park Upgrades	80,000	0	0	0
1137800 Library Shelving	5,000	832	0	832
1127807 Foreshore Padang Footpath Extension	0	0	61,796	(61,796)
Furniture and Equipment Total	115,000	2,498	63,559	(61,061)
Plant and Machinery				
1017500 Iveco Waste Compector 4 x 2 Dual Control & Freight	400,000	66,640	0	66,640
1127500 Ride-On Mower-P&G	21,672	0	0	0
1127500 Truck Crew Cab-P&G	100,000	0	0	0
1127500 Freight for P&G Plant & Machinery	22,500	0	0	0
1217500 Skidsteer-Projects	75,000	0	0	0
1217500 Roller-C/Wks	200,000	0	0	0
1217500 Telehandler	225,000	0	0	0
1217500 Freight for 24/25 P&E	75,000	0	0	0
1217500 Emulsion Sprayer	35,000	0	0	0
1217500 Freight for 23/24 P&E (7 x Hilux/Install Bitumen Tank)	90,000	0	97,955	(97,955)
Plant and Machinery Total	1,244,172	66,640	97,955	(31,315)
Land Building & Fixed Plant				
Building Specialised				
427900 Replace Flooring in Finance Office & Tea Room	50,000	0	0	0
427900 Replace George Fam Office Blinds	25,000	0	0	0
427900 Replace Metalwork Balustrading	75,000	0	0	0
Building Specialised Total	150,000	0	0	0
Building Non-Specialised				
907900 General Housing Upgrade (For Budget Transfer)	180,000	0	0	0
Building Non-Specialised Total	180,000	0	0	0
Land Building & Fixed Plant Total	330,000	0	0	0
Infrastructure				
72325 CRA 24/25 - EW Baseline from Blowhole to NPB National Park	555,880	92,608	0	92,608
72317 CRA 23/24 - Reseal Jalan Ketam Merah	94,348	15,718	0	15,718
72318 CRA 23/24 - Reseal Abbotts Nest	18,563	3,092	0	3,092
72319 CRA 23/24 - Reseal Jalan Masjid	3,228	538	0	538
72320 CRA 23/24 - Reseal Jalan Masjid Carpark	7,870	1,312	0	1,312
72321 CRA 23/24 - Reseal Poon Saan Rd at Hardware	62,143	10,354	0	10,354
72322 CRA 23/24 - Reseal & Kerb Tampa View	919	154	35,899	(35,745)
72323 CRA 23/24 - Reseal Phosphate Hill/Irvine Hill	41,767	6,958	0	6,958
72324 CRA 23/24 - Reseal EW Baseline to Blowholes Turn Off	97,125	16,180	155,053	(138,873)
72605 Blowhole Rd Upgrade-Maintenance to Blowhole Rd Stage 1	500,000	83,298	0	83,298
72617 LRCIP 4 - Lily Beach Boardwalk Replacement	133,831	22,298	24,900	(2,602)
72618 LRCIP 4 - Replacement of Road Signage	194,689	32,434	0	32,434
72107 RTR 23/24 - Reseal Lily Beach Rd	300,704	50,096	20,807	29,290
72108 RTR 24/25 - Rocky Point Spur Rd Construction	25,000	4,162	0	4,162
72109 RTR 24/25 - Nursery Rd Construction	50,000	8,328	0	8,328
72110 RTR 24/25 - Kung Wai Lane Reseal	38,000	6,330	0	6,330
72111 RTR 24/25 - Sin Sang Rd Reseal	38,000	6,330	0	6,330
72911 RTR 24/25 - Taman Sweetland Close Reseal	50,000	8,332	0	8,332
72912 RTR 24/25 - Taman Sweetland Crescent Reseal	99,704	16,616	0	16,616
72932 RTR 24/25 - Gaze Road	89,586	14,928	0	14,928
72933 RTR 24/25 - Block 413 Carpark	20,000	3,330	0	3,330
Infrastructure Total	2,421,357	403,396	236,658	166,738
	4,110,529	472,534	398,172	74,362

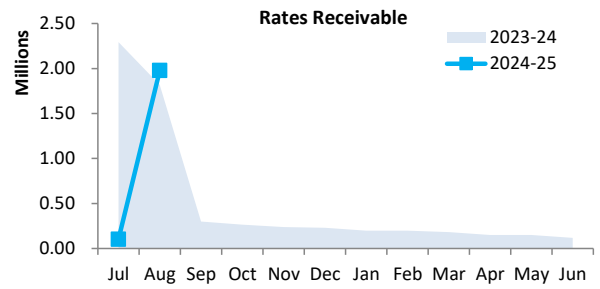
6 DISPOSAL OF ASSETS

Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
Plant and equipment									
VN60198	Skidsteer Mustang with BM350 Cement Mixer Bucket	5,152	6,875	1,723	0			0	0
VN60961	Toyota Hilux Dual Cab 4x4 Turbo Chg Diesel-P&G (Darren Yeap)	0	5,000	5,000	0			0	0
VN61321	Waste Compactor 4*2 Dual control	11,706	25,000	13,294	0			0	0
VN61322	Hino Truck - Parks	2,904	3,100	196	0			0	0
VN61635	Caterpillar Roller	0	9,000	9,000	0			0	0
VN62137	Telehandler JLG	4,214	4,500	286	0			0	0
VN62036	Line Marker	2,346	2,000	0	(346)			0	0
		26,322	55,475	29,499	(346)	0	0	0	0



