



SHIRE OF  
**COCOS**  
KEELING ISLANDS

## **NOTICE OF MEETING**

Dear President and Councillors,

I advise that the Ordinary Meeting of Council will be held in Community Resource Centre Meeting Room, West Island on Wednesday, 26 June 2019 commencing at 4.00pm.

Andrea Selvey  
**Chief Executive Officer**

### **COUNCILLORS PLEASE NOTE:**

#### **DISCLAIMER**

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations which have not yet been adopted by Council.

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### **Disclaimer**

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any member or officer of the Shire during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (Copyright Act 1968, as amended) and the express permission of the copyright owner(s) should be sought prior to the reproduction.

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## **1. OPENING/ANNOUNCEMENTS OF VISITORS**

## **2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

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

## **4. PUBLIC QUESTION TIME**

In accordance with section 5.24(1) (a) of the Local Government Act 1995, time is allocated for questions to be raised by members of the public, as follows:

(1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.

(2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Pursuant to regulation 7(4) (a) of the Local Government (Administration) Regulations 1996, questions from the public must relate to a matter affecting the local government.

In accordance with section 5.25 (1) (f) of the Local Government Act 1995 and the Local Government (Administration) Regulations 1996 regulation 11(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of the meeting.

Where a question is taken on notice at the meeting, a summary of the response to the question will be included in the agenda for the following Council meeting.

## **5. LEAVE OF ABSENCE**

The Local Government Act 1995 (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council. Disqualification from membership of the Council for failure to attend Ordinary Meetings of

the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for leave of absence.

**5.1 LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

<b>Councillor</b>	<b>Date of Leave</b>	<b>Approved by Council</b>
NIL		

**5.2 APPLICATION FOR LEAVE OF ABSENCE**

**6. PETITIONS/DEPUTATIONS/PRESENTATIONS**

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**OFFICER RECOMMENDATION**

**THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 22 MAY 2019 BE CONFIRMED AS A TRUE AND CORRECT RECORD.**

**8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS**

**9. DECLARATION OF INTERESTS**

**10. REPORT AND RECOMMENDATIONS OF COMMITTEE**

## 10.1 FINANCE

### 10.1.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE MONTH ENDING 30 MAY 2019

#### Report Information

Date: 19 June 2019  
 Applicant: Not Applicable  
 Location: Not Applicable  
 File Ref: 151.02.06  
 Disclosure of Interest: Nil  
 Reporting Officer: Deputy Chief Executive Officer  
 Island: Shire Wide  
 Attachments: 10.1.1 May 2019 Monthly Financial Report

#### Authority / Discretion

#### Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>



### **Report Purpose**

To inform Council of the financial position of the Shire at 31 May 2019 in compliance with the provisions of Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996.

### **Relevant Documents**

Available for viewing at the meeting

Nil

### **Background**

The Monthly Financial Statements for the period 1st July 2018 to 31st May 2019 are presented for consideration.

### **Comment**

The Monthly Financial Report is prepared in accordance with the requirements of the Local Government Act 1995 and Local Government (Financial Management) Regulations.

A statement of Financial Activity with accompanying notes is attached for the periods 1 July 2018 to 31 May 2019.

### **Policy and Legislative Implications**

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires all Local Governments to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure for the month in question.

Financial Management Regulation 34 also requires this statement to be accompanied by:-

- a. An explanation of the composition of the net current assets, less committal assets and restricted assets;
- b. An explanation of material variances; and
- c. Such supporting information that is relevant to the Local Government

### **Strategic Implications:**

Nil

**Conclusion**

That the financial statements for the period 1st of July 2018 to 31st May 2019 be received.

**OFFICER RECOMMENDATION – ITEM NO 10.1.1**

**THAT THE FINANCIAL STATEMENTS FOR THE PERIODS 1ST OF JULY 2018 TO 31ST OF MAY 2019 BE RECEIVED.**

## 10.1.2 SCHEDULED OF ACCOUNTS PAID FOR PERIOD 1<sup>ST</sup> MAY TO 31<sup>ST</sup> MAY 2019

### Report Information

Date: 20 June 2019  
 Applicant: Not Applicable  
 Location: Not Applicable  
 File Ref:  
 Disclosure of Interest: Nil  
 Reporting Officer: Senior Finance Officer  
 Island: Shire Wide  
 Attachments: 10.1.2 Master Card May 2019  
 10.1.2 List of Accounts due & Submitted to Committee

### Authority / Discretion

#### Definition

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<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
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<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

### Report Purpose

To inform Council of funds disbursed for the period 1st May 2019 -31st May 2019

### **Relevant Documents**

Attachments:

Schedule of accounts paid

Credit MasterCard

Available for viewing at the meeting

Nil

### **Background**

A list of accounts paid between 1st and 31st May 2019 is attached

### **Comment**

The schedule of accounts paid is submitted in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996.

