

# Shire of Cocos (Keeling) Islands

## Shire of Cocos (Keeling) Islands

### Agenda

### Ordinary Meeting of Council

Wednesday 30 August 2023, 4:00pm

Community Resource Centre Meeting Room,

Administration Building, West 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.

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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)**

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 26 July 2023 - Attachment 7.1

**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 26 JULY 2023 AS PRESENTED IN ATTACHMENT 7.1 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 CEO Report August 2023

#### Report Information

Date: 18 August 2023  
 Location: Cocos (Keeling) Islands  
 Applicant: Chief Executive Officer  
 File Ref: Nil  
 Disclosure of Interest: Nil  
 Reporting Officer: Chief Executive Officer  
 Island: Shire wide  
 Attachments: Various

#### 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 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 checked="" 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 July/August 2023 reporting period.

#### Relevant Documents

Available for viewing at the meeting

Letter to the Shire of Cocos Keeling Islands August 2023

Response from the CEO 21 August 2023

#### 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.

**Department of Infrastructure, Transport, Regional Development, Communications and the Arts (DITRDCA)**

The following email was received from Kim Forbes Assistant Secretary Indian Ocean Territories on 9 August 2023:

*Good afternoon Frank*

*I am writing to you regarding the increase in fees for waste management services provided by the Shire of Cocos (Keeling) Islands (SoCKI). I have been advised that SoCKI has included the new 'Commonwealth Rubbish Charge' of \$4,938 in the 2023-24 Rates Notices for each property owned by, or used by, a Commonwealth or other Public Agency.*

*As you are aware, this new fee is a significant increase from the \$373 waste management fee charged in 2022-23. It is also much higher than the proposed \$580 charge for the disposal of individual waste, and the \$2,962 fee for private commercial waste, in 2023-24. Due to the large number of departmental properties in the region, this will be a significant impost on available funding, and may impact the department's service delivery to CKI.*

*For your awareness, the department is seeking advice on SoCKI's current fee structure for waste management. While this advice is being prepared, the department will be delaying payment of the 2023-24 Rates Notices.*

*You will receive further correspondence, outlining the next steps for the department and our engagement with SoCKI, in due course.*

*Please feel free to reach out to me if you have any questions or queries.*

*Kind regards,  
Kim*

In response to this email, after discussion with the Shire President, an invite has been extended to Sarah Vandebroek, First Assistant Secretary, Territories Division, DITRDCA and Kim Forbes, Assistant Secretary, Indian Ocean Territories, DITRDCA, to travel to Cocos (Keeling) Islands and meet with Council. This face-to-face meeting would provide the opportunity to discuss not only the waste management matter but many other unresolved matters sitting with DITRDCA that have been raised by Council.

In addition to the email above, on 17 August 2023, a letter was received from Sarah Vandebroek, First Assistant Secretary, Territories Division, DITRDCA and Kim Forbes, Assistant Secretary, Indian Ocean Territories, DITRDCA (see letter tabled).

In response after consultation with the Shire President, a letter was forwarded from the Shire Chief Executive Officer to Sarah Vandebroek, First Assistant Secretary, Territories Division, DITRDCA and Kim Forbes, Assistant Secretary, Indian Ocean Territories, DITRDCA (see letter tabled).

**Independent Review of Commonwealth Disaster Funding** – attended at Teams Meeting held by Deloitte as a member of the West Australia Local Government Focus Group – Independent Review into Disaster Funding. The meeting was both informative and an opportunity to push the case for the Cocos (Keeling) Islands not having Disaster Funding available. Attached briefing paper and agenda further explain the purpose of the meeting.

**Runway project update** – by request of the Shire Chief Executive Officer, a meeting was convened by AECOM to provide a brief outline and update of the Runway Upgrade Project. A traffic management plan, the material offload facility lease, lease over the Q station and CHARMAP were discussed. A copy of the minutes of the meeting is attached here.

**West Australian Electoral Commission** – attended information sessions and meetings with Phil Richards, Manager Election Events, Western Australian Electoral Commission to talk/present to Council on the recent Local Government Amendments and demonstrate the Commission’s Count WA software which will be used to capture the preferences marked on the ballot papers.

Met with various community members who wanted more information regarding the role of Councillors for the Cocos (Keeling) Shire.

**Parks Australia** – meeting with Trish Flores to discuss the Collaboration Deed between National Parks and the Shire of Cocos (Keeling) Islands. With the Deed expiring in November 2023 and not appearing to have been formerly adopted by Council in the past, a renewed Deed will be prepared for Council endorsement at either the October or November Ordinary meetings of Council.

**Emergency Management Meeting** – attended an Emergency Management Committee Executive meeting for the Cocos (Keeling) Islands. Items for discussion included:

1. CKI EMC overview and status,
  2. Current Issues:
    - Telecommunications Disaster Resilience Innovation Program (the TDRI Program)
    - West Island boat ramp
  3. Draft documents for consideration – to reinvigorate formal recording of the committee (attached); and
  4. Letters of Appointment – to be drafted and disseminated for signature.
  5. Forward meeting schedule:
    - Next Committee meeting (~3 months’ time)
    - Next Executive meeting (looking at either 13 or 14 Sept)
- **Civic Legal** – Advice has been received from Civic Legal regarding their visit to Cocos (Keeling) Islands and the community consultations undertaken by them (see letter tabled). The next step in the process for community consultations re the housing policy is the survey currently being developed by Civic Legal with support from Shire staff.

### **Policy and Legislative Implications**

Shire of Cocos (Keeling) Islands, Housing Policy Development, Emergency Management and Disaster Funding all have potential implications for the Cocos (Keeling) Islands.

### **Financial Implications**

DITRICA refusal to pay rates may have short term budget implications.

### **Strategic Implications**

West Australia Electoral Commission General and Extraordinary elections will determine additional elected members of Council.

### **Voting Requirements**

Simple

### **OFFICER RECOMMENDATION – ITEM NO 10.1.1**

**THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THIS REPORT.**

### 10.1.2 Integrated Planning Updates

#### Report Information

Date: 23 May 2023  
 Location: Cocos (Keeling) Islands  
 Applicant: Chief Executive Officer  
 File Ref: Nil  
 Disclosure of Interest: Nil  
 Reporting Officer: Chief Executive Officer  
 Island: Shire wide  
 Attachments: 10.1.2.1 Annual Work Plan 2023 – 2024  
 10.1.2.2 Corporate Business Plan 2022 – 2026  
 10.1.2.3 Workforce Plan 2022 – 2037  
 10.1.2.4 Risk Management Framework

#### Authority / Discretion

#### Definition

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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 provide Council with draft updates to a suite of documents that form part of Council’s integrated planning model.

#### Relevant Documents

Available for viewing at the meeting

Nil

## **Background**

The West Australian Local Government Act and subordinate regulations dictate that Council has a suite of integrated plans that are reviewed at least annually. Attached to this report are updated copies of three of Councils plans for Council approval.

With Council elections in October 2023, it is planned to have a period of period consultation post the elections to further amend and bring up to date these and other plans the Shire has.

***The Annual Work Plan 2023 – 2024*** - is directly aligned to the Corporate Business Plan 2022 – 2026 and has been developed as a tool guide to inform, measure, and track the day – to – day strategic activities of the Shire.

***The Corporate Business Plan 2022 – 2026*** - was developed after the community were invited to share their thoughts, ideas, and future aspirations for their island home. This plan is directly related to the Strategic Community Plan 2022 – 2037 which is due for review prior to July 2024.