7 RECEIVABLES

Rates receivable	30 Jun 2024	31 Aug 2024
	\$	\$
Opening arrears previous year		118,058
Levied this year		1,941,075
Less - collections to date	118,058	(80,077)
Net rates collectable	118,058	1,979,056
% Collected	0.0%	3.9%



Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	0	528,564	61,056	1,565	1,706	592,891
Percentage	0.0%	89.2%	10.3%	0.3%	0.3%	
Balance per trial balance						
Trade receivables		528,564	61,056	1,565	1,706	592,891
Total receivables general outstanding						592,891

Amounts shown above include GST (where applicable)

KEY INFORMATION

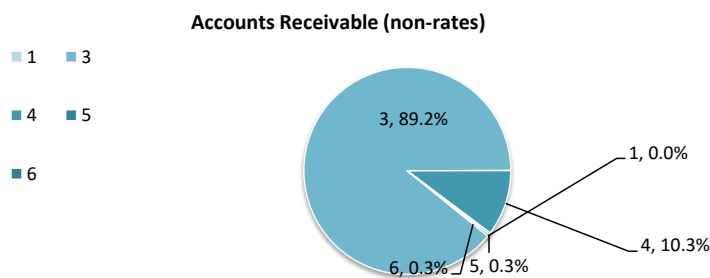
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Classification and subsequent measurement

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets.

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.



8 OTHER CURRENT ASSETS

	Opening Balance 1 July 2024	Asset Increase	Asset Reduction	Closing Balance 31 August 2024
	\$	\$	\$	\$
Other current assets				
Other financial assets at amortised cost				
Financial assets at amortised cost	5,592,618	41,645		5,634,263
Financial assets at fair value through profit and loss	20,071			20,071
Inventory				
Fuel and materials	47,255	150,284	(57,860)	139,680
Other assets				
Prepayments	3,293	4,335	(3,592)	4,035
Accrued income	1,242		(1,242)	0
Total other current assets	5,664,479	196,264	(62,694)	5,798,049
Amounts shown above include GST (where applicable)				

KEY INFORMATION

Other financial assets at amortised cost

The Shire classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Inventory

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

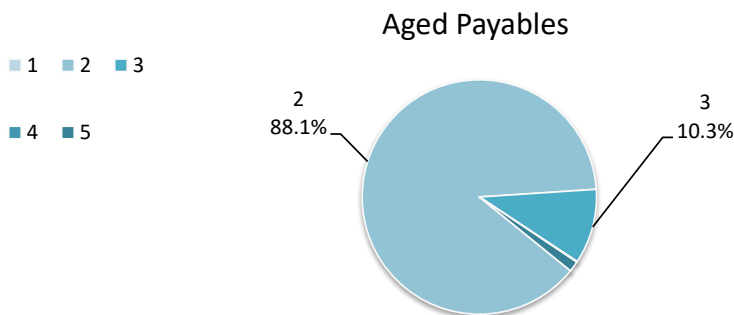
9 PAYABLES

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	134,494	15,771	141	2,226	152,632
Percentage	0.0%	88.1%	10.3%	0.1%	1.5%	
Balance per trial balance						
Sundry creditors		134,494	15,771	141	2,226	152,632
Adjustment-Trust Interfund Tft						(248)
Total payables general outstanding						152,384

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition. The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.



10 OTHER CURRENT LIABILITIES

Other current liabilities	Note	Opening Balance 1 July 2024	Liability transferred from/(to) non current	Liability Increase	Liability Reduction	Closing Balance 31 August 2024
		\$	\$	\$	\$	\$
Other liabilities						
Contract liabilities		204,747	0	46,926	(70,309)	181,364
Capital grant/contributions liabilities		742,303	0	400,000	(236,658)	905,645
Total other liabilities		947,050	0	446,926	(306,967)	1,087,009
Employee Related Provisions						
Provision for annual leave		1,155,366	0			1,155,366
Provision for long service leave		1,065,875	0			1,065,875
Total Provisions		2,221,241	0	0	0	2,221,241
Total other current liabilities		3,168,291	0	446,926	(306,967)	3,308,250

Amounts shown above include GST (where applicable)

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 11 and 12

KEY INFORMATION

Provisions

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Employee Related Provisions

Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as employee related provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

Contract liabilities

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer.

Capital grant/contribution liabilities

Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

11 GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Unspent grant, subsidies and contributions liability					Grants, subsidies and contributions revenue		
	Liability	Increase in Liability	Decrease in Liability (As revenue)	Liability	Current Liability	Adopted Budget Revenue	YTD Budget	YTD Revenue Actual
	1 July 2024			31 Aug 2024	31 Aug 2024			
	\$	\$	\$	\$	\$	\$	\$	\$
Grants and subsidies								
Financial Assistant Grant	0	0	0	0	0	6,984,296	3,492,148	3,390,435
Commonwealth Community Service Obligations	0	0	0	0	0	500,459	500,459	500,459
CI Fisheries Management DITRDCA Grant	198,747	0	(70,308)	128,438	128,438	396,876	66,118	70,308
Housing Support Program	0	0	0	0	0	738,500	123,034	0
Saluting Their Service Commemorations Grant	6,000	0	0	6,000	6,000	0	0	0
Creative Australia -CI Exchange Program	0	25,366	0	25,366	25,366	0	0	0
Festivals Australia -Strengthening Indian Ocean Ties	0	21,560	0	21,560	21,560	0	0	0
	204,747	46,926	(70,308)	181,364	181,364	8,620,131	4,181,759	3,961,202
Contributions								
Australia Day Building Better Region Grant				0		20,000	3,332	0
Australia Day Contribution				0		1,000	166	0
Contribution & Donation				0		30,000	4,998	0
CI Marathon Contribution & Donation				0		10,000	1,666	7,829
	0	0	0	0	0	61,000	10,162	7,829
TOTALS	204,747	46,926	(70,308)	181,364	181,364	8,681,131	4,191,921	3,969,032

