

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Agenda

Ordinary Meeting of Council

Wednesday 14 December 2022, 4.00pm

Council Chambers, Shire Administration Building

Lot 256 Jalan Bunga Melati, Home Island

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.

OUR VALUES

Service

Provide the best service we can.

We serve the community and each other.

Accountability

We take responsibility for our own actions.

We do what we say we will do.

Mistakes are an opportunity to learn.

Support

We support our team and our community.

Look for opportunities to help each other.

Respect

We respect and value others.

Our interactions are always respectful towards others.

Integrity

We will be honest and transparent with all our dealings.

Maintain confidentiality.

Trust each other.

Achievement

Being proactive and enabling the outcomes.

Be creative and think outside the square.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1	OPENING/ANNOUNCEMENTS OF VISITORS	6
2	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	6
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
4	PUBLIC QUESTION TIME	6
5	LEAVE OF ABSENCE	6
5.1	LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	7
5.2	APPLICATION FOR LEAVE OF ABSENCE	7
6	PETITIONS/DEPUTATIONS/PRESENTATIONS	7
7	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	7
NIL		7
8	ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS	7
9	DECLARATION OF INTERESTS	7
10	REPORT FROM COMMITTEES AND OFFICERS	7
REPORTS OF OFFICERS		
10.1	CHIEF EXECUTIVE OFFICER	8
10.1.1	CORPORATE BUSINESS PLAN 2022 - 2026	8
10.1.2	WORKFORCE PLAN 2022-2037	10
10.1.3	ANNUAL WORK PLAN	12
10.1.4	STRATEGIC COMMUNITY PLAN 2022 - 2037	14
10.1.5	MEETING SCHEDULE FOR ORDINARY MEETINGS OF COUNCIL FOR 2023	16
10.1.6	DECEMBER 2022 CEO REPORT	21
10.2	MANAGER FINANCE AND CORPORATE SERVICES	25
10.2.1	MONTHLY FINANCIAL REPORT – NOVEMBER 2022	25
10.2.2	SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD 1 NOVEMBER 2022 TO 30 NOVEMBER 2022	28
10.3	MANAGER INFRASTRUCTURE	31
NIL		31
11	MINUTES TO BE RECEIVED	31
NIL		31
12	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	31

13	MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL	31
14	MATTERS BEHIND CLOSED DOORS	31
15	MATTERS RELATING TO THE LAND TRUSTS	31
15.1	TRUSTS ADMINISTRATION	33
NIL		33
15.2	TRUSTS LEASES	33
NIL		33
15.3	TRUSTS FINANCE	33
NIL		33
16	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING (LATE ITEM)	33
17	CLOSURE	33

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)

Councillor	Date of Leave	Approved by Council

5.2 APPLICATION FOR LEAVE OF ABSENCE**6. PETITIONS/DEPUTATIONS/PRESENTATIONS****7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)**

7.1 Ordinary Council Meeting held on 23 November 2022 - Attachment 7.1 and 7.2

OFFICER RECOMMENDATION

THAT COUNCIL BY SIMPLE MAJORITY, PURSUANT TO SECTIONS 5.22(2) AND 3.18 OF THE *LOCAL GOVERNMENT ACT 1995 (WA)(CKI)*, RESOLVES THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 NOVEMBER 2022, AS PRESENTED IN ATTACHMENT 7.1 AND 7.2 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS**9. DECLARATION OF INTERESTS**

Councillors are to complete a Disclosure of Interest Form for each item they are required to disclose an interest in. The Form should be given to the Presiding Member before the meeting commences. After the meeting, the Form is to be provided to the Governance and Risk Coordinator for inclusion in the Disclosures Register.

Name	Item No.	Interest	Nature

10. REPORT FROM COMMITTEES AND OFFICERS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 CORPORATE BUSINESS PLAN 2022 - 2026

Report Information

Date: 3 December 2022
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Not Applicable
 Reporting Officer: Chief Executive Officer
 Island: Cocos (Keeling) Islands
 Attachments: 10.1.1.1 - Corporate Business Plan 2022-2026

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

The purpose of this report is to table to Council the Shire of Cocos (Keeling) Islands the Corporate Business Plan 2022 – 2026 for endorsement.