***The Workforce Plan 2022 – 2037*** - was developed to provides the Shire of Cocos (Keeling) Islands with clear guidance on how to manage its workforce for the next fifteen years by aligning decisions about human resources (recruitment, development, retention and so on) with outcomes, goals, and strategies in its Annual Workplan, Corporate Plan and Strategic Community Plan. Embedded in this planning is the movement towards secondment placing for short periods to allow for future staff development and the capacity to exercise better management and flexibility of staff.

***Risk Management Framework*** – the Risk Management Framework was developed as the vision for risk management is for all decision makers to be fully informed of risks, and that risks are effectively managed in the achievement of the Council’s Strategic and Operational objectives. Risk management benefits the Council, rate payers and stakeholders by enabling new ideas to be explored and potential risks to be managed to minimise unacceptable impacts.

## **Policy and Legislative Implications**

Review and updating the planning documents satisfies statutory requirements and provides an essential suite of documents the provides the strategic view of the Shire for community and staff to work from.

## **Financial Implications**

The Shires suite of plans that make up the Integrated Planning Framework are developed and updated with the annual budget in mind for each financial year and as the main driver of the plans.

## **Strategic Implications**

The plans and framework are an essential suite of documents the provides the strategic view of the Shire for community and staff to work from.

## **Voting Requirements**

Absolute

**OFFICER RECOMMENDATION – ITEM NO 10.1.2**

**THAT COUNCIL, BY ABSOLUTE MAJORITY, APPROVE AND ADOPT THE UPDATED AND AMENDED ANNUAL WORK PLAN 2023 – 2024, THE CORPORATE BUSINESS PLAN 2022 – 2026, THE WORKFORCE PLAN 2022 – 2037 AND THE RISK MANAGEMENT FRAMEWORK AS TABLED.**

### 10.1.3 Community Development Section Update – July 2023

#### Report Information

Date: 10 August 2023  
 Location: Cocos (Keeling) Islands  
 Applicant: Community Development Coordinator  
 File Ref: Community Development  
 Disclosure of Interest: Nil  
 Reporting Officer: Adim Hajat  
 Island: Cocos (Keeling) Islands  
 Attachments: Nil

#### Authority / Discretion

#### Definition

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<input checked="" 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 provide Council with an update of the programs and projects of the Community Development team for the months of June/July 2023.

#### Relevant Documents

Available for viewing at the meeting

Report from Australia Sailing

Equipment list for T2 catamarans

#### Background

#### Tacker Program

In response to the overwhelming commitment to the T2 sailing lessons during the July school holidays we have been making some enquiries on how to maintain and keep on encouraging children and their parents into the sport of sailing.

The Tackers program is a participation program aimed at introducing children aged 7 to 12 to sailing in a fun, safe, accessible, and affordable way. It focuses on non-competitive learning through games in a supportive environment with structured sailing sessions plans.

The Shire will request that sailing coaching will be an annual program organised during July school holidays with the support from the Department of Local Government, Sport, and Cultural Industries.

There is a large upfront financial investment to be made to maintain the T2 catamaran fleet which is underutilised in the development of the Tackers program. It is reflected in the high standard of safety and the suitability of the boats to be used in basic sailing and easily shallow waters. The outcome will be the introduction of a large volume of children to sail with their parents and their peers.

Correspondence has been sent to the President of the Jukung and Sailing Club to commit themselves and keep funding the T2's.

### **After School Programs**

The Shire is supporting several after school activities run by volunteers. The kid's art group, basketball, drama, and dance classes. The Shire supports these activities through extending its public liability, purchasing resources, and securing the venues for the activities through the school.

The classes are well attended by Home and West Island children. The Shire sincerely thanks the volunteers for their commitment in organising these activities.

### **Sculpture by the Sea Planning**

The proposed date for the exhibition will be towards the end of September and early October. The sculptures will be located at various sites such as Scout Park, Sand Point, Big Barge, Yacht Club etc. All dependant on the number of entries received. This is the first year holding such an event, one that will spark interest in the years to follow.

Open to all age groups and abilities. It is an inclusive event and exhibited in areas where it can be assessable to people with disabilities.

### **Home Island Museum**

Jim Gooding I was a member of an engineering team in 1987 (Commonwealth Department of Housing and Construction lead by Graham Greenacre and Peter Jones) which designed and erected a 30 kW wind turbine on Home Island at the intersection of Jalan Balok Mem and Jalan Kipas and connected it to the Powerhouse

He has kindly donated some items that may be of interest to the Home Island Museum including:

1. Spare Wind turbine controller – never used
2. Copy of the original engineering design report
3. Copy of the original engineering operational report
4. Photos of the installation and some members of the installation crew



The Home Island Museum is thankful for the donation and will be interested in a display of the early turbine.

### **Home Island Entry Statement Banners**

Marina Pando has provided amazing images for the twelve banners which will welcome visitors arriving to Home Island. The banners will be images of culture, people, flora and fauna. The banners will capture mostly the traditions and highlight the elders in our community.

### **Community Grant Funding Update**

The Shire received three applications from the Community Funding Program Round One which closed in April. The Cocos Islands Tennis Club, Cocos Yoga and Suka Duka Seniors Group received grants.

The Adopt A Spot funding has been successful with two recipients – Cocos Islands District High School adopting Pasir Nek Ayak and Alor Charlie as their sites and Suka Duka Seniors Group the beach along Kampong Atas. This funding is ongoing.

### **Comment**

The community development programs are aligned with the following plans. Through feedback from several meetings with community groups and relevant key agencies such as Department of Local Government Sport and Cultural Industries, Youth Affairs Council of WA, Regional Arts WA, WA Museum to name a few direct contact and program development. The Community development section adheres to the following Shire Plans for guidance and direction.

The community development section engages the participants to provide feedback as to improve the delivery of its programs, content, logistics and volunteering levels.

Shire's Corporate Business Plan  
Shire's Strategic Plan

### **Policy and Legislative Implications**

Strategic Plan

- 3.1.2 Protects the Islands environment
- 4.1.1 To provide leadership to the community
- 2.1.3 Maintain the cultural heritage

Corporate Business Plan

- S2.1.2.3 Develop and implement a volunteer support program to encourage, incentivise, acknowledge and thank our volunteers

### **Financial Implications**

Nil.

### **Strategic Implications**

Shire's Corporate Business Plan – ED 1.1.3.3

Shire's Strategic Plan – E 1.12

**Risk Implications**

<b>Risk Category</b>	<b>Description</b>	<b>Rating (consequence x likelihood)</b>	<b>Mitigation Action</b>
Financial	Cost of labour hours and use of plant and equipment increase	Moderate 6	Increase in budget allocation for the following financial year.
Health & Safety	Community activities and events.	Moderate 6	Risk assessment plan conducted prior to commencing events and activities
Reputation	Shire to take a leading role and setting high standards.	Low 3	Transparency and management of programs in accordance with Policies and Strategic direction.
Compliance	Programs undertaken by Shire to adhere to Work, Health & Safety Policy.	Low 3	Risk assessment, JSA and HR policies.
Property	Programs and events conducted on Shire owned property or land (where possible)	Low 3	Written permission and follow procedures when undertaken events on non-Shire property.
Environment	Adhere to Shire’s Strategic Plan – environment.	Low 3	Consult with parks Australia North on environmental impacts.
Fraud	Compliance with Shire’s Policy and Procedures.	Low 3	Void program and investigate cause.

