

POPK Perhimpunan Orang Pulu Cocos

September 21, 2009

The Members

Joint Standing Committee on the National Capital and External Territories
Parliament House
Canberra ACT

Reference: "Inquiry into the changing economic environment in the Indian Ocean Territories"

Introduction

The Perhimpunan Orong Pulu Kokos (POPK) was formed to unify the workers of Cocos in their unions, the LHMU and the ASU, to form an alliance with the UCIW (Union of Christmas Island Workers) and to combine with the community of Pulu Kokos to obtain a just and fair society, to promote the industrial, professional, material and social welfare of its members through whatever means as may be determined by the members of the POPK.

POPK supports the Cocos (Keeling) Islands workers' objectives to establish and maintain fair and just wages and conditions in industrial agreements made between the unions and the employers of Pulu Kokos.

POPK aims to secure representation of the members and to discuss and advocate the interests of the people of Pulu Kokos in all the councils, committees, forums and organisations that are concerned with the interests and well being of the people of Pulu Kokos.

Issues

The following are issues that the POPK wishes to raise with the Inquiry, as they impact upon issues of economic and social development. The issues have already been raised in correspondence, and through a meeting, with the Cocos (Keeling) Islands Shire Council, or the Cocos Islands Cooperative Society Ltd.

Issues which have related to Cocos have received a degree of publicity, and we wish to inform you of the true situation. Each of these issue directly, or indirectly, impact upon the current, and future, economy of Cocos,

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POPK Perhimpunan Orang Pulu Cocos

Cocos (Keeling) Islands Shire Council - Issues

Claims for payment of current entitlements

The conditions of employment for the employees of the Shire of Cocos (Keeling) Islands are governed by the *Local Government Employees and Officers' Cocos (Keeling) Award 2001*.

We note the increases in the amounts of district allowance [clause 17.3]: from \$8275 to \$8910 per annum for employees with eligible dependants, and from \$4138 to \$4455 per annum for employees without eligible dependants, and the increase in the amount of the industry allowance [clause 17.7] from \$38.32 to \$20.42 per week, applying from 1 October 2008 are not reflected in the payments to the employees.

New Claims for an Enterprise Agreement

In addition to the current award provisions we seek new conditions and rates of pay as follows.

1. Pay Rates

We seek the merging of the two separate pay scales for operational and administrative employees into one as set out below.

The transition from the operational employees pay scales, levels 1 to 6 to be affected by allocation of the same level number of current classification and at the first increment of the level. For example; an employee currently engaged on the job titled: Rubbish/Others Level 3 of the operational employees' pay scale would move to level 3.1 of the new scale set out below.

New Pay Rates to apply from
1 July 2009 to 31 December
2009

Level		
1.1	32915	16.8256
1.2	33277	17.0106
1.3	33659	17.2059
1.4	34061	17.4114

Level	35402	18.0969
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2.1		
2.2	36111	18.4593
2.3	36817	18.8202
2.4	37526	19.1826
2.5	37837	19.3416
2.6	38442	19.6509
2.7	39385	20.1329
2.8	40187	20.5429

Level		
3.1	40914	20.9145
3.2	41804	21.3695
3.3	42413	21.6808
3.4	43107	22.0355
3.5	43673	22.3249
3.6	44095	22.5406
3.7	44518	22.7568
3.8	44940	22.9725

Level		
4.1	45379	23.1969
4.2	46374	23.7056
4.3	47224	24.1401
4.4	48516	24.8005

Level		
5.1	50094	25.6072
5.2	51005	26.0728
5.3	52300	26.7348
5.4	53101	27.1443

Level		
6.1	53987	27.5972
6.2	55617	28.4304
6.3	56733	29.0009
6.4	58026	29.6619

Level		
7.1	59307	30.3167
7.2	60740	31.0492
7.3	61922	31.6534
7.4	62767	32.0854

Level		
8.1	64286	32.8619
8.2	65467	33.4656
8.3	66649	34.0698

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8.4	67831	34.6740
Level		
9.1	70181	35.8753
9.2	71484	36.5413
9.3	73011	37.3219
9.4	74539	38.1030

The basis of this wage rate claim is the establishing of wage parity with the employees of the Shire of Christmas Island.

2. District Allowance
Increase "without eligible dependants" rate to \$5250.00 per annum.
3. All other allowances to be increased by 5%
4. Casual loading increased from 20% to 25%
5. Annual Leave Airfare Allowance for all employees and their eligible dependants based on the economy return airfare to Perth for eligible adults and children grossed by up by 40% as shown:
Current economy return airfare to Perth is \$1800 multiplied by 140% = \$2520.00
5. Annual Leave - five weeks per year

Banning of the speaking of Kokos Malay language in the Shire Office

We seek the immediate withdrawal of the management's instruction to staff within the Shire office to cease conversation in the Cocos Malay language. We regard this directive as a breach of our members' human rights. We require a written apology be presented by you to a public meeting at the Home Island Community Hall (Cyclone Shelter). We further require the Council adopt a policy for the preservation of the Cocos Malay language and encouragement of expression in the Cocos Malay language at all levels in the workplace and the community.