Relevant Documents

Available for viewing at the meeting

Nil

Background

A requirement of the Local Government Act for Western Australia is for the Shire is to have a suite of Business Plans developed and approved by Council. The document attached meets that legislative requirement.

This matter was tabled at the November 2022 Ordinary Meeting of Council and deferred to the December 2022 Ordinary Meeting of Council for resolution.

Comment

The Annual Work Plan December 2022 – June 2026 sets the pathway for the Shire and community for the next half of this financial year. The plan will be reviewed on an annual basis in line with other planning documents and the preparation of the annual budget.

Policy and Legislative Implications

Once approved by Council provides direction and meets legislative requirements

Financial Implications

To be determined during formation of half yearly budget review

Strategic Implications

Provides strategic direction for the Shire

Risk Implications

Addresses risk once approved

Voting Requirements

Simple majority

OFFICER RECOMMENDATION – ITEM NO 10.1.1

THAT COUNCIL ENDORSE THE SHIRE OF COCOS (KEELING) ISLANDS CORPORATE BUSINESS PLAN DECEMBER 2022 – 2026 AS TABLED.

10.1.2 WORKFORCE PLAN 2022 - 2037

Report Information

Date: 3 December 2022
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Not Applicable
 Reporting Officer: Chief Executive Officer
 Island: Cocos (Keeling) Islands
 Attachments: 10.1.2.1 – Workforce Plan 2022-2037

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

The purpose of this report is to table to Council the Shire of Cocos (Keeling) Islands Workforce Plan 2022 – 2037 for endorsement.

Relevant Documents

Available for viewing at the meeting

Background

A requirement of the Local Government Act for Western Australia is for the Shire is to have a suite of Business Plans developed and approved by Council. The document attached meets that legislative requirement.

This matter was tabled at the November 2022 Ordinary Meeting of Council and deferred to the December 2022 Ordinary Meeting of Council for resolution.

Comment

The Annual Work Plan December 2022 – June 2026 sets the pathway for the Shire and community for the next half of this financial year. The plan will be reviewed on an annual basis in line with other planning documents and the preparation of the annual budget.

Policy and Legislative Implications

Once approved by Council provides direction and meets legislative requirements

Financial Implications

To be determined during formation of half yearly budget review

Strategic Implications

Provides strategic direction for the Shire

Risk Implications

Addresses risk once approved

Voting Requirements

Simple majority

Conclusion

OFFICER RECOMMENDATION – ITEM NO 10.1.2

THAT COUNCIL ENDORSE THE SHIRE OF COCOS (KEELING) ISLANDS WORKFORCE PLAN 2022 – 2037 AS TABLED.

10.1.3 ANNUAL WORK PLAN

Report Information

Date: 3 December 2022
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Not Applicable
 Reporting Officer: Chief Executive Officer
 Island: Cocos Keeling Islands
 Attachments: 10.1.3.1 – Annual Work Plan December 2022-June 2023

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

The purpose of this report is to table to Council the Shire of Cocos (Keeling) Islands Annual Work Plan December 2022 – June 2023 for endorsement.

Relevant Documents

Available for viewing at the meeting

Nil

Background

A requirement of the Local Government Act for Western Australia is for the Shire is to have a suite of Business Plans developed and approved by Council. The document attached meets that legislative requirement.

This matter was tabled at the November 2022 Ordinary Meeting of Council and deferred to the December 2022 Ordinary Meeting of Council for resolution.

Comment

The Annual Work Plan December 2022 – June 2026 sets the pathway for the Shire and community for the next half of this financial year. The plan will be reviewed on an annual basis in line with other planning documents and the preparation of the annual budget.

Policy and Legislative Implications

Once approved by Council provides direction and meets legislative requirements

Financial Implications

To be determined during formation of half yearly budget review

Strategic Implications

Provides strategic direction for the Shire

Risk Implications

Addresses risk once approved

Voting Requirements

Simple majority

Conclusion

OFFICER RECOMMENDATION – ITEM NO 10.1.3

THAT COUNCIL ENDORSE THE SHIRE OF COCOS (KEELING) ISLANDS ANNUAL WORK PLAN DECEMBER 2022 – JUNE 2023 AS TABLED.