**Risk Matrix**

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

**Voting Requirements**

Simple majority.

**OFFICER'S RECOMMENDATION**

**THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S 3.1 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* NOTES AND RECEIVES THE SHIRE'S COMMUNITY DEVELOPMENT SECTION MONTHLY UPDATE FOR AUGUST 2023.**

#### 10.1.4 WALGA ANNUAL GENERAL MEETING

##### Report Information

Date: 15 August 2023  
 Location: Cocos (Keeling) Islands  
 Applicant: Chief Executive Officer  
 File Ref: Nil  
 Disclosure of Interest: Nil  
 Reporting Officer: Chief Executive Officer  
 Island: Shire wide  
 Attachments: Various

##### Authority / Discretion

##### Definition

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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 have Council nominate two voting delegates for the 2023 West Australia Local Government Association Annual Meeting.

##### Relevant Documents

Available for viewing at the meeting

**AGM Agenda WALGA**

##### Background

The 2023 West Australia Local Government Association Annual Meeting will be held on Monday, 18 September 2023, at Crowne Perth (See tabled agenda).

All Member Local Governments are entitled to be represented by up to two Voting Delegates at the AGM. In the event one or both of the registered Voting Delegates is unable to attend, provision is made for up to two Proxies to also be registered.

Only registered Voting Delegates or Proxies will be permitted to exercise voting entitlements on behalf of Member Local Governments at the AGM.

Delegates may be Elected Members or officers.

Attendance at the AGM as either a Voting Delegate or (non-voting) observer is free.

Registration of Voting Delegates must be by the Chief Executive Officer, by due date Friday, 8 September.

It is the practice of Council to formally endorse the two Voting Delegates

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

Nil

#### **Financial Implications**

Nil

#### **Strategic Implications**

Nomination of voting delegates give the Shire of Cocos (Keeling) Islands an opportunity to vote at the WALGA AGM especially on any matters that may impact the Shire.

#### **Voting Requirements**

Simple

#### **OFFICER RECOMMENDATION – ITEM NO 10.1.4**

**THE COUNCIL NOMINATE, BY SIMPLE MAJORITY, TWO VOTING DELEGATES TO ATTEND THE WEST AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION ANNUAL GENERAL MEETING TO BE HELD ON 18 SEPTEMBER AT CROWNE PERTH AND VOTE ON BEHALF OF COUNCIL.**

### 10.1.5 APPLICATION FOR ASSIGNMENT OF LEASE – PART LOT 45 HI LIA SHED 2

#### Report Information

Date: 25 August 2023  
 Location: Part Lot 45 HI LIA Shed 2  
 Applicant: Mr T Battcher  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: Leasing & Policy Development 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 present the request and supporting documentation to Council for consideration for assignment of lease for a commercial tenancy on Part Lot 45 HI LIA Shed 2.

#### Relevant Documents

Available for viewing at the meeting.

#### Background

The lease for Part Lot 45 HI LIA Shed 2 between the Shire and Mr T Batcher trading as Sweet As Lawn & Section Maintenance was executed on 5 January 2022 for three (3) years with a three (3) years option.

The lease holder submitted a request to assign the lease to F&M Plumbing and Gas.

### **Comment**

In accordance with the conditions in current lease agreement the reference to assigning a lease is as follows:

### **Assignment**

14.1 No assignment

*The Lessee shall not assign, mortgage or charge the Lessee's leasehold estate in the Leased Premises, nor sublet, part with possession or dispose of the Leased Premises in any way.*

14.2 Property Law Act excluded

*Sections 80 and 82 of the Property Law Act 1969 are excluded.*

14.3 Changes in beneficial ownership of shares

*If the Lessee is a company whose shares are not listed on any Stock Exchange in Australia, a change in the beneficial ownership of more than fifty per cent (50%) of the shares or the redemption, cancellation or issue of shares in that company or any holding company of that company will be deemed to be an assignment of the Lessee's leasehold estate.*

14.4 Lessor may consent to assignment or sublease

*The Lessee will not be in breach of the covenant in clause 14.1 in respect of an assignment or a sublease of the whole or part of the Leased Premises if the Lessor consents to the assignment or sublease. The Lessor will not unreasonably withhold consent if the following criteria are satisfied:*

- (a) *The Lessee satisfies the Lessor that:*
  - (i) *the proposed assignee or sub-lessee is a respectable and responsible person of good financial standing, with sound business acumen, with adequate business experience and who is capable of meeting all the financial commitments of the Lessee under this Lease or the sub-lessee under a sublease of this Lease whichever the case may be;*
  - (ii) *there is no Rent or other money payable under this Lease due but unpaid; and*
  - (iii) *there is no unremedied breach of the Lessee's Obligations and there have been no substantial breaches of the Lessee's Obligations during the Term; and*
- (b) *the Lessee procures the execution by the proposed assignee of an assignment of lease, or by the proposed sub-lessee of a sublease, prepared by the Lessor's solicitors at the Lessee's cost which contains terms consistent in all respects with this Lease and which are acceptable to the Lessor.*

Mr Battcher has requested this assignment of lease as they are not utilising the shed to its full potential. The prospective tenants will make better use of the space for the operation of running their plumbing business. They also accept the terms and the conditions in the current agreement and will sign the Shire’s new agreement when required. It is to be noted that previous requests of similar nature have been supported by Council.

**Policy and Legislative Implications**

Section 3.58 of the *Local Government Act 1995 (WA) (CKI)*.

**Financial Implications**

Progressing with this assignment of lease will ensure the continuance of the monthly lease fee being paid. A fee of \$257 will be charged for the preparation of assignment of lease document.

The current tenant and the prospective tenant have a good financial history with the Shire. The current tenant does not have any outstanding debt and all invoices are paid on time. The prospective tenants also do not have any current debt with the Shire.

**Strategic Implications**

Shire of Cocos (Keeling) Islands Strategic Community Plan 2022 – 2033. Economic E2: To Work alongside local businesses to facilitate employment, growth and development.

**Risk Implications**

<b>Risk Category</b>	<b>Description</b>	<b>Rating (consequence x likelihood)</b>	<b>Mitigation Action</b>
Reputation	Not progressing with the lease in a timely manner could result in uncertainty for a key stakeholder who provides a good community service.	Moderate (8)	This item is being progressed as quickly as possible, while still observing legislative requirements.
Service Interruption	Without a lease, a demand of this service for the community could be disrupted.	Moderate (6)	This item is being progressed as quickly as possible, while still observing legislative requirements.
Compliance	The process for leasing does not comply with legislation.	Low (3)	The process outlined in this report is consistent with legislative requirements.
Property	The property is being used other than what it has been intended for.	Low (3)	Property inspection to be conducted annually.



## Voting Requirements

Simple majority

## Conclusion

It should be noted that Council, in this instance, is acting in its capacity as the Trustee of the 1979 Land Trust as the Land (Part Lot 45 HI LIA Shed 2) is held in Trust. Council, in making any decision in relation to the Trust, must give due consideration of the purpose of the Trust, that is “for the benefit, advancement and wellbeing of the community formed by the Kampong residents” and ensure their decision-making is guided by this objective. Council, acting in its capacity as Trustee, has the authority to consider matters relating to Land held in Trust.

The request for an assignment of lease is presented to the Trust for consideration and the officer’s recommendation the assignment of lease to F&M Plumbing and Gas is approved.