12 CAPITAL GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Capital grant/contribution liabilities					Capital grants, subsidies and contributions revenue		
	Liability	Increase in Liability	Decrease in Liability (As revenue)	Liability	Current Liability	Adopted Budget Revenue	YTD Budget	YTD Revenue Actual
	1 July 2024			31 Aug 2024	31 Aug 2024			
	\$	\$	\$	\$	\$	\$	\$	\$
Capital grants and subsidies								
Road to Recovery (RTR) Grant	300,704		(20,807)	279,898	279,898	710,994	118,450	20,807
Central Road Authority (CRA) Grant	325,963		(190,952)	135,011	135,011	925,963	154,264	190,952
Local Road & Community Infrastructure Program (LRCIP) Phase 4	115,636		(24,900)	90,737	90,737	328,520	54,731	24,900
72605 Blowhole Rd Upgrade-Maintenance to Blowhole Rd Stage 1	0	400,000	0	400,000	400,000	500,000	83,299	0
	742,303	400,000	(236,658)	905,645	905,645	2,465,477	410,744	236,658

13 TRUST FUND

Funds held at balance date which are required by legislation to be credited to the trust fund and which are not included in the financial statements are as follows:

Description	Opening Balance 1 July 2024	Amount Received	Amount Paid	Closing Balance 31 August 2024
	\$	\$	\$	\$
Taman Sweetlant Reserve (POS)	59,204			59,204
	59,204	0	0	59,204



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 24 September 2024
AGENDA REFERENCE	10.4.1
SUBJECT	Supply and Delivery of Various Items of Plant
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	5.13.03/24 & 5.3.2
INTEREST DISCLOSURE	Nil
DATE OF REPORT	10 September 2024
AUTHOR	Troy Davis, Director of Works, Services & Waste
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

RECOMMENDATION

That Council:

1. **accepts the offer for RFT 03-2024 Supply of Waste Compactor from STG Global for \$418,897;**
2. **accepts the offer for RFQ 02-24 Supply of Telehandler from Construction Equipment Australia for \$212,000; and**
3. **accepts the offer for RFQ 03-24 Supply of 15 tonne Steel Drum Roller from Tutt Bryant for \$199,000.**

BACKGROUND

Council adopted a budget of \$1,056,672 for the purchase of plant and equipment in 2024/2025 (not including freight).

Requests for Quote (RFQ) and a Request for Tender (RFT) were issued through August for a number of items, with the following submissions received by the closing date and time.

RFT 03-2024 Supply of Waste Compactor		
Supplier	Item	Price (ex GST)
STG Global	Isuzu cab chassis STG Global body	\$418,897
Isuzu Australia	Isuzu cab chassis STG Global body	\$425,292
Penske Australia	Dennis Eagle Elite 6 chassis Garwood body	\$462,059
Penske Australia	Dennis Eagle Elite 6 chassis Superior Pak body	\$514,663
Penske Australia	Dennis Eagle Elite 6 chassis STG Global body	\$521,003
Penske Australia	Dennis Eagle Elite 6 chassis Bucher body	\$547,809

RFQ 02-24 Supply of Telehandler

Supplier	Item	Price (ex GST)
GCM Agencies	Heli	\$175,000
Construction Equipment Australia	JCB	\$212,000
McIntosh and Sons	Merlo	\$272,700

RFQ 03-24 Supply of 15 tonne Steel Drum Roller		
Supplier	Item	Price (ex GST)
Brooks Equipment	XCMG	\$128,653.87
Construction Equipment Australia	Dynapac	\$137,900
GCM Agencies	Multipac	\$147,310
Porter Equipment Australia	Ammann	\$189,900
Tutt Bryant	Bomag	\$199,000
Wirtgen	Hamm	\$199,580
Conplant	Wacker Neuson	\$204,780
McIntosh and Sons	LiuGong	\$272,700

COMMENT

All plant replacement items are for existing plant that have reached the end of their useful life and require replacement in order to maintain an acceptable level of service. Submissions were provided to the Operations Supervisor (Workshop) and relevant Section Supervisor for review and comment. The assessments were based on criteria that were set for each of the requests with specific focus on key areas from each of the Panel members that included functionality, maintenance and serviceability, and overall suitability for the job.

Price was not initially considered in the assessments as suitability and functionality are the primary considerations for plant on the Island.

1. RFT 03-2024 Supply of 18 cubic metre Waste Compactor (Garbage Truck)

The options offered by Penske Australia all included a Dennis Eagle Elite 6 cab chassis. These units will not be available until February 2025 with total build and supply to be an estimated 14 months from the time of order. This was deemed to be too excessive considering the current condition of our primary waste compactor.