10.1.4 STRATEGIC COMMUNITY PLAN 2022 - 2037

Report Information

Date: 3 December 2022
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Not Applicable
 Reporting Officer: Chief Executive Officer
 Island: Cocos (Keeling) Islands
 Attachments: 10.1.4.1 – Strategic Community Plan 2022-2037

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

The purpose of this report is to table to Council the Shire of Cocos (Keeling) Islands the Strategic Community Plan 2022 – 2037 for endorsement.

Relevant Documents

Available for viewing at the meeting

Background

A requirement of the Local Government Act for Western Australia is for the Shire is to have a suite of Business Plans developed and approved by Council. The document attached meets that legislative requirement.

This matter was tabled at the November 2022 Ordinary Meeting of Council and deferred to the December 2022 Ordinary Meeting of Council for resolution.

Comment

The Annual Work Plan December 2022 – June 2026 sets the pathway for the Shire and community for the next half of this financial year. The plan will be reviewed on an annual basis in line with other planning documents and the preparation of the annual budget.

Policy and Legislative Implications

Once approved by Council provides direction and meets legislative requirements

Financial Implications

To be determined during formation of half yearly budget review

Strategic Implications

Provides strategic direction for the Shire

Risk Implications

Addresses risk once approved

Voting Requirements

Simple majority

Conclusion

OFFICER RECOMMENDATION – ITEM NO 10.1.4

THAT COUNCIL ENDORSE THE SHIRE OF COCOS (KEELING) ISLANDS STRATEGIC COMMUNITY PLAN 2022 – 2037 AS TABLED.

10.1.5 MEETING SCHEDULE FOR ORDINARY MEETINGS OF COUNCIL FOR 2023

Report Information

Date: 2 December 2022
 Applicant: Shire of Cocos (Keeling) Islands
 Location: N/A
 Disclosure of Interest: Nil
 Reporting Officer: Governance and Risk Coordinator
 Island: Shire-wide
 Attachments: Nil

Authority / Discretion

Definitions

<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>
	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 purpose of this report is to determine the schedule for Ordinary Meetings of Council for 2023.

Relevant Documents

Available for viewing at the meeting

Nil

Background

Under Section 5.3 of the *Local Government Act 1995 (WA)(CKI)*, Councils are required to hold Ordinary Meetings no more than three months apart, although for good governance, more frequent meetings are standard practice. The Shire of Cocos (Keeling) Islands usual practice is to hold monthly meetings. However, some Councillors may be off-Island in January 2023, therefore, it may be more appropriate to not hold an Ordinary Meeting in January.

The *Local Government (Administration) Regulations 1996* – Reg 12 requires Council to give local public notice of dates, times and the location of its Ordinary and Special Meetings.

Meetings, public notice of (Act s. 5.25(1) (g))

(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months

2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1).

Comment

The following dates for the Ordinary Meetings of Council for 2023 listed below are proposed for Council’s consideration taking into account external factors, school and gazetted holidays relevant in the Territory of Cocos (Keeling) Islands.

Also, Councillors should note that the 29 March 2023 and 19 April 2023 meetings is scheduled at 1.00pm in consideration of Ramadan.

The dates proposed for the Ordinary Meetings of Council for 2023 are as follows:

Time	Date	Venue
4pm	Wednesday, 22 February 2023	CRC Meeting Room, West Island
1pm	Wednesday, 29 March 2023	Council Chambers, Home Island
1pm	Wednesday, 19 April 2023	Council Chambers, Home Island
4pm	Wednesday, 31 May 2023	CRC Meeting Room, West Island

4pm	Wednesday, 28 June 2023	Council Chambers, Home Island
4pm	Wednesday, 26 July 2023	Council Chambers, Home Island
4pm	Wednesday, 30 August 2023	CRC Meeting Room, West Island
4pm	Wednesday, 20 September 2023	Council Chambers, Home Island
4pm	Wednesday, 25 October 2023	Council Chambers, Home Island
4pm	Wednesday, 22 November 2023	CRC Meeting Room, West Island
4pm	Wednesday, 13 December 2023	Council Chambers, Home Island

It should also be noted that this schedule is for holding two meetings on Home Island to every one meeting on West Island in recognition that the majority of the community reside on Home Island.