### **Policy and Legislative Implications**

Nil

### **Strategic Implications:**

Nil

### **Conclusion**

That Council receives the list stating all accounts paid for May 2019.

### **OFFICER RECOMMENDATION – ITEM NO 10.1.2**

**THAT THE LIST SHOWING ALL ACCOUNTS PAID BETWEEN 1/5/2019 TO 31ST/5/2019, INCLUSIVE OF**

**MUNICIPAL CHEQUE NUMBER 11554 TO 11558, EFT 6512 TO EFT 6600, TRUST CHEQUE NUMBER 74, MASTERCARD PAYMENTS AND DIRECT DEBIT SUPERANNUATION'S TOTALLING: \$482,990.99 BE RECEIVED.**

### 10.1.3 SCHEDULE OF FEES AND CHARGES 2019/20

#### Report Information

Date: 18 June 2019  
 Applicant: Not Applicable  
 Location: Not Applicable  
 File Ref:  
 Disclosure of Interest: Nil  
 Reporting Officer: Deputy Chief Executive Officer  
 Island: Shire Wide  
 Attachments: 10.1.3 Schedule of fees and charges 2019/20

#### Authority / Discretion

#### Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
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<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

#### Report Purpose

This item seeks a Council resolution to adopt the 2019-20 Schedule of Fees and Charges.

#### Relevant Documents

Available for viewing at the meeting

**Background**

A local government may impose and recover a fee or charge for goods or services it provides. The proposed Fees and Charges have been collated and compiled in consultation with staff responsible for providing the relevant services to the community and ensuring appropriate levels of income/cost recovery are generated for the Shire.

A review of fees and charges is an annual practice within the normal budget process. It is proposed this year that fees & charges are adopted at the Council Meeting on 26 June 2019 and those fees & charges are effective from the 1 August 2019 to allow time for local public notice.

**Comment**

Proposed fees and charges were presented to Councillors as part of the Councillor workshop on 22 May 2019.

Statutory fees have been amended where required, and other Shire of Cocos Keeling Islands fees & charges increased by 3% (rounded) where appropriate to cover increasing costs. The only exceptions to this were fees and charges that related to fuel usage, such as plant hire rates which increase by a factor of 5% (rounded) as a result of the higher increase in fuel costs on island in the last 12 months.

The other exception is the Kampong Rents which are proposed to increase by \$15/week being an approx. 6% increase. There is currently a funding gap between the cost of maintaining the Kampong Houses and the rental income received. During the 18/19 financial year the shire received \$370,095 in rental income however spent \$380,347.16 on maintenance, insurance & water rates for these properties leaving a shortfall of \$10,252. If you also consider depreciation, unearned rates & admin allocations the shortfall balloons out to \$226,721. The increase is proposed to work towards closing the funding gap.

**Policy and Legislative Implications**

The Local Government Act 1995, S6.16, S6.17 and S6.19 stipulate the requirements for imposing fees and charges.

**Financial Implications**

Fees and charges in general have been increased by between 3-5%. This should see a minor increase in Councils fees & charges revenue to contribute to the increasing costs to provide these services.

### **Strategic Implications**

Shire of Cocos (Keeling) Islands Corporate Business Plan 2018/19 – 2021/22 Key Result Area 4 – Civic Leadership, Objective 4 – Ensure efficient and effective management of the organisation and financial resources.

### **Conclusion**

That the Council adopt the schedule of fees and charges for 2019/20 financial year and gives local public notice of those adopted fees and charges.