Reduction of Community Services position to part time

We register our protest at the reduction of the Community Services Director's position to part time. We register our protest at the failure of the Council to employ a local resident who applied for the position when applications were called. The subsequent reduction of the position to part time appears to be directly related to a budget reallocation of \$20,000 to purchase a boat for the Chief Executive Officer at a cost of \$35,000.

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The resultant reduction of services and support to our community is deeply regretted and the subject of much criticism of the Council and the Chief Executive Officer within the community.

We seek Council's support for an investigation into the causes and process involved in the reduction of the position to part time. We seek Council's support for re-instatement of the community services position to full time.

Cocos Islands Cooperative Society Ltd - Issues

Claims for payment of current entitlements

The conditions of employment for the employees of the Cocos Islands Co-Operative Society Ltd are governed by the *Cocos Islands Employees Award 2003*.

We note the Coop is not paying the casuals the correct skill levels. All casuals are paid at the rate for Level 1. We will make individual claims for each member.

District Allowance is claimed for several employees not currently paid the District allowance which must be paid to all employees. Some employees are paid the lower rate when the higher rate is due.

We seek your agreement to pay the correct rates for these allowances and pay the back-pay owed.

New Claims for an Enterprise Agreement

In addition to the current award provisions we seek new conditions and rates of pay as follows.

1. Pay Rates

We seek an expansion of the rates of pay scale as set out below

The transition from the operational employees pay scales, levels 1 to 6 to be affected by allocation of the same level number of current classification and at the first increment of the level. For example; an employee currently engaged on Level 3.1 of the current pay scale would move to level 3.1 of the new scale set out below. An increase of one increment for each year worked eg. Second year of level 3 would be paid level 3.2 and so on.

New Pay Rates to apply from
1 July 2009 to 31 December

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2009

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2. District Allowance

Increase "without eligible dependants" rate to \$5250.00 per annum.

Increase "with eligible dependants" rate to \$8910.00 per annum.

3. All other allowances to be increased by 5%

4. Annual Leave Airfare Allowance for all employees and their eligible dependants based on the economy return airfare to Perth for eligible adults and children grossed by up by 40% as shown:

Current economy return airfare to Perth is \$1800 multiplied by 140% = \$2520.00

5. Annual Leave - five weeks per year

We have also attached a copy of our letter of September 1, 2009 for your attention.

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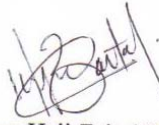
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Yours Faithfully



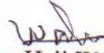
Parson Yapat OAM
(President)



Imam Haji Zaitol Wallie JP
(Deputy President)



Deputy Imam Cree Haig OAM
(Committee Member)



Imam Haji Wahin OAM
(Committee Member)

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POPK Perhimpunan Orang Pulu Cocos

September 1, 2009

The Cocos (Keeling) Islands Shire Council
Home Island
Cocos (Keeling) Islands
Indian Ocean. 6799

Attention:
Melinda Lymon
Acting Chief Executive Officer

Reference: Cocos (Keeling) Islands Shire Council – Agenda for Meeting of August 26, 2009 – Agenda Point 9.1.2 – Union Representation

As the reporting officer for this report, the Chief executive Officer, Mick Simms, is not available, we have addressed this issue to you as the Acting Chief Executive Officer.

1 Background to the Issue

In the CEO's report the following statement was made:

“For Council to concede to the claims of the ASU it would result in an **additional annual cost** to the Shire of \$296,556.90. These costs are identified in Attachment E. The claim for return airfares for all staff, their spouses and dependents would cost the Shire in excess of \$140,000. Flight allowance is generally provided for members of staff who were recruited from off-island and to assist these members and their families to return to their homes for annual leave.

All costs associated with Enterprise Agreements are allocated from the Municipal Funds and are not subject to grant funding. To accede to these claims it would require a reallocation of the Shire's funding. This would require:

- a) Reduction in staff numbers by approximately 4
- b) Reduction of community programs
- c) Reduction of community projects
- d) Reduction of community infrastructure
- e) Increase in rent
- f) Increase in rates

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If these claims were to be adopted they would have an adverse impact on the community. Particularly the Home Island residents as they have limited capacity to generate income to meet additional costs”.