The options for STG Global and Isuzu are identical, except for their price, therefore it was recommended to accept the lower Tender from STG Global. Additionally, STG Global have a cab chassis and body available (albeit 20 cubic metre) in store and can deliver to Zentner by November 2024. The Shire also currently run several Isuzu trucks, so maintenance and repair requirements will be consistent with other fleet items.

The internal cost estimate for the truck was \$4000,000 plus freight. This unit is marginally over that budget, however savings across other plant items will cover this minor shortfall.

2. RFQ 02-24 Supply of Telehandler

The Shire's existing telehandler was taken out of service several months ago due to safety concerns. The unit is a required piece of plant due to its versatility with forks, bucket and basket attachments.

JCB is a recognised leader in telehandlers with both CI Marine Resucue having a JCB telehandler, and the AFP having 1 on order to replace their current telehandler. The internal cost estimate for the telehandler was \$250,000 plus freight. This unit is within that budget.

3. RFQ 03-24 Supply of 15 tonne Steel Drum Roller

The Shire regularly uses its steel drum rollers for road construction activities. The maximum weight of 15 tonnes has been specified to allow the unit to be transported with the Shire's float. The current unit is unreliable and has been difficult to keep in service. All Suppliers can deliver within 2-5 weeks, so suitability, reliability and pricing were the determining factors.

Whilst not the cheapest option, the Shire recently purchased a Bomag multi-tyred roller from Tutt Bryan and the consistency of fleet types and the service from Tutt Bryant made this unit the preferred option. The internal cost estimate for the roller was \$200,000 plus freight. This unit is within that budget.

STATUTORY ENVIRONMENT

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 applies.

POLICY IMPLICATIONS

Financial Policy 2 - Purchasing

FINANCIAL IMPLICATIONS

The requests for quote/tender of the plant and equipment items have been via WALGA's Vendorpanel to all suppliers of these types of plant and equipment. There is a budget allocation for the purchase of plant and equipment for 24/25, and these proposed purchases are within that budget.

STRATEGIC IMPLICATIONS & MILESTONES

Nil

CONSULTATION

None required.

VOTING REQUIREMENTS

Simple majority



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Meeting of Council 24 September 2024
AGENDA REFERENCE	10.4.2
SUBJECT	RFT 02-2024 Surplus Plant and Vehicles Tender
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	5.13.02/24
INTEREST DISCLOSURE	Nil
DATE OF REPORT	10 September 2024
AUTHOR	Troy Davis – Director of Works, Services & Waste
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

RECOMMENDATION

That Council:

- 1) endorses the additional plant item offered for sale; and
- 2) accepts the Tenders for the following items for a total of \$145,590.54
 - a) Toyota Dual Cab Hilux - VN61016 - \$16,500.00
 - b) Toyota Dual Cab Hilux - VN61197 - \$13,899.85
 - c) Toyota Dual Cab Hilux - VN62771 - \$4,222.85
 - d) Toyota Dual Cab Hilux - VN61320 - \$16,222.99
 - e) Toyota Dual Cab Hilux - VN61327 - \$9,288.85
 - f) Toyota Dual Cab Hilux - VN61571 - \$16,555.00
 - g) Toyota Dual Cab Hilux - VN61572 - \$16,650.00
 - h) Hino 300 Series Crew Cab Truck - VN61322 - \$8,500.00
 - i) Hino 300 Series Crew Cab Truck - VN61323 - \$6,501.00
 - j) Hino 300 Series Single Cab Truck - VN61325 - \$23,000.00
 - k) JLG 3.5t Telehandler - VN62137 - \$2,500.00
 - l) Caterpillar Skidsteer Loader - VN61636 - \$11,750.00

BACKGROUND

Further to the resolution of Council on 23 July 2024, 'That Council call tenders for the sale of surplus plant, vehicles and equipment', tenders were called via a Public Notice on 22 August 2024, and advertised in The Islander.

Whilst liaising with operational staff during the preparation of the Tender documents, an additional plant item (Hino 300 Series Crew Cab Truck) was highlighted as surplus to needs and was added to the list of available plant and vehicles. This item was replaced a few years earlier, but a disposal process did not occur during that period.

Additionally, one of the Hilux utes had a licence plate change, so the list was updated with that information (changed from VN60963 to VN62771).

COMMENT

It is recommended that Council endorse the additional vehicle for sale via this tender process. The item is:

Description	Plant No/ Asset No	Year	Comment
Hino 300 Series Crew Cab Truck	VN61322	2010	Replaced 2022/23. Surplus to Requirements.

During the Tender process, a total of 48 submissions were received for the advertised items, with many submissions including offers for multiple items. Overall, 159 offers were made with only 1 item not receiving any interest. The following Tenders were the highest received for each item.