## OFFICER’S RECOMMENDATION – ITEM NO 10.1.5

**THAT COUNCIL ACTING IN ITS CAPACITY AS TRUSTEE OF THE 1984 LAND TRUST DEED, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.58 OF THE *LOCAL GOVERNMENT ACT (WA) (CKI) 1995* RESOLVES:**

- 1. TO GRANT APPROVAL TO ASSIGN LEASE FOR PART LOT 45 HI LIA SHED 2 TO F&M PLUMBING & GAS ON THE BASIS THAT THE NEW LESSEE ACCEPTS ALL TERMS AND CONDITIONS AND ANY SPECIAL CONDITIONS OF THE CURRENT LEASE, INCLUDING THE LEASE EXPIRY DATE OF 4 JANUARY 2025 WITH A THREE (3) YEARS OPTION;**
- 2. TO ADVISE THE NEW LESSEE THAT REGULAR INSPECTIONS OF COMMERCIAL TENANCY WILL BE UNDERTAKEN;**
- 3. THAT A ONE-OFF LEASE ASSIGNMENT PREPARATION FEE OF \$257 IS PAYABLE BY THE LESSEE;**
- 4. THE PURPOSE OF THE LEASE IS TO OPERATE A WORKSHED;**
- 5. TO ADVISE THE OUTGOING LESSEE THAT SHOULD ANY OUTSTANDING MONIES BE OWING TO THE SHIRE; THEY ARE TO BE PAID IN FULL; AND**
- 6. THE SHIRE PRESIDENT AND OR CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE SHIRE OF COCOS (KEELING) ISLAND COMMON SEAL TO THE ASSIGNMENT OF LEASE DOCUMENT.**

### 10.1.6 POLICY MANUAL REVIEW 2023

#### Report Information

Date: 25 August 2023  
 Location:  
 Applicant: Shire of Cocos (Keeling) Islands  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: Chief Executive Officer  
 Island: Shire Wide  
 Attachments: 10.1.6.1 – Shire of Cocos (Keeling) Islands Policy Manual Review 2023 – Summary of Changes  
 10.1.6.2 – Shire of Cocos (Keeling) Islands Policy Manual Review 2023 – With Tracked Changes  
 10.1.6.3 – Shire of Cocos (Keeling) Islands Policy Manual Review 2023 – Tracked Changes Accepted

#### 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

To present the updated Policy Manual before Council for consideration.

#### Relevant Documents

Available for viewing at the meeting.

Nil

## Background

Section 2.7 of the *Local Government Act (WA) (CKI) 1995* prescribes part of the role of a Council is to “determine the local government’s policies”.

Policies provide guidance to Council, staff and our community and aim to articulate and communicate Council position on matters affecting the good governance of the Shire and to enable the effective and efficient management of Shire resources. They assist in ensuring sound and equitable decision-making.

Policies are not binding on Council, instead they provide a structure to avoid ad-hoc decision making. Generally, policies are living documents that evolve through a process of review and refinement in respond to internal and external environment changes.

The last full review and adoption of Council Policies occurred in April 2021.

## Comment

Attachment 10.1.6.2 contains the review of each policy (with tracked changes) including a summary page of the review and amendment undertaken for each policy reviewed in attachment 10.1.6.1. For ease of reading, Attachment10.1.6.3 contains the revised policy manual with no tracked changes.

The policies have been re-categorised under the following headings:

- Administration CPA
- Chief Executive Officer CPC
- Finance CPC7
- Governance CPG
- Human Resource CPH
- Infrastructure CPI

The following policies have been reviewed and proposed to be reinstated in the Policy Manual:

Policy:		Reinstated and re-categorised under:
CPA1	Dealing with Family Members Policy	Administration
CPG10	Occupational Safety and Health Policy	Governance
CPG11	Personal Protective Equipment and Clothing Policy	
CPH1	Drug & Alcohol Policy	Human Resource
CPH4	Annual Airfares Entitlement Policy	
CPH5	Ferry Travel Allowance Policy	
CPH6	Fitness for Work Policy	
CPH7	Internet and Email Usage Policy	
CPH8	Shire Employees Undertaking Secondary Employment Policy	
CPH9	Superannuation Contribution Policy	
CPH10	Travel Allowance Policy	
CPH11	Recruitment and Selection Policy	

CPI14	Publishing of Delegated Legislation and State-wide Public Notices Policy	Infrastructure
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The following policies have been identified as not being a Council policy and are standalone documents, and are to be removed from the Policy Manual, however, will remain as corporate documents and be available on the Shire’s website:

- Customer Service Charter
- Customer Service Feedback Form

Policies that are still requiring review and will be presented to Council at an Ordinary Council Meeting in the near future:

Policy		Category
CPC6	Home Island Housing Policy	Chief Executive Officer
CPC4	Complaints Handling and Public Interest Disclosures Policy	
CPH2	Office Dress Standard Policy	Human Resource

The following are new policies and will be inserted in the Policy Manual for Council adoption:

Policy		Category
CPC7	Higher Duties Allowance	Chief Executive Officer
CPC8	CKI Risk Management Policy	
CPC9	Letters of Support for Grant Applications	
CPC10	Small Business Policy	
CPF10	Community Waste Coasts Relief Policy	Finance
CPG16	Adopt a Spot Funding Policy	Governance
CPH12	Employee Performance and Development Review Policy	Human Resource

### Future Policy Reviews

A review of every policy is to be made at least every three years by the Chief Executive Officer and presented to Council for consideration at a Councillor Workshop in each review year with an intent to adopt the updated policies at an Ordinary Meeting of Council. Where required, policies will be reviewed outside of this timeframe.

To ensure in-depth reviews can occur for each policy a rotation of categories will be adopted for review unless an interim review of an individual or group of policies is required:

June 2024 – Review all policy.

### **Policy and Legislative Implications**

Section 2.7 of the *Local Government Act (WA) (CKI) 1995* prescribes part of the role of a Council is to “determine the local government’s policies”.

Sections 5.128, 5.90A and 5.39 relate to specific policies relating to Council and require an Absolute Majority of Council decision.

### Strategic Implications

Shire of Cocos Keeling Islands Corporate Business Plan

*Key Result Area 4 – Civic Leadership*

*Objective 2 – Provide quality information for Council Decision Making*

*Objective 4 - Ensure efficient and effective management of the organization and financial resources*

### Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Reputation	Lack of transparency in decision making. Inconsistent decision. Perception that decisions are based on personalities rather than good policy.	High (16)	Carefully considered and communicated policies that guide administrative action and Council decisions and inform Council of a policy position rather than a response to a specific enquiry.
Service Interruption	Decisions held up due to lack of policy position – reinventing the wheel	Moderate 8	Good policies to smooth and fast track decision making and actions.
Compliance	Decisions not consistent with legislation	Moderate 8	Policies that ensure legislative compliance

### 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)

### Voting Requirements

Absolute Majority

### Conclusion

The draft updated Shire of Cocos (Keeling) Islands Policy Manual is presented to Council. The officer's recommendation is that Council adopts the proposed Shire of Cocos (Keeling) Islands Policy Manual as contained in Attachment 10.1.6.3.