2 Analysis of the additional annual costs of \$296,556.90

2.1 Attached worksheet referred to as Attachment E

Attachment E analyses the \$296,556.90 as follows:

Airfares	140,056.00
Award increases	146,417.40
District allowances	3,180.00
Allowances	903.50
Casual loading	6,000.00
Total	\$296,556.90

2.2 Airfares - \$140,056

You will note that the CEO stated:

“For Council to concede to the claims of the ASU it would result in an **additional annual cost** to the Shire of \$296,556.90”.

The key issue here is the statement: “Additional annual costs to the Shire”.

The \$140,056 is required to be adjusted as follows:

Mainland employees and their dependants costs
already accounted for and therefore not additional
cost:

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M Simms	5,040
Melinda Lymon	8,846
Alan Clark	<u>6,944</u>
	20,830

Employees currently getting airfares,
which are re-imbursed by another party

Riadi Feyrel	5,040
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Dependents not entitled to airfares as employed
by another party

Jim Yapat's wife	2,520
Rosie Arkrie's husband	2,520

Children not entitled to airfares as Australian
Government pays for 4 airfares a year for
Students studying on the mainland

Rosie Arkrie's daughter	1,904
Alan Medous' son	1,904

Casual (Not entitled to airfares)

Jamil Ibrahim	2,520
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Total airfares not to be
accounted for as additional costs **37,238**

It is not the ASU members' intention to claim airfares where airfares are covered by other parties. This is a normal practice of employers on the Cocos (Keeling) Islands not to pay for airfares under the circumstances as identified above.

Therefore the additional annual cost to the Council would be \$102,818, not the \$140,056 reported to the councilors. The amount reported to the councilors, which they would use

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in determining the manner in which the voted on the proposed claims was materially incorrect.

In addition in Attachment E the CEO reported the cost for airfares as \$2,520 for an adult, and \$1,904 for a child. By advance bookings cheaper airfares can be obtained therefore minimizing the cost to the Council.

We insist at the next Council meeting that the Councilors be provided with the correct information.

2.3 Award Increases – \$146,417

The award increases of \$146,417 was not an immediate demand.

The directors (Director of Corporate Services and Director of Technical Services) of the Cocos (Keeling) Islands Shire Council are on the same award levels as the directors of the Christmas Island Shire Council. However, the Cocos Malay workers for the Cocos (Keeling) Islands Shire Council are on lower levels that workers on the Christmas Island Shire Council doing the same work.

This adjustment would have to be done on an individual basis and would be phased in where required.

3 Conclusion

The whole thrust of the CEO's agenda item was, if we are required to meet the additional demands, it will be the Home Island community that will suffer the most. This is the point he was hammering home to the Councilors, the majority of who are Cocos Malays.

Examples that he proposed were:

- Reduction in staff numbers by approximately 4
- Reduction of community programs

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- Reduction of community projects
- Reduction of community infrastructure
- Increase in rent
- Increase in rates

The case he was building was based upon wrong information in relation to airfares, and to the true costs

The phasing in of award adjustments

No attempt was made to look at how the Financial Assistance Grant, the major source of funding for the Council from the Australian Government, could be adjusted for such additional costs

No attempt was made to see what benefits could be derived from a pro active economic development program that would generate lease income, additional rates and private works income.

It was a total negative approach.

In addition the CEO stated:

“It is also unfortunate that this matter has led to considerable adverse publicity Cocos has received in the national press. This publicity does not represent the views of the majority of the community of Cocos and is not representative of Cocos. If Cocos is to market itself as a popular tourist destination it is not the appropriate way to promote itself – there are many other ways to resolve disputes”.

POPK strongly disagrees with the CEO’s comments. Two public meetings were held on Home Island, Monday August 11, 2009, and Wednesday August 13, 2009. Both of these meetings were attended by approximately 120 adults, and for a population of approximately 400 on Home Island, this shows the degree of support there was for the issues raised. In addition on two occasions the CEO was invited to attend the public meeting on August 13, 2009, but refused, even though there was a ferry service available. You only have to look at the range of people on the POPK committee to see how broad a representative body it is. The issues were raised by POPK as a direct result of the actions of others which were insulting to the Cocos Malay community, and could not be left unchallenged. The publicity that arose out of the POPK actions could have been avoided if other parties had conducted themselves more appropriately in the multi-cultural Cocos society. To put a narrow economic interest, namely tourism as identified by the CEO, above basic human rights issues, is not acceptable.

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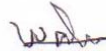
Parson Yapat OAM
(President)



Imam Haji Zaitol Wallie JP
(Deputy President)



Deputy Imam Cree Haig OAM
(Committee Member)



Imam Haji Wahin OAM
(Committee Member)

Copies: Councillors

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