Teresa Hendren	Toyota Dual Cab Hilux - VN61016	\$16,500.00
Chris Wong	Toyota Dual Cab Hilux - VN61197	\$13,899.85
Ngiap Choo Tan	Toyota Dual Cab Hilux - VN62771	\$4,222.85
Ngiap Choo Tan	Toyota Dual Cab Hilux - VN61320	\$16,222.99
Chris Wong	Toyota Dual Cab Hilux - VN61327	\$9,288.85
Jesse Wong	Toyota Dual Cab Hilux - VN61571	\$16,555.00
Peter Cestino	Toyota Dual Cab Hilux - VN61572	\$16,650.00
Island Transport	Hino 300 Series Crew Cab Truck - VN61322	\$8,500.00
Greg McIntosh	Hino 300 Series Crew Cab Truck - VN61323	\$6,501.00
Siau Yong Han	Hino 300 Series Single Cab Truck - VN61325	\$23,000.00
Island Transport	JLG 3.5t Telehandler - VN62137	\$2,500.00
Greg McIntosh	Caterpillar Skidsteer Loader - VN61636	\$11,750.00

Whilst no reserves, or expectations, were set for any of the items, it is proposed to retain the Tennant Street Sweeper VN62227 and operate it for targeted cleaning rather than continuous street sweeping as it only received an offer for \$2,500. It will be serviced and maintained, and reassessed annually, and when any major faults occur that may not be cost effective to undertake. The Multipac Multi Tyred Roller VN60870 did not receive an offer, is mechanically unsound and not suitable for repairs. It is proposed to strip any suitable pieces and then scrap the unit.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council will realise \$145,590.54 income from the sales.

STRATEGIC IMPLICATIONS & MILESTONES

Nil

CONSULTATION

None required

VOTING REQUIREMENTS

Simple majority



SHIRE OF CHRISTMAS ISLAND

SUBMISSION TO	Ordinary Council Meeting 24 September 2024
AGENDA REFERENCE	10.5.1
SUBJECT	Policy Review for Audit
LOCATION/ADDRESS/APPLICANT	N/A
FILE REFERENCE	1.17.1/1.17.2/1.17.3
INTEREST DISCLOSURE	Nil
DATE OF REPORT	18 September 2024
AUTHOR	Chris Su, Director Planning, Governance & Policy
SIGNATURE OF AUTHOR	SIGNED
SIGNATURE OF CEO	SIGNED

RECOMMENDATIONS

That Council adopts the following reviewed policies and documents –

- *Shire of Christmas Island Code of Conduct for Council Members, Committee Members and Candidates 2024*
- *Shire of Christmas Island Code of Conduct Council Members, Committee Members and Candidates Breach Complaint Form 2024*
- *Code of Conduct for Employees 2024*
- *Code of Conduct, Council Members, Committee Members and Candidates Complaints Management Policy 2024*

BACKGROUND

These four policy documents were last reviewed and adopted at the August 2022 Ordinary Council Meeting. They are the pro-forma policy documents WALGA provided member councils to assist with compliance under the new -

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

Local Government (Administration) Amendment Regulations 2021

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

COMMENT

RSM Auditors advised that policy reviews should be undertaken every two years as best practice. SOCI received a request from the auditors to provide reviews accordingly who noted that the Codes were last adopted at the August 2022 Ordinary Council Meeting.

Whilst policy review is not a statutory requirement, unlike local law reviews which are to be done at least once in seven years, regular formalized reviews ensure that

policies are kept updated and relevant to any changes in the local government space.

SOCI consulted WALGA to see if there were any updates to the pro-forma Codes adopted in August 2022. None have been made; subsequently only a minor update to refer to the present 10 Year Strategic Community Plan '*Our Island, Our Responsibility 2023-2033*' was made in the documents in place of the previous 10 Year SCP.

STATUTORY ENVIRONMENT

Local Government (Model Code of Conduct) Regulations 2021

Local Government (Administration) Amendment Regulations 2021

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

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS & MILESTONES

Supports governance outcomes.

VOTING REQUIREMENTS

A simple majority is required.

ATTACHMENTS

10.5.1.1	HR 1 –	Shire of Christmas Island Code of Conduct for Council Members, Committee Members and Candidates 2024
	HR1.1 -	Shire of Christmas Island Code of Conduct Council Members, Committee Members and Candidates Breach Complaint Form 2024
10.5.1.2	HR 2 - HR2.2 -	Code of Conduct for Employees 2024 Code of Conduct, Council Members, Committee Members and Candidates Complaints Management Policy 2024