Policy and Legislative Implications

Section 5.3 of the *Local Government Act 1995 (WA) (CKI)* stipulates the requirement to hold regular Ordinary Meetings of Council and Regulation 12 of the *Local Government (Administration) Regulations 1996* requires Council to give local public notice of dates, times and the location of its Ordinary and Special meetings. The officer’s recommendation complies with these statutory requirements.

Financial Implications

Nil, there are no direct financial implications from adopting a schedule of meetings.

Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2016 – 2026:
Outcome 4.1 - An informed Council leading working with others to advance our Islands
4.1.2 - Continue to improve organisational planning

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Reputation	Council does not encourage active participation in Council meeting processes.	Moderate	Council hold Ordinary Council meetings on Home and West Island
Compliance	Non-compliance with the <i>Local Government Act 1995 (WA) (CKI)</i> with respect to setting meeting dates and providing the necessary notice	Low	This report to Council and the associated decision ensures compliance with the Act and Regulations. Public notice is to be given after the Council has set the 2022 Council meeting dates.

Risk Matrix

Consequence / Likelihood	Insignificant (1)	Minor (2)	Medium (3)	Major (4)	Extreme (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Conclusion

The proposed schedule for the Ordinary Meetings of Council for the 2023 calendar year has been developed to ensure dates and times are suitable and do not overlap with public holidays or other significant events; therefore, it is recommended they are adopted as presented.

OFFICER RECOMMENDATION – ITEM NO 10.1.5

THAT THE COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 5.3 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO ADOPT THE FOLLOWING SCHEDULE FOR ORDINARY MEETINGS OF COUNCIL FOR 2023 AS FOLLOWS AND GIVE LOCAL PUBLIC NOTICE REGARDING THIS SCHEDULE VIA THE ATOLL IN AT LEAST THREE EDITIONS AND ON THE SHIRE’S WEBSITE.

Time	Date	Venue
4pm	Wednesday, 22 February 2023	CRC Meeting Room, West Island
1pm	Wednesday, 29 March 2023	Council Chambers, Home Island
1pm	Wednesday, 19 April 2023	Council Chambers, Home Island
4pm	Wednesday, 31 May 2023	CRC Meeting Room, West Island
4pm	Wednesday, 28 June 2023	Council Chambers, Home Island
4pm	Wednesday, 26 July 2023	Council Chambers, Home Island
4pm	Wednesday, 30 August 2023	CRC Meeting Room, West Island
4pm	Wednesday, 20 September 2023	Council Chambers, Home Island
4pm	Wednesday, 25 October 2023	Council Chambers, Home Island
4pm	Wednesday, 22 November 2023	CRC Meeting Room, West Island
4pm	Wednesday, 13 December 2023	Council Chambers, Home Island

10.1.6 DECEMBER 2022 CEO REPORT

Report Information

Date: 7 December 2022
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Not Applicable
 Reporting Officer: Chief Executive Officer
 Island: Cocos (Keeling) Islands
 Attachments: 10.1.6.1 – Equal Employment Opportunity Management Plan 6
 December 2022
 10.1.6.2 – Hon Minister King MP – Virgin Australia’s service to the CKI
 10.1.6.3 – FW_Meeting outcomes

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

The purpose of this report is to provide Council with an update of the actions of the Chief Executive Officer for the November/December reporting period.

Relevant Documents

Available for viewing at the meeting

Nil

Background

Amongst daily meetings with staff, community members, a myriad of Commonwealth and State Government agencies and their staff and visitors to the Cocos (Keeling) Islands, of note for this month's report is the following.

Runway Upgrade – attended a series of meetings involving Fulton Hogan, AECOM, Department of Defence, JLL, Councillors and members of the public. A very good overview of the project was tabled at the meetings and subject to funding by the Commonwealth the Project will start to have an impact on the Cocos (Keeling) Islands, especially West Island in 2023.

WAEC – in contact with Phillip Richards and Kay Heron from the West Australian Electoral Commission regard the extraordinary election for Cocos (Keeling) Shire to be held on 23 February 2023.