### **OFFICER RECOMMENDATION – ITEM NO – 10.1.3**

**THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO S6.16, S6.17 AND S6.19 OF THE LOCAL GOVERNMENT ACT 1995 RESOLVES TO:**

- 1. ADOPT THE 2019/2020 FEES AND CHARGES SCHEDULE AS PER THE ATTACHMENT;  
AND**
- 2. ENDORSE THE STATUTORY ADVERTISING OF THE 2019/2020 FEES AND CHARGES FOR THE SHIRE OF COCOS (KEELING) ISLANDS EFFECTIVE 1 AUGUST 2019.**

**10.2 LEASES**

**10.3 PLANNING/BUILDING**



## 10.4 ADMINISTRATION

### 10.4.1 VOTING DELEGATES TO THE 2019 ANNUAL GENERAL MEETING OF THE WA LOCAL GOVERNMENT ASSOCIATION

#### Report Information

Date: 11 June 2019  
 Applicant: Shire of Cocos (Keeling) Islands  
 Location: N/A  
 File Ref: 151.02.06  
 Disclosure of Interest: Nil  
 Reporting Officer: Governance and Risk Co-ordinator  
 Island: N/A  
 Attachments: 10.4.1 Notice of Annual General Meeting 2019

#### Authority / Discretion

#### Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
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<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

### **Report Purpose**

To inform Council that it may choose to send voting delegates to the Annual General Meeting of the WA Local Government Association (WALGA). This item seeks a Council resolution to formally appoint delegates to vote on behalf of Council.

### **Relevant Documents**

Available for viewing at the meeting

Nil

### **Background**

The WALGA AGM is to be held on Wednesday, 7 August 2019. The Shire is a member of WALGA and all Member Councils are entitled to be represented by two (2) voting delegates at the AGM which will be held at the Perth Convention and Exhibition Centre.

### **Comment**

The Shire will need to notify WALGA by 5 July 2019 if it wish to register the attendance and voting entitlements of Council's delegates.

In the event that a Voting Delegate is unable to attend, provision is made for proxy delegates to be registered. Only registered delegates or proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or serving officers. As the peak industry body, WALGA advocates on behalf of 138 WA Local Governments and negotiates service agreements for the sector. The AGM provides a forum for all member Local Governments to contribute to the priorities for the association.

WALGA uses the opportunity arising from Elected Members attendance at the AGM to schedule Elected Member training for the IOT. The training, which is provided over two half days, is subsidised via Commonwealth SDA funding and offers a subsidy of \$5,000 for each local government to assist with travel costs. This year the training topic is 'Policy Development' to assist new councillors as well as refresh the knowledge of existing councillors.

The AGM is held immediately prior to the annual Local Government Convention and Trade Exhibition which is usually attended by several hundred senior Local Government Council representatives from across the State. The Convention will be held at the Perth Convention and Exhibition Centre on Wednesday, 7 to Friday, 9 August 2019.

The theme for the 2019 Convention is Local Government: Renewal Practical and will take place against the backdrop of the development of the new Local Government Act for WA – new legislation for Local Government that will enable the sector to reach its full potential and deal with the vast and diverse range of wants and needs of our communities.

**Policy and Legislative Implications**

Nil

**Financial Implications**

Council has a budget allocation each year for Councilor training and also receives \$5,000 from the Department of Local Government, Sport and Cultural Industries to assist with travel costs.

**Strategic Implications**

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 -2026 Outcome 4.1.1 -To provide leadership to the community

**Conclusion**

Seek Council resolution to formally appoint delegates to vote on behalf of Council at the 2019 WA Local Government Association (WALGA).

**OFFICER RECOMMENDATION – ITEM NO 10.4.1**

**THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.18 OF THE LOCAL GOVERNMENT ACT 1995 RESOLVES TO NOMINATE THE FOLLOWING AS VOTING DELEGATES TO THE 2019 WA LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING:**

1. \_\_\_\_\_; AND

2. \_\_\_\_\_

PROXY \_\_\_\_\_

**A SIMPLE MAJORITY IS REQUIRED.**

## 10.4.2 Review of Delegation Register, June 2019

### Report Information

Date: 09 June 2019  
 Applicant: Shire of Cocos (Keeling) Islands  
 Location: N/A  
 File Ref:  
 Disclosure of Interest: Nil  
 Reporting Officer: Andrea Selvey, Chief Executive Officer  
 Island: N/A  
 Attachments: 10.4.2 Shire of Cocos (Keeling) Islands Delegation Register, June 2019  
 10.4.2 10.4.2 LG Renewal Practical Information and Registration

### Authority / Discretion

#### Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
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<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

### Report Purpose

Under s. 5.46 of the Local Government Act 1995 (the Act) the CEO is to maintain a register of delegations that must be reviewed by Council at least once every financial year. This report brings a formal review before Council as per the legislative requirements.