**OFFICER RECOMMENDATION – ITEM NO 10.1.6**

**THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO SECTION 2.7, 5.128, 5.90A, 5.39 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES TO ADOPT THE AMENDMENTS OF POLICY MANUAL REVIEW, RESULTING IN THE SHIRE OF COCOS (KEELING) ISLANDS POLICY MANUAL AS CONTAINED IN ATTACHMENT 10.1.6.3.**

### 10.1.7 CIVIC LEGAL – HOUSING POLICY

#### Report Information

Date: 25 August 2023  
 Location: Cocos (Keeling) Islands  
 Applicant: Chief Executive Officer  
 File Ref: Nil  
 Disclosure of Interest: Nil  
 Reporting Officer: Chief Executive Officer  
 Island: Shire wide  
 Attachments: Various

#### Authority / Discretion

#### Definition

<input checked="" 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 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 a copy of the advice from Civic Legal regarding the Shire of Cocos (Keeling) Islands and to seek Council advice and direction regarding that advice.

#### Relevant Documents

Available for viewing at the meeting

Nil

#### Background

Civic Legal of Perth have been conducting work on behalf of Council to assist in the development of a Housing Policy suitable for the Kampong houses. Advice has now been received from them regarding the next step in the development of a suitable policy i.e., the

conduct of a community survey. The advice and draft questionnaire are attached for information of Council.

### **Comment**

Council should review the advice from Civic Legal and the draft questionnaire and provide advice and direction to the Shire Chief Executive Officer regarding this matter.

### **Policy and Legislative Implications**

Housing Policy being developed to meet community expectations.

### **Financial Implications**

The housing policy review has been budgeted for in the Shire Annual budget 2023 – 2024.

### **Strategic Implications**

It is prudent to have a policy that meets statutory requirements and where possible community expectations.

### **Voting Requirements**

Absolute

### **OFFICER RECOMMENDATION – ITEM NO 10.1.7**

**THAT COUNCIL, BY ABSOLUT MAJORITY, PROVIDE ADVICE AND DIRECTION REGARDING THE ADVICE AND DRAFT QUESTIONNAIRE RECEIVED FROM CIVIC LEGAL.**



## 10.2 MANAGER FINANCE AND CORPORATE SERVICES

### 10.2.1 MONTHLY FINANCIAL REPORT – JUNE 2023

#### Report Information

Date:	14 August 2023
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 - 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>
<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 June 2023, 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 2022/23 Annual Financial Statements will be finalised and audited by the Shires auditors with presentation due to the Audit Committee in December 2023. At this time the final 2022/2023 result will be determined and any further impact on the 2023/2024 Annual Budget 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 June 2023. The current closing municipal surplus for this period is \$750,821 compared to a budget position of \$0. The forecast Opening Surplus in the Adopted Budget for 2023/24 was \$701,971. Budget variations relating to the opening surplus will be presented to Council as and when specific expenditure items are identified to be carried forward to 2023/24. Where specific expenditure requirements are not identified, any remaining surplus will be reviewed as part of the 2023/24 Budget Review process.

Income for the period year to date is \$8,318,923 which is made up \$7,214,524 in operating revenues, \$1,104,399 in non-operating grants, contributions, and subsidies. The budget estimated \$7,953,426 would be received for the same period. The variance to budget is \$365,497.

Expenditure for the period year to date is \$9,739,149. This is made up of \$6,819,507 in operating expenditure and \$2,919,642 in capital expenditure. The budget estimated \$10,435,413 would be spent for the same period. The variance to budget is \$696,264.

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;
- 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 June 2023, 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 JUNE 2023, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 30 JUNE 2023, AS CONTAINED IN ATTACHMENT 10.2.1.1.

## 10.2.2 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD JULY 2023

### Report Information

Date: 17 August 2023  
 Location: Not applicable  
 Applicant: Not Applicable  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: Senior Finance Officer  
 Island: Shire Wide  
 Attachments: 10.2.2.1 - Schedule of Accounts paid

### 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 July 2023, 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 further details of the accounts paid contained within Attachment 10.2.2.1.

<b>Payment Type</b>	<b>Amount (\$)</b>
EFT Payments #9944 to #10009	\$584,258.49
Direct Debit Payment	\$92,632.10
Cheque Payment 11717 to 11719	\$8,336.68
<b>Total Payments</b>	<b>\$685,227.27</b>

Contained within Attachment 10.2.2.1 is a detailed transaction listing of payments, including credit card expenditure as per the Summary table above.

**Policy and Legislative Implications**

Nil

**Strategic Implications:**

Nil

**Risk Implications**

<b>Risk Category</b>	<b>Description</b>	<b>Rating (consequence x likelihood)</b>	<b>Mitigation Action</b>
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.

### Risk Matrix

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

### Conclusion

It is recommended that Council receives the reports provided for the period July 2023

#### OFFICER'S 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 JULY 2023 TOTTALLING \$685,227.27 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD JULY 2023, AS CONTAINED IN ATTACHMENT 10.2.2.1.

### 10.2.3 MONTHLY FINANCIAL REPORT – JULY 2023

#### Report Information

Date: 23 August 2023  
 Location: Not Applicable  
 Applicant: Not Applicable  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: Manager Finance & Corporate Services  
 Island: Shire Wide  
 Attachments: 10.2.3.1 - Monthly Financial Report - July 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>
<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 July 2023, 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 2022/23 Annual Financial Statements will be finalised and audited by the Shires auditors with presentation due to the Audit Committee in December 2023. At this time the final 2022/2023 result will be determined and any further impact on the 2023/2024 Annual Budget 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 July 2023. The current closing municipal surplus for this period is \$3,725,202 compared to a budget position of \$3,206,059.

Income for the period year to date is \$3,660,383 which is made up \$3,646,883 in operating revenues, \$13,500 in asset disposal proceeds. The budget estimated \$3,738,811 would be received for the same period. The variance to budget is \$(91,928).

Expenditure for the period year to date is \$663,121 excluding depreciation. This is made up of \$598,116 in operating expenditure and \$65,005 in capital expenditure. The budget estimated \$1,209,371 would be spent for the same period. The variance to budget is \$546,250.

Details of all significant variances against the current budget are provided in the notes to the Monthly Financial Report contained within Attachment 10.2.3.1.

### 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;
- 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)
<b>Almost Certain (5)</b>	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely (4)</b>	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
<b>Possible (3)</b>	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
<b>Unlikely (2)</b>	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
<b>Rare (1)</b>	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

### Conclusion

That the Monthly Financial Report for the period ending 31 July 2023, including explanations of material variances, be received.

### OFFICER RECOMMENDATION – ITEM NO 10.2.3

#### THAT COUNCIL:

1. BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JULY 2023, AS CONTAINED IN ATTACHMENT 10.2.3.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 JULY 2023, AS CONTAINED IN ATTACHMENT 10.2.3.1.

## 10.3 MANAGER INFRASTRUCTURE

### 10.3.1 INFRASTRUCTURE REPORT

#### Report Information

Date: 30 August 2023  
 Location: Cocos (Keeling) Islands  
 Applicant:  
 File Ref: Nil  
 Disclosure of Interest: Nil  
 Reporting Officer: Infrastructure Manager  
 Island: Cocos (Keeling) Islands  
 Attachments: Nil

#### Authority / Discretion

#### Definition

<input checked="" 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 checked="" 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 on the status of key capital works projects and the operations of the infrastructure team over the reporting period.

#### Relevant Documents

Nil

## **Background**

The Shire has an ambitious capital works program to deliver in 2023/2024 in addition to ongoing maintenance and private works projects.

This report is provided to outline known status progress on works, budget allocation, forecast and variant implications for the Council approved capital projects. Some of these projects are those that have been rolled over into this financial year's budgets. With these continuances we have seen some completions, positive advancement of works for some and unavoidable delays on others.