Workplace Diversity – In order to comply with the requirement for the Shire to develop and adopt an Equal Opportunity Management Plan, developed the Shire of Cocos (Keeling) Islands Equal Employment Opportunity Management Plan that provides direction to creating a workplace that is equitable and diverse. This plan will become part of the Workforce Plan at the first review of that plan (see attachment 10.1.6.1).

Acting Administrator – attended two meetings with the Acting Administrator, Sarah Vandenbroek and Assistant Secretary Kim Forbes of the Indian Ocean Territories and held several discussions regarding matters of concern to the Shire and Cocos (Keeling) Islands. The meetings provided a positive opportunity for the Acting Administrator and Assistant Secretary to meet with Council and senior staff. Whilst a lot of dialogue was fruitless, positive concessions regarding the Shire leasing part of the Q station were indicated. It is anticipated that upon the appointment of the Full time Administrator another visit will occur to the Cocos (Keeling) Islands in the first quarter of 2023. In the meantime, regular dialogue will continue with the Acting Administrator and Assistant Secretary.

Cocos (Keeling) Islands Emergency Management Committee – attended the Monthly meeting of the Cocos (Keeling) Islands Emergency Management Committee. The Cyclone shelters on Home and West Island were part of a tour for the Acting Administrator, Sarah Vandenbroek and Assistant Secretary Indian Ocean Territories, Kim Forbes prior to the meeting. A concession from the meeting is for the same food for Home Island as West Island was approved. This has been purchased and is now in the freezer on Home Island. Minutes from the meeting are attached and the next meeting is scheduled for 11 January 2023.

Haji Adam and Cree Bin Haig – attended the monthly meeting with Haji Adam and Cree Bin Haig, discussed whether Cree Bin Haig was prepared to meet with Civic Legal to document his version of the compilation of several documents such as the 1990 Memorandum of Understanding signed by Bob Hawke. Civic Legal advised that he has consented, and arrangements are to be made for this to occur in early 2023.

Seniors – attended a meeting held by the Seniors Group and was able to have valuable conversations on several topics. It was agreed that the meetings between the Chief Executive

Officer and the group should be held monthly. The next meeting will have carry over items such as:

Transfer Station hours,
South End Beach table and Solar light,
Roads on Home Island upgrade,
Housing/leasing/land trust deeds, and
White sand for concreting.

Department of Transport – meeting with the Shire Infrastructure Manager, Martin Faulkner and Grant Andrews, Fleet Strategy and Performance Managing Director engaged by the Department of Transport to assist the Shire with Fleet Management processes.

Civic Legal – hosted two meetings with Civic Legal regarding the Housing Policy and Leasing Review that is being conducted. The Chief Executive Officer and Leasing Officer now have a suite of leasing documents and review advice which are intended to be presented to the Ordinary Meeting of Council in February 2023 for adoption.

Focus Networks – several meetings with Focus Networks regarding the IT support being provided to the Shire. Of particular interest and a great outcome is that all Shire IT is now backed up off Island. In the event of a disaster of any form, our IT information and records are now safe.

Apprenticeship Support Australia – In conjunction with Tess Martin from Apprenticeship Support Australia Team – finalised and signed documentation for Adim Hajat to undertake the Certificate IV in Leadership and Management Course.

ABC Radio – conducted several meetings and pre-recorded interviews with Alice Angeloni of ABC Pilbara regarding issues on Cocos (Keeling) Islands. The first of the interviews regarding Tidal inundation and flooding are ready to be aired with other topics for discussion such as lack of funding, land tenure and housing issues still to be developed.

South Road closures – High tides and tidal inundation flooding has seen the South Road on West Island closed at the Scout Park during November. This is an unfortunate situation but one that mitigates risk to the Shire and Road users when the Road is flooded. A meeting has been called for South end tourist operators and other interested persons for 5.00pm on Monday 12 December to discuss the ongoing situation.

Boat ramp – Works commencing the week of the 5 December 2022, has seen the removal of one layer of sandbags from the boat ramp. Sand has also been harvested from along side the boat ramp in an endeavour to make the ramp more user friendly and accessible.