**Relevant Documents**

Available for viewing at the meeting

Nil

**Background**

Under s. 5.42 of the Local Government Act 1995, a local government may delegate to the CEO the exercise of any of its powers or the discharge of its duties under the Act. This is subject to the limitations in s. 5.43, and Regulation. This section states:

5.43. Limits on delegations to CEO A local government cannot delegate to a CEO any of the following powers or duties — (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph; (c) appointing an auditor; (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph; (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100; (f) borrowing money on behalf of the local government; (g) hearing or determining an objection of a kind referred to in section 9.5; (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government; (h) any power or duty that requires the approval of the Minister or the Governor; (i) such other powers or duties as may be prescribed.

The Shire of Cocos (Keeling) Islands Delegations Register was last reviewed by Council in January 2018.

**Comment**

The annual review process does not preclude the Council from granting new delegations to the CEO if and when required, nor for it to review existing delegations at any time during the course of the financial year.

**1. Format:**

The format of the delegations contained in the Register seeks to reflect the legislative requirements of the Act. Each delegation specifies the head of power under which the delegation has been made and the legislative reference of the power that is delegated. The format also states the function delegated and any conditions that Council wishes to place on the exercise of delegation. It notes whether the CEO has the power to sub-delegate under s. 5.44 of the Act to another employee. It should be noted that whether a function or duty has

been sub-delegated is determined by the CEO unless the Council has made it a condition that the original delegation may not be sub-delegated.

2. Content:

Each delegation has been considered on the basis of whether or not the delegation is necessary and if it will provide greater efficiency in service delivery for the Shire. XXX new delegations have been created that reflect the officer's view that a delegation would improve operations and service delivery. These are:

1. Appoint Authorised Persons: Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the Local Government (Miscellaneous Provisions) Act 1960 and Local Laws made under the Local Government Act. [S.3.24 and s.9.10]; and Authority to appoint authorised person for the purposes of the meeting the requirements under the Cat Act 2011, Building Act 2011, Food Act 2008 and Planning and Development Act 2005.
2. Powers of entry: Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28].
3. Declare Vehicle is Abandoned Vehicle Wreck: Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A (4)].
- iv. Confiscated or Uncollected Goods: Authority to deal with confiscated goods.
4. Disposal of Sick or Injured Animals: Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A (1)].
5. Authority to close a thoroughfare to vehicles: Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50 (1)].
6. Expressions of Interest: Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21].

7. Tenders: Authority to call tenders and administer the tender process, including setting criteria for evaluating tenders. [F&G r.11 (1)].
8. Panels of pre-qualified suppliers: Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers and to manage that process. [F&G r.24AC (1)(b)].
9. Payment of rates or service charges: Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
10. Demolition: The authority to issue Demolition Permits.
11. Occupancy Permits: Authority to consider Occupancy Permits or Building Approval Certificates.
12. Inspection and copying a building record: Authority to determine an application from an interested person to inspect and copy a building record [s.131 (2)].
13. Cat Act: Authority to register cats.
14. Food Act: Authority to consider and issue Food Business Registrations

Changes to current delegations.

1. The current delegation is for cheque signing authority. This delegation has been extended to include payments from the Municipal or Trust Funds.
2. Two current delegations; one being the authority to write off small amounts and the other the authority to grant discounts on the hire of Council facilities have been merged and expanded to include the ability to Defer, Grant Discounts, Waive or Write Off Debts.
3. Stop Works Order is the current delegation. It has been changed to reflect the legislation and is now called Illegal Development. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements.

### 3. Repeal:

The following delegations are proposed to be repealed.

Liquor Permits. The Shire has no authority to issue Liquor Permits. Liquor Permits are managed by the Department of

#### Delegation to the CEO:

It should be noted that a delegation made under the Local Government Act 1995, may only be made to the CEO. However, not all delegations are made under the Local Government Act 1995. Other Acts such as the Cat Act 2011 also allow for delegations to be made. In some instances, such as the Building Act 2011 delegations may be made to employees other than the CEO.

#### Other changes:

Other changes include reference to Council Policy where a Policy has been adopted by Council that would inform the manner in which the delegation is exercised. These include the Investment Policy and Purchasing Policy.

#### **Policy and Legislative Implications**

Part 5 of the Local Government Act 1995 (WA) (CKI).

Building Act 2011 – section 127.

Bush Fires Act 1954 – section 48.

Cat Act 2011 – section 44.

Dog Act 1976 – section 10AA.

Food Act 2008 – section 118.

Public Health Act 2016 – section 21.

Section 5.46 of the Local Government Act 1995 deals with the need for CEOs to maintain a register of delegations and the requirement to conduct annual reviews of delegations.