Shire of Christmas Island

Code of Conduct for Council Members, Committee Members and Candidates

September 2024

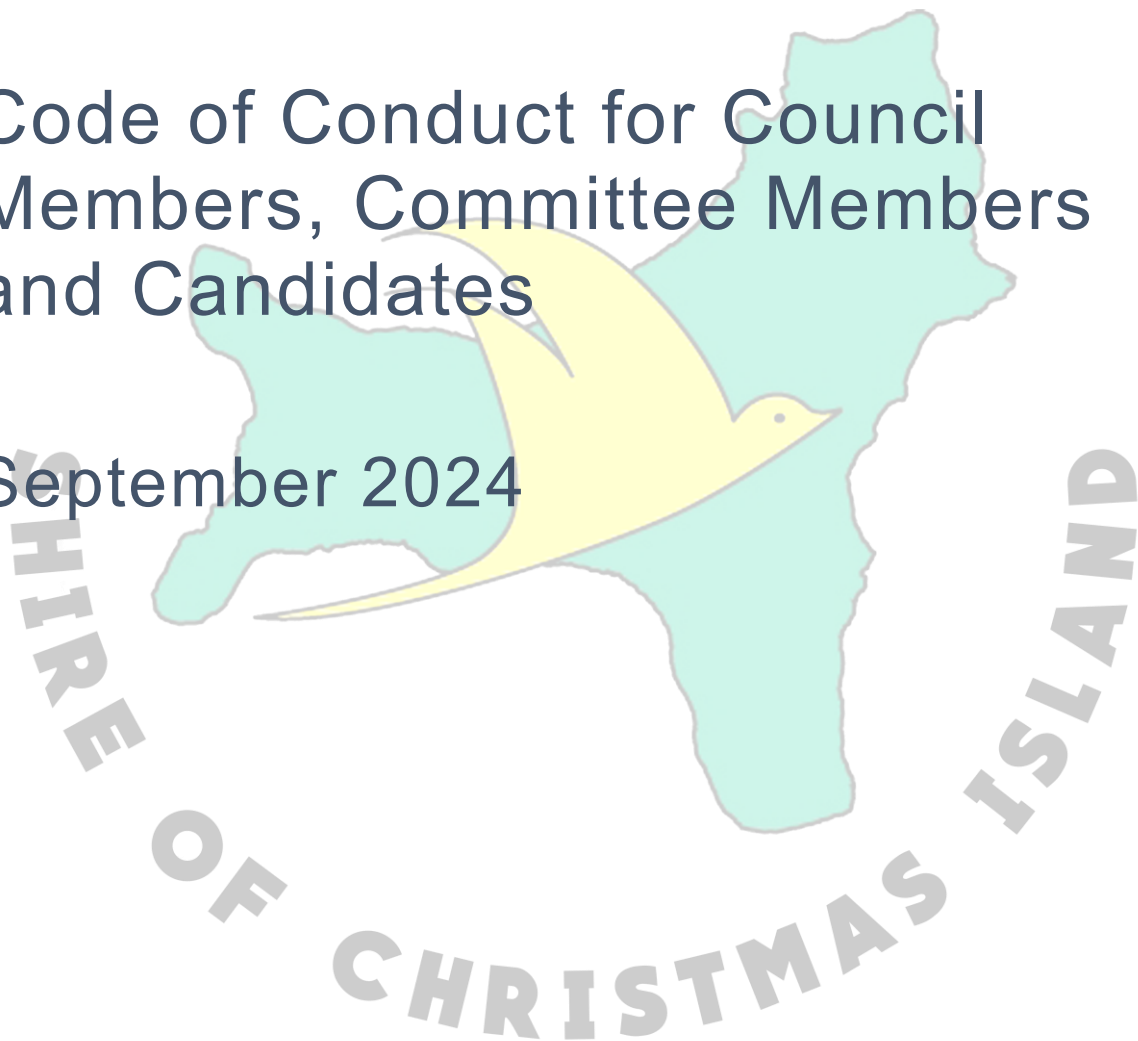


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Shire of Christmas Island Code of Conduct for Council Members, Committee Members and Candidates

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.