## **CAPITAL PROJECTS**

### **Retail Precinct**

Works are progressing with the installation of doors and windows complete. Internal and external painting is also complete.

Works have commenced on the decking and ramps.

Unfortunately, the current tenancies are unable to be occupied as we are still awaiting confirmation from the Indian Ocean Territories Power Service regarding the installation of the new master metering panel. This has placed a significant strain on existing small businesses and may jeopardise the tenancies moving forward.

The Chief Executive Officer has again raised with the First Secretary, Territories Division, Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (DITRCA) and the Assistant Secretary to try and progress after 24 months of inaction.

Plumbing drainage works and electrical works continue.

The paving of Jalan Baru adjoining the retail precinct will commence towards the end of the year when the bulk of the building works are complete.

### **Road Works – Jalan Raya**

Works on Jalan Raya have commenced with paving adjoining the mosque complete.

Removal of existing pavers and installation of new will continue over the next few weeks with completion scheduled for early-September.

### **Studio Unit**

Christmas Island Maintenance Services (CIMS) has been engaged to undertake the project of installing the studio unit on LOT198 Jalan Edit, Home Island. Preliminary works have commenced with the installation of footings on the allotment.

CIMS are now awaiting the transport of the unit from West Island. In addition to numerous verbal requests, written requests have been made to the Cocos Cooperative on 22/6, 23/6,

9/9, 31/10 in 2022 and 13/1, 3/3, 24/3, 9/5, 10/5, 18/7, 22/8 2023. It is hoped with a truck now on Home Island this can be achieved when unloading of the current ship is complete

Allocated budget for this project is \$44,189.

Once onsite, completion within 3 weeks is anticipated. This project has been carried forward from 22/23.

### **Container Park Footings**

The design of the footings has commenced, and a quote sought for the relevant fittings. It is anticipated that materials will be ordered in September.

### **Home Island Transfer Station Fencing**

A purchase order has been issued to the Cocos Cooperative for the supply and installation of fencing for the Home Island Transfer Station. Works are expected to commence at the end of September for completion at the end of October.

### **Kampong Rental Housing Renewal**

The budget allocated for this project is \$344,000 to renew kitchens, windows, flooring, and roof sheeting for selected Shire rental properties. Property inspections were completed in May/June 23 with an identified priority list in development.

With the review of the current Housing Policy, additional advice has been sought from Civic Legal as to our maintenance responsibility for Leased Properties. Pending that advice, the Chief Executive Officer has directed, no capital works will occur.

A new kitchen design is complete with quotes received for the supply and delivery.

Works will be undertaken by building maintenance staff and casuals under the direction of the Senior Building Officer at the completion of the retail precinct.

### **Direction Island Works**

An inspection of all assets on Direction Island has been undertaken and planning commenced for the capital replacements.

Quotes are being sought for the materials to replace the existing Shelter 2 and materials ordered for the replacement balustrade and fretwork at the Emden Memorial.

The inspection of the platform at the rip has identified significant damage to the substructure resulting from the erosion of the southern footings. Whilst some components may be salvageable, the entire structure needs to be removed. With the uncertainties of coastal erosion, it is not intended to reconstruct the platform, rather establish a cleared area overlooking the rip with appropriate signage.

### **Plant Replacement Program**

An RFQ has been issued through WALGA Vendor Panel for the supply of one wheeled loader to replace the unit on Home Island. This is subject to a separate report.

An RFQ was issued for the supply of a utility vehicle to replace the maintenance utility on West Island. Quotes closed on 20 July 23 and a purchase order has been issued to the successful supplier.

Delivery of all three light vehicles (ordered in 22/23 and 23/24) is expected on the September ship. It is intended that the vehicles being replaced will be shipped to Perth for disposal through a WALGA approved auction house.

Quote have also been received for the supply of a crusher bucket to process waste concrete, bricks, pavers, and coral. These are currently being evaluated by the evaluation team with the intent of identifying a preferred Supplier over the coming weeks.

### **Sandbag Wall Maintenance and Construction**

Following significant damage to both the Southend Road and the sandbag wall near Twiss Memorial during the storm surge in July a further, more devastating event occurred in early August 23. The ocean broke through the seawall and flooded the Southend Road 200m to the north and 300m to the South leaving significant scouring and debris along and across the pavement.

The Shire has reinstated the walls and patched the road where possible. It is likely that any future events will require the closure of the south end road long-term, preventing access to the RAAF base and the Leased sites at the south of the island.

A quote to extend and repair this wall was provided to the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (DITRCA) in August 2022. The Chief Executive Office has discussed this with the First Secretary, Territories Division, Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (DITRCA) and the Assistant Secretary and it is not a priority.

### **OPERATIONAL WORKS**

As a result of the revised ferry schedule in early August, the Shire has had minimal presence on West Island in August.

#### **Maintenance**

Painting of the eaves and fascia of the two bungalows has been completed.

#### **Road Maintenance**

Maintenance grading of the roads on West Island has been undertaken. Filling of potholes on the Sydney Highway and road shoulders is complete. Replacement and removal of signage consistent with the Main Roads Audit 2019 has been completed on West Island and will commence on Home Island at the end of the paving project.

### **Verge Trimming/Tree Management**

Trimming of roadside vegetation is continuing on the Sydney Highway.

In addition to tree pruning on Home Island, the elevated work platform completed private works for Linx, Watercorp, Happy Jacks and Toll.

### **West Island Temporary Boat Ramp**

Concrete panels have been lifted and re-laid with additional panels installed at the end of the ramp to ensure launching during low tide is less problematic.

### **Environmental Initiatives**

#### *National Tree Day*

Working together with Parks Australia to celebrate National Tree Day, planting days were held at Kampong Atas on Home Island and Bob Foley Track on West Island. In total 90 trees were planted with great attendance on both Islands including the Home Island School and seniors' group.

We are continuing propagation of several native species of trees in the Shire nursery, and these will be continue to be used to re-vegetate where required. Our parks and gardens staff have recently planted along William Keeling Crescent, Central Park, The Spot, Kampong Atas, and Pulu Gangsa.

A plant counter as bene established to track how many trees have been planted. For the 22/23 financial year 363 trees were planted across Home and West Island. We will continue to track these and are constantly adding to this count as trees are planted.

#### *Tangaroa Blue/AUSMAP training day*

The Shire along with Tangaroa Blue organised a training day on microplastics held by Michelle Hewitt from AUSMAP. The training including sieving sand from random quadrants along a 50m stretch of beach. The micro plastics were captured in sieves and then sorted and counted to give an estimate of the quantity of micro plastics in the area.

Several community members attending along with staff from Parks Australia and Cocos Marine Care

Final results of the testing are still to be counted but the initial results were shocking to attendees and highlighted the extent of the marine debris issues effecting Cocos Keeling Islands.

#### *Waste Management*

Due to a significant reduction in patronage at the transfer stations on both islands – reduced hours have been implemented to reduce expenditure (currently costing approx. \$120 for every person that uses the transfer station). Predominant usage of the facilities are by commercial operators (who are required to pay) or residents bringing in cardboard or foam boxes which can be disposed of in the bins outside.

Following the successful transfer of aluminium cans to the mainland, the Shire container has been returned and will be loaded with batteries to be sent for recycling.

Waste management staff on Home Island have started palletising corrugated steel sheets and tyres in preparation for off island disposal.