#### **Strategic Implications:**

#### **Conclusion**

The review of the Delegations Register is required to ensure that delegations to the CEO are consistent with Council's preference for matters it wishes to consider itself or those it would prefer dealt with at an administrative levels. This review makes significant changes to the current formal delegation but covers areas of operation that have been dealt with administratively in the past, but without appropriate delegations in place.



**OFFICER RECOMMENDATION – ITEM NO 10.4.2**

**THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO SECTIONS 5.46, 5.45 AND 5.42 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO:**

**1. ENDORSE THE REVIEW OF ITS DELEGATIONS IN ACCORDANCE WITH SECTION 5.46 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI);**

**2. DELEGATE AUTHORITY TO THE CEO AS DETAILED IN THE SHIRE OF COCOS (KEELING) ISLANDS DELEGATIONS REGISTER JUNE 2019 (ATTACHED) IN ACCORDANCE WITH SECTION 5.42 OF LOCAL GOVERNMENT ACT 1995 (WA) (CKI) , ACKNOWLEDGING THE RELEVANT HEADS OF POWER IN ADDITION TO THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) :**

- **BUILDING ACT 2011 – SECTION 127**
- **CAT ACT 2011 – SECTION 44**
- **FOOD ACT 2008 – SECTION 118**
- **PUBLIC HEALTH ACT 2016 – SECTION 21**

### 10.4.3 ELECTED MEMBER REPRESENTATION ON THE PULU KEELING NATIONAL PARK COMMUNITY MANAGEMENT COMMITTEE

#### Report Information

Date: 10 June 2019  
 Applicant: Shire of Cocos (Keeling) Islands  
 Location: N/A  
 File Ref:  
 Disclosure of Interest: Nil  
 Reporting Officer: Andrea Selvey, Chief Executive Officer  
 Island: N/A  
 Attachments: 10.4.3 Letter from Parks Australia

#### Authority / Discretion

#### Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

#### Report Purpose

A formal request for a Councillor to join the Pulu Keeling National Park Community Management Committee (PKNPCMC) is presented for Councillors to consider.

**Relevant Documents**

Available for viewing at the meeting

Nil

**Background**

The PKNPCMC was established in the late 1990s to assist the Director of Parks with the decision-making, planning and management of Pulu Keeling National Park. Shire outdoor staff currently attend the Committee meetings, however it is not clear how they were nominated. It is also important to note that they are not able to speak on behalf of the Shire.

**Comment**

A recent review of the lease for Pulu/North Keeling by Council resulted in a the Shire sending a letter to Parks Australia's Park Manager outlining opportunities to improve the collaboration and partnership between the Shire and Parks Australia. One of the recommendations from the Shire was for Council to have a position on the PKNPCMC for an Elected Member. This request was supported by the Parks Manager and a formal invitation for a Councillor to join the PKNPCMC was received on 10 June 2019 - see attached letter.

The PKNPCMC meets on Home Island 2 or 3 times per annum. At these meetings Parks Australia provide an update on their activities. The PKNPCMC is also consulted on matters of any significance and acts as a conduit between the Community and Parks Australia.

**Policy and Legislative Implications**

Nil

**Strategic Implications:**

Strategic Community Plan - Key Result Area: Civic Leadership

**Conclusion**

The officer's recommendation supports the invitation and this items provide a formal mechanism for Council to nominate a representative, noting that the position would only be until the Local Government elections in October 2019 when all Committee positions are spilled and new appointments made.

The officer's recommendation to accept the invitation is made on the basis that a strong Council voice on the PKNPCMC will encourage activation and implementation of the many other priorities for a stronger Parks presence in the Southern Atoll and on Pulu Keeling as highlighted by Council at the January 2019 Council meeting.

**OFFICER RECOMMENDATION – ITEM NO 10.4.3**

**THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO S. 5.10 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO:**

- 1. ACKNOWLEDGE THE INVITATION FROM THE ISLAND PARKS MANAGER, PARKS AUSTRALIA FOR A COUNCILLOR TO JOIN THE PULU KEELING NATIONAL PARK COMMUNITY MANAGEMENT COMMITTEE;**
- 2. NOMINATE COUNCILLOR \_\_\_\_\_ TO REPRESENT THE SHIRE OF COCOS (KEELING) ISLANDS ON THE PULU KEELING NATIONAL PARK COMMUNITY MANAGEMENT COMMITTEE UNTIL OCTOBER 2019;**
- 3. REQUEST THAT ALL MINUTES OF PULU KEELING NATIONAL PARKS COMMUNITY MANAGEMENT COMMITTEE MEETINGS BE FORMALLY PRESENTED TO COUNCIL AT THE FIRST OPPORTUNITY FOLLOWING EACH COMMITTEE MEETING; AND**
- 4. RECONSIDER THE SHIRE'S MEMBERSHIP AT THE FIRST AVAILABLE OPPORTUNITY FOLLOWING THE LOCAL GOVERNMENT ELECTIONS IN OCTOBER 2019;**