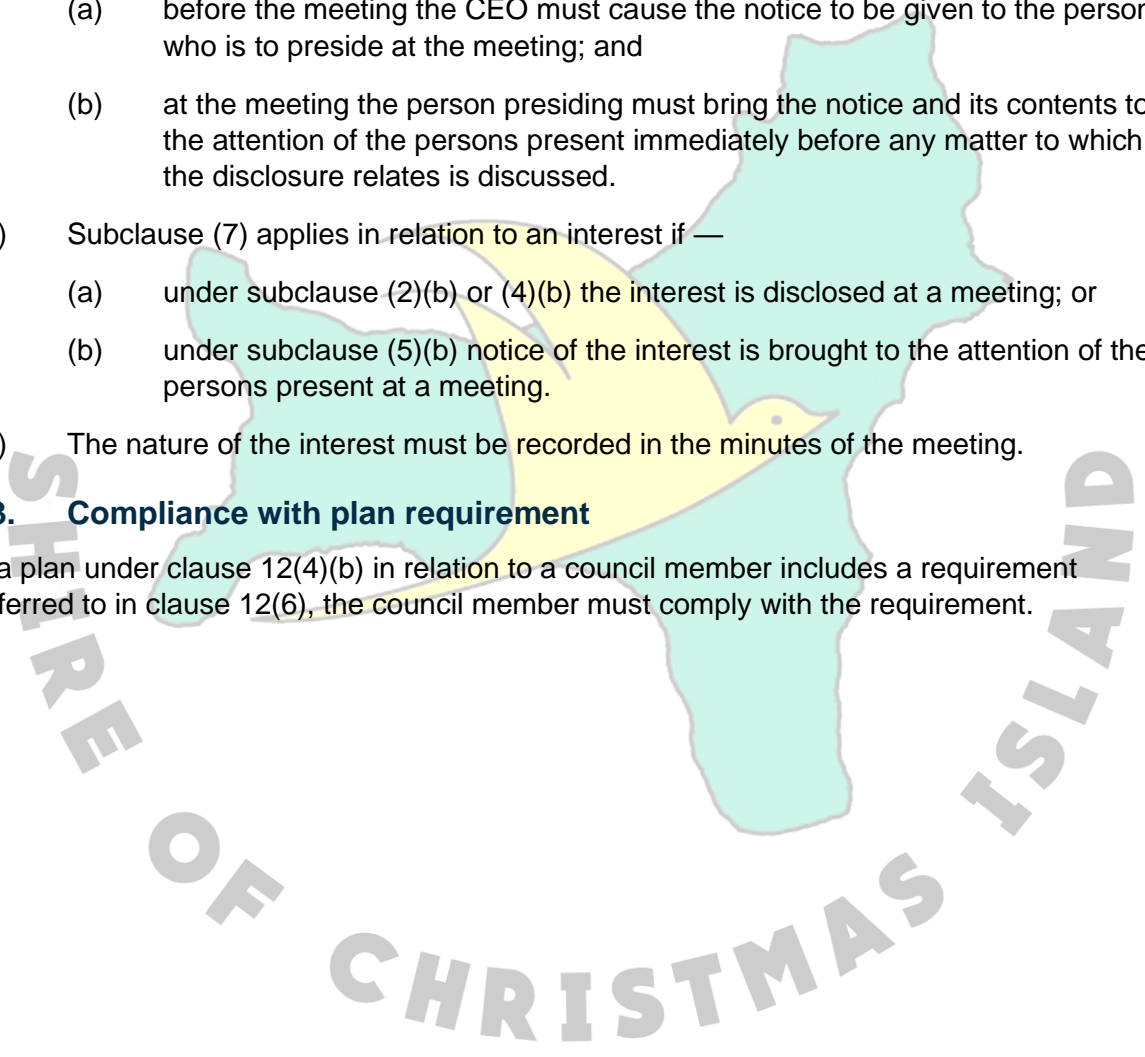
22. Disclosure of interests

- (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: _____ <div style="display: flex; justify-content: space-around; margin-top: 10px;"><u>Given Name(s)</u><u>Family Name</u></div>

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
September 2024, v1

Date of alleged breach:
_____ / _____ / 20_____

<p>SIGNED:</p> <p>Complainant's signature:</p> <p>Date of signing: _____ / _____ / 20_____</p>

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

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

Manager of Governance, Research, Policy and Grants Chris Su
Chris@shire.gov.cx
 September 2024, v1

Shire of Christmas Island

Code of Conduct for Employees

September 2024



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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

'Our Island, Our Responsibility' is a poignant community vision that encapsulates the profound commitment of the people of Christmas Island to the stewardship and guardianship of our home..(it) expresses a powerful sense of collective ownership and responsibility for the Island's well-being and sustainability, emphasizing the indispensable role of its inhabitants in shaping its future.'

Shire of Christmas Island 10 Year Strategic Community Plan 2023-2033
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:							
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Reviewer:	Manager of Governance, Research, Policy and Grants			Decision Maker:	Resolution of Council August 2022 Ordinary Council Meeting		
Compliance Requirements:							
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1.	July 2021		WALGA template submitted to Council for adoption at July 2021 Ordinary Council Meeting.				
2.	August 2022		Public Interest Disclosure Procedures added to website				
3.	September 2024		No changes				
			Update to the mention of the new 10 Year Strategic Community Plan				

Shire of Christmas Island

Code of Conduct Behaviour Complaints Management Policy for Council Members, Committee Members and Candidates

September 2024



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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

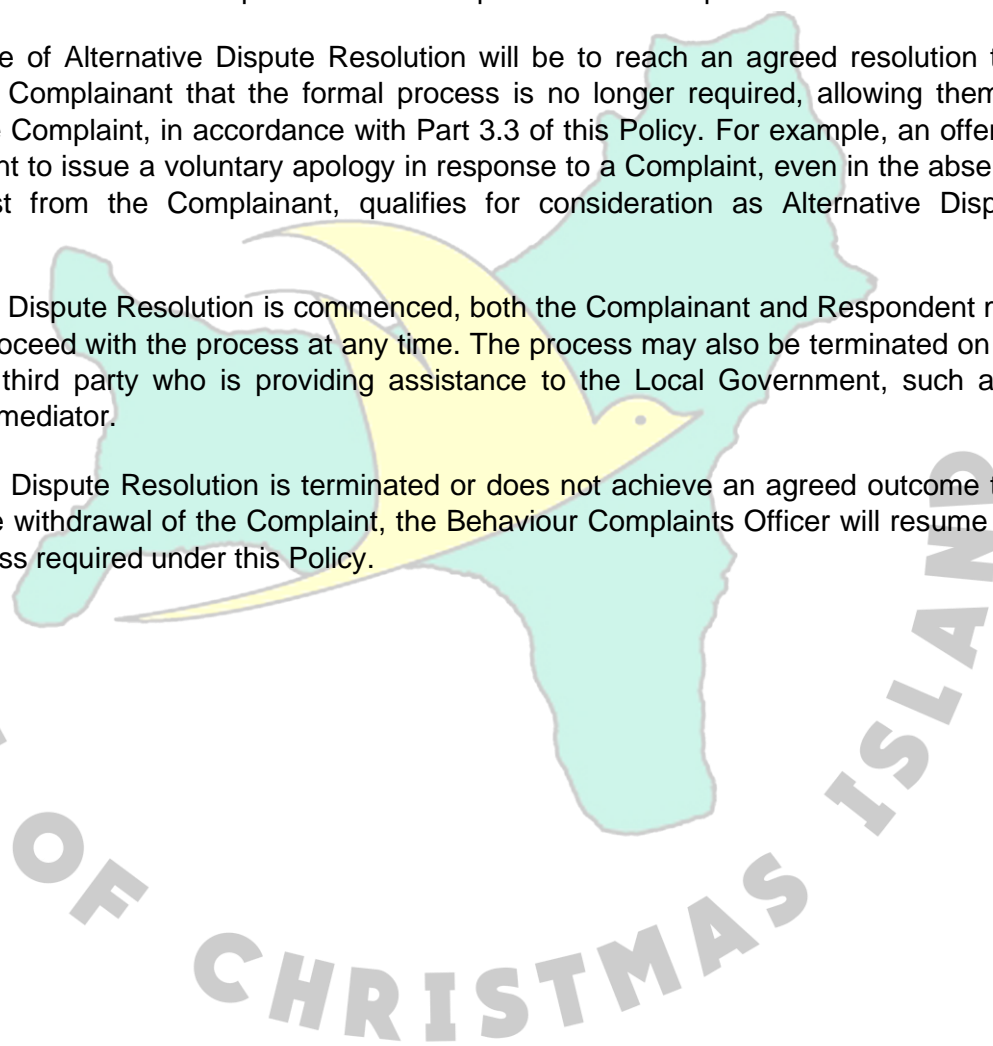
The Shire of Christmas Island recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate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