Tour operators meeting – Proposed a meeting with residents and tourism operators that use the South of West Island, to discuss the impacts of tidal inundation and flooding that leads to road closures. Meeting proposed for 5.00pm on Monday 12 December 2022 at the West Island Council Office.

Policy and Legislative Implications

Shire of Cocos (Keeling) Islands Equal Employment Opportunity Management Plan

Financial Implications

Nil

Strategic Implications

Nil

Risk Implications

Nil

Voting Requirements

Simple

OFFICER RECOMMENDATION – ITEM NO 10.1.6

1. THAT COUNCIL RECEIVE THIS REPORT.
2. THAT COUNCIL ADOPT THE SHIRE OF COCOS (KEELING) ISLANDS EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN AS TABLED.

10.2 MANAGER FINANCE AND CORPORATE SERVICES

10.2.1 MONTHLY FINANCIAL REPORT – NOVEMBER 2022

Report Information

Date:	10 December 2022
Location:	Not Applicable
Applicant:	Not Applicable
File Ref:	
Disclosure of Interest:	
Reporting Officer:	Manager Finance & Corporate Services
Island:	Shire Wide
Attachments:	10.2.1.1 - Monthly Financial Report - November 2022

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

The purpose of this report is to provide a monthly financial report for November 2022, which includes rating, investment, reserve, debtor, and general financial information to Elected Members in accordance with Section 6.4 of the *Local Government Act 1995 (WA) (CKI)*.

This report is a summary of the financial activities of the Shire at the reporting date. End of financial year processing continues and adjustments are still being finalised. The 2021/22 Annual Financial Statements will be finalised and audited with presentation due to the Audit Committee in December 2022. At this time the final 2021/2022 result will be determined and

any impact on the 2022/2023 Annual Budget and opening surplus will be presented to Council for consideration.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

The reporting of monthly financial information is a requirement under section 6.4 of the *Local Government Act 1995 (WA) (CKI)*, and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* and provides oversight of the Shire's finances to Council.

Comment

The period of review is November 2022. The current closing municipal surplus for this period is \$561,539 compared to a budget position of \$414,997.

Income for the period year to date is \$3,888,879 which is made up \$3,381,666 in operating revenues, \$507,213 in non-operating grants, contributions, and subsidies. The budget estimated \$3,884,311 would be received for the same period. The variance to budget is \$4,568.

Expenditure for the period year to date is \$3,833,978. This is made up of \$2,309,698 in operating expenditure and \$1,524,280 in capital expenditure. The budget estimated \$4,853,342 would be spent for the same period. The variance to budget is \$1,019,364.

Details of all significant variances against the current budget are provided in the notes to the Monthly Financial Report contained within Attachment 10.2.1.1.

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.

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 (Reserves);
- b. An explanation of material variances; and
- c. Such supporting information that is relevant to the Local Government

Strategic Implications

Nil

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	That budget allocations are significantly exceeded.	Moderate (6)	Variances are monitored and highlighted to Council on a monthly basis for corrective action.
Reputation	The monthly financial statements are open to public scrutiny.	Low (3)	Procedures in place to ensure all expenditure is justifiable.
Compliance	The report is to be presented to Council within two months in order to comply with relevant legislation.	Low (3)	There are processes in place to ensure compliance with legislation.
Fraud	That the report is manipulated.	Low (3)	Interim and end of year audits.

Risk Matrix

Consequence / Likelihood	Insignificant (1)	Minor (2)	Medium (3)	Major (4)	Extreme (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Conclusion

That the Monthly Financial Report for the period ending 30 November 2022, including explanations of material variances, be received.

OFFICER RECOMMENDATION – ITEM NO 10.2.1

THAT COUNCIL:

1. BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 NOVEMBER 2022, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 30 NOVEMBER 2022, AS CONTAINED IN ATTACHMENT 10.2.1.1.

10.2.2 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD 1 NOVEMBER 2022 TO 30 NOVEMBER 2022

Report Information

Date: 7 December 2022
 Location: Not applicable
 Applicant: Not Applicable
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Finance Officer
 Island: Shire Wide
 Attachments: 10.2.2.1 - Schedule of Accounts paid November 22

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 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 checked="" 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

The purpose of this report is to present to Council a list of accounts paid under delegated authority for the period 1 November 2022 to 30 November 2022, as required by the *Local Government (Financial Management) Regulations 1996*.