## 10.4.4 REQUEST TO IMPORT A STERILIZED CAT TO COCOS (KEELING) ISLANDS

### Report Information

Date: 11 June 2019  
 Applicant: Matthew Boardman  
 Location: N/A  
 File Ref:  
 Disclosure of Interest: Nil  
 Reporting Officer: Andrea Selvey, Chief Executive Officer  
 Island: West Island

Attachments: 10.4.4 Application from Mr. Boardman  
 10.4.4 Application Disclosure 1  
 10.4.4 Application Disclosure 2  
 10.4.4 Application Disclosure 3  
 10.4.4 Shire of Cocos (Keeling) Islands Animal Control Local Law  
 10.4.4 Prevention of Sterilised Cats Being Imported to Cocos (Keeling) Islands Policy

### Authority / Discretion

#### Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

### Report Purpose

This report formally presents a request from Mr Matthew Boardman to import a sterilized cat to Cocos (Keeling) Islands. The Animal Control Local Law stipulates that importation of animals requires approval from Council.

### **Relevant Documents**

#### Available for viewing at the meeting

Shire of Cocos (Keeling) Islands Animal Control Local Law

Prevention of Sterilised Cats Being Imported to Cocos (Keeling) Islands Policy

### **Background**

Council's Local Law Relating to Animal Control was adopted in December 2003 and the following relevant sections of the Local Law in relation to the above application are provided below:-

#### Objects:

2. The object of this Local Law is:-
  - (a) to reduce the public and environmental nuisance caused by animals.
  - (b) to encourage responsible animals ownership.
  - (c) to promote the effective management of animals.

#### Restrictions on Entry of Animals:

4. (a) no person shall allow the entry into the district without first making application to council, in writing, and receiving permission from Council, in writing, to allow the entry of the animal.

(b) no person shall allow the entry of an animal without showing proof, to the satisfaction of Council, that the animal has been sterilised.

In his application to Council, Mr Boardman has referenced this local law and provided details of the cat, evidence that it has been sterilised and confirmed that the cat would be contained within his residence should this application be approved.

Further to this local law, Council has adopted a policy in 2014 prohibiting the importation cats to Cocos (Keeling) Islands. The reason provided for this policy position was that cats on Home and West Islands have become an increasing problem over the years, with many of the domestic cats, through neglect becoming feral and causing a nuisance. The policy states that until further review, no approval will be given for the importation of cats.

### **Comment**

While the officer empathises with Mr Boardman, the policy position of Council provides the framework for this application to be considered and therefore it is recommended by the

Officer that Council rejects the application. It should be noted that cats continue to be an issue on Cocos and the Ranger is required to carry out regular eradication programs of cats that have been left to become feral.

### **Policy and Legislative Implications**

Shire of Cocos (Keeling) Islands Animal Control Local Law, 2003

### **Strategic Implications:**

Strategic Community Plan - Key Result Area: Environment

### **Conclusion**

The officer's recommendation to reject this application is based on a policy position of Council and the officer's view that relaxing of that position could establish a difficult precedent. Should Council wish to approve this application, it would be the officer's recommendation that the policy is also amended to reflect the current position of Council.

### **OFFICER RECOMMENDATION – ITEM NO 10.4.4**

**THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE SHIRE OF COCOS (KEELING) ISLANDS ANIMAL CONTROL LOCAL LAW 2003 RESOLVES TO REJECT THE REQUEST FROM MR BOARDMAN TO IMPORT A STERILIZED CAT TO COCOS (KEELING) ISLANDS.**

## 10.4.5 PERMISSION TO IMPORT VEHICLE TO HOME ISLAND

### Report Information

Date: 19 June 2019  
 Applicant: Shire of Cocos Keeling Islands  
 Location: Home Island  
 File Ref:  
 Disclosure of Interest: Nil  
 Reporting Officer: Deputy Chief Executive Officer  
 Island: Home Island  
 Attachments: Nil

### Authority / Discretion

#### Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

### Report Purpose

To obtain Council approval for the importation of a commercial utility vehicle to Home Island.