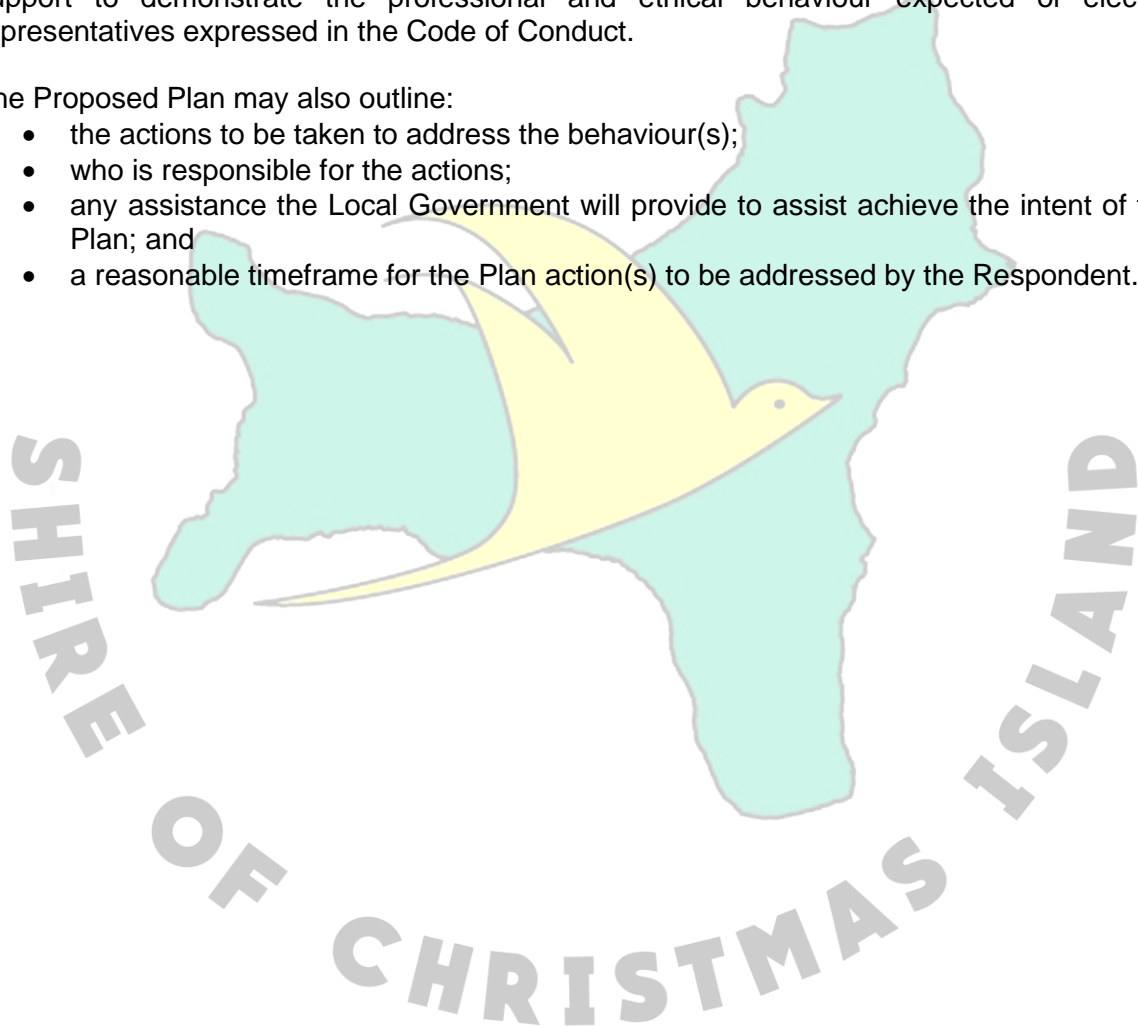
The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

- 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	August 2021
Resolution No.	76/21
Adoption Conditions	Nil
Consultation	Nil required
Next Review Date	July 2026
File Reference	-