Relevant Documents

Available for viewing at the meeting

Nil

Background

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the Shire's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* a list of accounts paid is to be provided to Council, where such delegation is made.

Comment

The following table summarises the payments for the period by payment type, with full details of the accounts paid contained within Attachment 10.2.2.1.

Payment Type	Amount (\$)
EFT Payments #9404 to #9491	\$632,785.73
Direct Debit Payment	\$55,217.86
Cheque Payment 11692 to 11693	\$5,495.77
Total Payments	\$693,499.36

Contained within Attachment 10.2.2.1 is a detailed transaction listing of payments, including credit card expenditure, for the period ended 30 November 2022 as per the Summary table above.

Policy and Legislative Implications

Nil

Strategic Implications:

Nil

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	That budget allocations are significantly exceeded.	Moderate (6)	Variances are monitored and highlighted to Council monthly for corrective action.
Reputation	The accounts paid report is open to public scrutiny.	Low (3)	Procedures in place to ensure all expenditure is justifiable.
Compliance	The report is to be presented to Council in order to comply with relevant legislation.	Low (3)	There are processes in place to ensure compliance with legislation.

Fraud	That the report is manipulated.	Low (3)	Interim and end of year audits along with sequence checks.
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Risk Matrix

Consequence / Likelihood	Insignificant (1)	Minor (2)	Medium (3)	Major (4)	Extreme (5)
Almost Certain (5)	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely (4)	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible (3)	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely (2)	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare (1)	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Conclusion

It is recommended that Council receives the reports provided for the period ended 30 November 2022.

OFFICER RECOMMENDATION – ITEM NO 10.2.2

THAT COUNCIL:

1. BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO PAYMENTS MADE FROM MUNICIPAL OR TRUST FUNDS FOR THE PERIOD 1 NOVEMBER 2022 TO 30 NOVEMBER 2022 TOTALLING \$693,499.36 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD ENDED 30 NOVEMBER 2022, AS CONTAINED IN ATTACHMENT 10.2.2.1.

10.3 MANAGER INFRASTRUCTURE

11. MINUTES TO BE RECEIVED

12. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL

14. MATTERS BEHIND CLOSED DOORS

15. MATTERS RELATING TO THE LAND TRUSTS



MATTERS RELATING TO THE LAND TRUST 1979 AND LAND TRUST 1984

The Australian Government transferred ownership of portions of land on the Cocos (Keeling) Islands, under two separate deeds, to the Territory's local government being the Cocos (Keeling) Islands Council. On 1 July 1992, the Territories Law Reform Act came into effect by which the Commonwealth Government applied Western Australian laws to the Cocos (Keeling) Islands. The *Local Government (Transition) Ordinance 1992* established the Shire of the Cocos (Keeling) Islands by absorbing the Cocos (Keeling) Islands Council. By this arrangement, the body corporate called the Shire of Cocos (Keeling) Islands became the Trustee for both Land Trusts. Decisions relating to the Trust are made by Council as the decision-making arm of the body corporate.

The 1979 Deed: The 1979 Trust Deed applies to all of the land above the high-water mark on Home Island, except Lot 13, Lot 14 and Pulu Gangsa (Cemetery Island). The Deed states that the land is to be held 'upon trust for the benefit, advancement and wellbeing of the community formed by the Kampong residents.' No other terms were expressed in the Deed. 'Kampong residents' were described in the 1979 Trust Deed as 'the residents from time to time of the Kampong area'.

The 1984 Deed: The 1984 Trust Deed applies to all parcels of land situated and being above high-water mark within the Cocos (Keeling) Islands, including North Keeling Island, but not including parcels of land as described in the First Schedule of the 1984 Trust Deed. This transferred land was to be held by the Council (and later, by its successor, the Shire) 'upon trust for the benefit, advancement and wellbeing of the Cocos (Keeling) Islander's resident in the Territory on land owned by the Council.'

15.1 TRUSTS ADMINISTRATION

15.2 TRUSTS LEASES

15.3 TRUSTS FINANCE

16. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING (LATE ITEM)

17. CLOSURE