New signs have been delivered to Freightshop for the transfer station opening hours and green waste.

Annual reporting has been completed for our waste licence conditions with the Department of Water and Environment Regulation and the Waste and Resource Recovery Authority.

**Comment**

This report outlines the status of current projects that have commenced. Again, we have an ambitious capital works program and with limited qualified trades staff and no project management staff there is some risk of project delays.

**Policy and Legislative Implications**

Nil

**Financial Implications**

Project finances are monitored to ensure wherever possible works are done within scope and set allocated budget. Should there be any unforeseen variances such as increase in freight and shipping these will identified earlier rather than later for each of the projects that are yet to commence.

**Strategic Implications**

Projects will continue to be delayed and not delivered on time if issues of staffing or external trades staff are resolved.

**Risk Implications**

<b>Risk Category</b>	<b>Description</b>	<b>Rating (consequence x likelihood)</b>	<b>Mitigation Action</b>
Financial	Projects exceed budget allocation	Moderate	Ensure projects are delivered in schedule time and finances are monitored.
Health & Safety	Staff do not comply with Work Health and Safety requirements	Moderate	Adequate training all for staff and constant monitoring by WHS Representatives, Supervisors and Managers that

			requirements are adhered to.
Reputation	Projects are not delivered and up to required standard	Moderate	Works are scheduled and project updates are provided accordingly
Service Interruption	Loss of key personnel to undertake project	Moderate	Ensure adequate staff is available for project delivery – limit number of projects to be delivered each FY
Compliance	Non-compliant with regulations and codes	Low	Ensure Supervisors and Managers have the necessary knowledge in standards, regulations and codes.
Property	Damage to property	Moderate	Ensure staff are aware of their surroundings and to avoid damage to property as necessary.
Environment	Damage to environment and surroundings	Moderate	Ensure minimal impact on environment at every means possible. Rehabilitation and replanting of area at the completion should it be impacted by project.

### Risk Matrix

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

### Voting Requirements

Simple majority.

### OFFICER RECOMMENDATION – ITEM NO 10.3.1

**THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S 3.1 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RECEIVES THE SHIRE'S INFRASTRUCTURE SECTION MONTHLY UPDATE FOR AUGUST 2023.**



### 10.3.2 WASTE LOCAL LAWS

#### Report Information

Date: 30 August 2023  
 Location: Cocos (Keeling) Islands  
 Applicant:  
 File Ref: Nil  
 Disclosure of Interest: Nil  
 Reporting Officer: Environment Officer  
 Island: Cocos (Keeling) Islands  
 Attachments: 10.3.2.1 Draft Waste Local Law  
 10.3.2.2 Draft Single Use Plastic Drink Bottle

#### Authority / Discretion

#### Definition

<input checked="" 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 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 checked="" 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 on the status of two proposed local laws.

#### Relevant Documents

Draft copies of both local laws are provided as separate attachments.

## Background

### Waste Local Law:

Section 61 of the Waste and Resource Recovery (WARR) Act provides Local Governments with the power to make Local Laws so that it can perform its functions under the WARR Act.

WALGA received funding from the Waste Authority, through the Waste Avoidance and Resource Recovery Levy, to develop a Template Waste Local Law.

The Local Law has been drafted in a way that accommodates the variety of services that a Local Government may provide to the community.

The template has been updated to reflect the operations of Cocos Keeling Islands.

### Sale of single use plastic water bottles Local Law:

The Drink Tap Water project commenced several years ago, initiated by the Shire with support from DWER, the Commonwealth and Water Corp. The intent of the project is to remove single use bottled water from the waste stream as a means of reducing waste management and incineration costs. A community survey was undertaken to assess the appetite within the community to ban single use plastic water bottles.

In support of the project, acknowledging there needs to be alternative public drinking water sources available on the islands to refill reusable drinking water bottles, the Commonwealth has funded and installed water 'bubblers' drinking water stations in areas agreed by the communities that will allow and encourage community members to use reusable water bottles. The temperature of the water in the water bubblers is 25c, the same temperature the water is from your household tap.

As some time has passed the initial engagement was undertaken, we recently sought additional input from the community through an advertisement online and in the Atoll. We received no written feedback. The Environment Officer undertook direct engagement with business owners and identified a few issues to be considered as part of the development process:

- Ensure community meetings or info sessions where community is given a chance to express their views on the proposal are included in development process,
- Ban to only go up to 1L meaning that anything under 1L would be banned rather 5L,
- Confirmation that individuals could still import water and use at private functions and events,
- Proposed timeframe for implementation,
- Business may be okay, but community may not be happy this product is no longer available
- Chilled single sales of any size bottles be exempt.

This local law will likely be the first of its kind (in Australia or perhaps world-wide) where a government and communities have agreed to take the initiative to ban such an unnecessary and avoidable waste stream as single use plastic drinking water bottles.

The draft Local Law is based on the Shire of Christmas Islands Ban of Single Use Plastic bags. They implemented this local law prior to legislation been introduced in Western Australia banning the use of single use plastic bags.

### **Comment**

The development of these local laws will support the management of the Shire waste management operations and is consistent with the draft Indian Ocean Territories Waste Management Strategy.

The intent is to engage a suitable consultant to review the draft documents with the following process

1. Consultant reviews an initial draft of each local law based on Shire instructions and presented informally at Council Workshop meeting.
2. Consultants prepares amended draft having regard to Shire comments and present formally at Council meeting seeking Council resolution to commence advertising.
3. Once a finalised draft of each local law is prepared, the Shire then need to follow the procedure set out in the Local Government Act in advertising seeking public submissions. The advertising must be for a minimum 42 days (6 weeks) but usually allow for 7 weeks.
4. Bring back to Council informally with any public submissions.
5. Present formally to Council with any changes as per public submissions unless changes are considered substantial. This also the time to have the final resolution to make the local law.
6. Readvertise as per statutory requirements. Re-advertising only required if the changes are substantial.
7. Bring back to Council to seek resolution to “make the local law”.
8. Shire lodge by-law with IOT Administration as Notifiable Instruments. Normally takes 2-3 days for them to be registered.
9. IOT Administration will notify Shire that the by-laws have been registered and would then be made accessible on the Federal Register of Legislation (FRL).
10. Once on the FRL, need to give public notice of adoption, and date of operation of the local law – 14 days after published on FRL.
11. Advise the Minister of final adoption, publications etc.

### **Policy and Legislative Implications**

Section 61 of the WARR Act provides Local Governments with the power to make Local Laws so that it can perform its functions under the WARR Act.

### **Financial Implications**

Costing for previous Local laws with consultants have been \$5-6k and is provided for in the consultancy budget.

### **Strategic Implications**

The Shires Strategic Community Plan 2022-2027: To support minimisation of waste and promote reuse and recycling behaviours.

### Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Project costs exceed estimated pricing	Low	Ensure finances are monitored and quotes are sought where possible
Health & Safety		Low	
Reputation		Low	
Service Interruption		Low	
Compliance		Low	
Property		Low	
Environment		Low	

### Risk Matrix

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

### Voting Requirements

Simple majority.