### Relevant Documents

Available for viewing at the meeting



### **Background**

The Shire of Cocos (Keeling) Islands requires a utility vehicle to tow two new pieces of plant around Home Island. The first item is the Shires new elevated work platform which has been used on West Island since its arrival but has recently been transferred to Home Island. Whilst the tractor can be used in the short term a more effective long term solution is needed.

The other need for a utility comes from the recycling trailer that has been ordered but not yet shipped to island. The trailer will be used as a more effective way of collecting and loading the recycled waste into the recycling equipment once it is installed and commissioned at the Home Island transfer station. A utility vehicle will be required to tow this trailer around on a fortnightly basis.

### **Comment**

Council's policy allows Council to approve the importation of commercial vehicles on Home Island where it can be demonstrated that the use is for bona fide commercial purpose.

The request from the Shire is reasonable and demonstrates that its requirements could not be met with an ezgo / buggy type vehicle.

The approval shall be restricted to only be allowed for use with activities/requirements of the operations of the Shire, and shall not be allowed for any private use, as this neither needed nor permitted.

### **Policy and Legislative Implications**

The importation of passenger vehicle policy states:

- 1) *That the importations of passenger vehicles and utilities to Home Island will not be approved and Council will refuse to issue a motor vehicle registrations licence to passenger vehicles and utilities arriving on Home Island.*
- 2) *That emergency vehicles be exempt from this restriction*
- 3) *That Council will consider the licensing of commercial vehicles on Home Island where it can be demonstrated that the use is for bona fide commercial purposes*

### **Financial Implications**

Nil

### **Strategic Implications**

Nil

**Conclusion**

That Council approves the request by the Shire of Cocos (Keeling) Islands for the importation of a utility vehicle to Home Island for commercial purposes only.

**OFFICER RECOMMENDATION – ITEM NO – 10.4.5**

**THAT COUNCIL APPROVE THE REQUEST FOR THE IMPORTATION OF A MITSUBISHI SINGLE CAB UTILITY VEHICLE (OR SIMILAR) TO HOME ISLAND FOR USE ONLY BY SHIRE OF COCOS (KEELING) ISLANDS ON THE FOLLOWING CONDITIONS:**

- 1. ONLY TO BE USED FOR OPERATIONAL PURPOSES (NO PRIVATE USE)**
- 2. SPEED LIMITS BE STRICTLY OBSERVED**
- 3. THE VEHICLE IS TAKEN OFF HOME ISLAND ONCE THE NEED THE USE IT HAS BEEN SUPERSEDED.**

## 10.4.6 REVIEW OF SHIPPING AND SEA CONTAINER POLICY

### Report Information

Date: 9 June 2019  
 Applicant: Shire of Cocos Keeling Islands  
 Location: N/A  
 File Ref:  
 Disclosure of Interest: Nil  
 Reporting Officer: Andrea Selvey, Chief Executive Officer  
 Island: N/A  
 Attachments: 10.4.6 Draft Shipping and Sea Container Policy

### Authority / Discretion

#### Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

### Report Purpose

This report brings the draft Shipping and Sea Container Policy before Council for consideration. The officer's recommendation is that the Policy is adopted as presented and reviewed in June 2021 unless a need is identified prior to the scheduled review.

### **Relevant Documents**

Available for viewing at the meeting

Nil

### **Background**

Council has had a policy to guide the placement of shipping/sea containers for several years. The Policy specifies the planning requirements along with the matters to be considered to ensure safety of the community. The Policy was last reviewed in 2104.

### **Comment**

A recent application for the placement of a container during a construction project has prompted a closer review of the Policy which highlighted the need to be clearer about the different application requirements depending on the period of time the container is proposed to be on-site. The Policy currently reads as though all containers, even if only for a week, require planning approval and a building permit. Given the number of containers used for delivery of materials and goods, this would be impractical for Cocos. Therefore the officer's recommendation is to amend the Policy as follows:

- o Development approval from Council and a Building Permit will be required prior to locating a shipping/sea container on-site or changing the use of a shipping/sea container for a period exceeding 12 months in duration. All other conditions of this Policy will apply.
- o For periods exceeding 4 weeks but less than 12 months, a formal written application will be required that addresses risk and safety requirements as per the requirements of this Policy. The application will be assessed for compliance by officers as an administrative function. All other conditions of this Policy will apply.
- o For periods of less than 4 weeks, no formal Shire approval is required; however it a requirement that all safety and risk issues as outlined in this Policy are considered and the Shire retains the right to request removal or relocation of a shipping/sea container that, in the view of the Shire, has the potential to be a risk or hazard to any person or property, or is a public nuisance. All other conditions of this Policy will apply.

### **Policy and Legislative Implications**

Shire of Cocos (Keeling) Islands Local Planning Scheme No.1:

### **Strategic Implications:**

Strategic Community Plan - Key Result Area: Civic Leadership

**Conclusion**

This review builds on a Policy that is already in place and provides more clarity on expectations. It aims to balance practical application of the Policy conditions with maintaining some level of control over the use and placement of containers.

**OFFICER RECOMMENDATION – ITEM NO – 10.4.6**

**THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S. 2.17 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO:**

- 1. ADOPT THE SHIRE OF COCOS (KEELING) ISLANDS SHIPPING AND SEA CONTAINER POLICY; AND**
- 2. REVIEW THE POLICY IN JUNE 2021**

## 10.4.7 PERMISSION TO IMPORT VEHICLE TO HOME ISLAND

### Report Information

Date: 21 June 2019  
 Applicant: Shire of Cocos Keeling Islands  
 Location: Home Island  
 File Ref:  
 Disclosure of Interest: Nil  
 Reporting Officer: Deputy Chief Executive Officer  
 Island: Home Island  
 Attachments: Nil

### Authority / Discretion

#### Definition

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies. Review when Council reviews decisions made by officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application / matter that directly affects a person's right and interest. The judicial character arises from the obligations to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licenses, applications for other permits / licenses.</i>
<input type="checkbox"/>	Information	<i>Includes items provides to Council for information purposes only that do not require a decision of Council (i.e. – for noting).</i>

### Report Purpose

To obtain Council approval for the importation of a commercial utility vehicle to Home Island.

### Relevant Documents

Available for viewing at the meeting

### **Background**

The Cocos Island Cooperative have advised the Shire that they will require a work vehicle on Home Island for a period of at least 4 weeks. The requirement relates to some project work they have been awarded by Carey MC in relation to the work they will be doing at the Home Island School during the upcoming school holidays.

### **Comment**

Council's policy allows Council to approve the importation of commercial vehicles on Home Island where it can be demonstrated that the use is for bona fide commercial purpose.

The request from the Cocos Cooperative is reasonable and for only a short period of time in relation to a specific project.

The approval shall be restricted to extend only to work requirements in relation to the project for Carey MC at the Home Island School and shall not be allowed for any private use, as this neither needed nor permitted.

### **Policy and Legislative Implications**

The importation of passenger vehicle policy states:

- 4) *That the importations of passenger vehicles and utilities to Home Island will not be approved and Council will refuse to issue a motor vehicle registrations licence to passenger vehicles and utilities arriving on Home Island.*
- 5) *That emergency vehicles be exempt from this restriction*
- 6) *That Council will consider the licensing of commercial vehicles on Home Island where it can be demonstrated that the use is for bona fide commercial purposes*

### **Financial Implications**

Nil

### **Strategic Implications**

Nil

### **Conclusion**

That Council approves the request by the Cocos Island Cooperative for the importation of a vehicle to Home Island for commercial purposes only.

**OFFICER RECOMMENDATION – ITEM NO – 10.4.7**

**THAT COUNCIL APPROVE THE REQUEST FOR THE IMPORTATION OF A SINGLE CAB UTILITY VEHICLE (OR SIMILAR) TO HOME ISLAND FOR USE ONLY BY COCOS ISLAND COOPERATIVE ON THE FOLLOWING CONDITIONS:**

- 4. ONLY TO BE USED FOR WORK PURPOSES IN RELATION TO THE CONSTRUCTION PROJECT AT THE HOME ISLAND SCHOOL**
- 5. SPEED LIMITS BE STRICTLY OBSERVED**
- 6. THE VEHICLE IS TAKEN OFF HOME ISLAND ONCE THE PROJECT IS COMPLETED**



**10.5 MINUTES TO BE RECEIVED**

**11. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**12. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL**

**13. MATTERS BEHIND CLOSED DOORS**

A report is confidential under Section 5.23 (2) of the Local Government Act 1995.

- (2) If a meeting is being held by a council or by a committee referred to in subsection (1) (b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following—
- (a) a matter affecting an employee or employees; and
  - (b) the personal affairs of any person; and
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret; or
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person,

**14. CLOSURE OF BUSINESS**