### OFFICER RECOMMENDATION – ITEM NO 10.3.2

**THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO S 3.1 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) NOTES THE COMMENCEMENT OF A PROCESS TO DEVELOP TWO LOCAL LAWS RELATED TO WASTE MANAGEMENT ON COCOS KEELING ISLANDS.**

- 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 DOOR

14.1 .cc Top Level Domain - Confidential

**Report Information**

Date: 23 May 2023  
 Location: Cocos (Keeling) Islands  
 Applicant: Chief Executive Officer  
 File Ref: Nil  
 Disclosure of Interest: Nil  
 Reporting Officer: Chief Executive Officer  
 Island: Shire wide  
 Attachments: Circulated under separate cover

**Authority / Discretion**

**Definition**

<input checked="" 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>

*This report is confidential under Section 5.23 (2) of the Local Government Act 1995 and is circulated under a separate cover.*

(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—*

*(e) a matter that if disclosed, would reveal —*

*(iii) information about the business, professional, commercial, or financial affairs of a person,*

**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

### 15.2.1 APPLICATION FOR NEW LEASE PART LOT 219 WEST ISLAND

#### Report Information

Date: 25 August 2023  
 Location: Lot 219 West Island  
 Applicant: Shire of Cocos (Keeling) Islands  
 File Ref:  
 Disclosure of Interest:  
 Reporting Officer: Leasing & Policy Development Officer  
 Island: West 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 present and seek Council approval and consideration for a new lease at Lot 219 West Island.

#### Relevant Documents

Available for viewing at the meeting.

#### Background



At the ordinary meeting on 31 May 2023 Council resolved the following:

***THAT COUNCIL ACTING IN ITS CAPACITY AS TRUSTEE OF THE 1979 LAND TRUST DEED, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.58 OF THE LOCAL GOVERNMENT ACT 1995 (WA) (CKI) RESOLVES:***

- 1. TO APPROVE MR LACY REQUEST TO RELINQUISH LOT 219 WEST ISLAND AND RETAIN PART LOT 220 WEST ISLAND,***
- 2. TO ADVERTISE TO THE PUBLIC AN EXPRESSION OF INTEREST TO LEASE LOT 219 WEST ISLAND,***
- 3. THE ANNUAL LEASE PAYMENT FOR LOT 219 AT \$7,600.00 AND LOT 220 AT \$6,700.00 AS DETERMINED BY THE INDEPENDENT PROPERTY VALUER AND,***
- 4. APPROVE THE SHIRE PRESENT AND OR CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE SHIRE OF COCOS (KEELING) ISLANDS COMMON SEAL FOR THE NEW LEASE FOR LOT 220 WITH MR LACY.***

In accordance with the current leasing process the Shire advertised Lot 219 West Island for Expressions of Interest (EOI) which appeared in the Atoll, Facebook, and Shire's website. The Shire received one (1) application in response for this EOI.

### **Comment**

The Shire received one (1) submission from Mr J Clunies-Ross. The applicant is a resident and is one of many small business operators on Cocos (Keeling) Island. He currently utilises Lot 219 by informal arrangement with previous leaseholder Mr Lacy. He has grown and maintained the area over the past 10 years, with a large banana and paw-paw plantation on site.

The applicant grows produce and sells to the local community offering families produces during festivities and community celebrations. He currently receives assistance during harvesting by local community.

Mr Clunies-Ross currently has one (1) long term lease with the Shire. His lease payments are up to date, and he have shown efforts in keeping his lease area maintained.

In accordance with the Shire's current leasing process officers supports the proponents request for a ten (10) year lease. It is to be noted most of Lot 219 is land and although it is the tenant's responsibility consideration be given to allow tenant time to maintain the area.

### **Policy and Legislative Implications**

Section 3.58 of the *Local Government Act 1995 (WA) (CKI)*.

### **Financial Implications**

Progressing with the EOI to formal lease arrangements will result in revenue to the Shire. The lease fee be set as per the recommended valuation by an independent valuer at the amount

of \$7,600.00 per annum. Noting the annual fee would be subject to annual CPI review, market review at the commencement of option of any further term.

The applicant meets the payment scheduled for his current lease and does not have any outstanding debt with the Shire.

### Strategic Implications

Shire of Cocos (Keeling) Islands Strategic Community Plan 2022 – 2033. Economic E2: To Work alongside local businesses to facilitate employment, growth, and development.

### Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Reputation	Not progressing with the lease in a timely manner could result in uncertainty for a key stakeholder who provides a good community service.	Moderate (8)	This item is being progressed as quickly as possible, while still observing legislative requirements.
Service Interruption	Without a lease, a demand of this service for the community could be disrupted.	Moderate (6)	This item is being progressed as quickly as possible, while still observing legislative requirements.
Compliance	The process for leasing does not comply with legislation.	Low (3)	The process outlined in this report is consistent with legislative requirements.
Property	The property is being used other than what it has been intended for.	Low (3)	Property inspection to be conducted annually.

### Voting Requirements

Simple majority

### Conclusion

It should be noted that Council, in this instance, is acting in its capacity as the Trustee of the 1984 Land Trust as the Land (Lot 219 West Island) is held in Trust. Council, in making any decision in relation to the Trust, must give due consideration of the purpose of the Trust, that is “upon trust for the benefit, advancement and wellbeing of the Cocos (Keeling) Islander’s resident in the Territory on land owned by the Council” and ensure their decision-making is guided by this objective. Council, acting in its capacity as Trustee, has the authority to consider matters relating to Land held in Trust.

The request for a new lease is presented to the Trust for consideration and the officer's recommendation the EOI is awarded to Mr J Clunies-Ross being the sole application received.

**OFFICER'S RECOMMENDATION – ITEM NO 15.2.1**

**THAT COUNCIL ACTING IN ITS CAPACITY AS TRUSTEE OF THE 1979 LAND TRUST DEED, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.58 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* RESOLVES:**

- 1. TO GIVE LOCAL PUBLIC NOTICE OF THE INTENT (INCLUDING INVITING PUBLIC SUBMISSIONS) TO DISPOSE BY WAY OF LEASE FOR LOT 219 WEST ISLAND TO MR J CLUNIES-ROSS ON THE CONDITON THAT;-**
  - a. THE LEASE FEE BE SET AS PER THE RECOMMENDED VALUATION BY AN INDEPENDENT VALUER AT \$7,600.00 PER ANNUM. THE ANNUAL LEASE FEE IS SUBJECT TO AN ANNUAL CPI REVIEWS AND A ONE-OFF LEASE PREPARATION FEE OF \$257;**
  - b. THE LEASE TERM BEING TEN (10) YEARS;**
  - c. THE PROSPECTIVE LESSEE IS ADVISED THAT THEY WILL BE RESPONSIBLE FOR ALL MAINTENANCE OF THE BUILDING PER THE LEASE CONDITIONS;**
- 2. THE PURPOSE OF THE LEASE IS TO UTILISE FOR THE PURPOSE OF GENERAL PLANTATION AND HORTICULTURE;**
- 3. THAT SHOULD NO OBJECTIONS ARE RECEIVED DURING THE PUBLIC NOTICE PERIOD; THE CHIEF EXECUTIVE OFFICER IS AUTHORISED TO ENTER INTO THE LEASE AS PER THE SHIRE'S NEW COMMERCIAL LEASE TEMPLATE AND WITH THE CONDITIONS AS OUTLINED ABOVE;**
- 4. THAT IF OBJECTIONS ARE RECEIVED, TO CONSIDER ALL PUBLIC SUBMISSIONS AT THE FIRST ORDINARY MEETING OF COUNCIL FOLLOWING THE CLOSE OF THE PUBLIC SUBMISSION PERIOD;**
- 5. THAT REGULAR INSPECTIONS OF COMMERCIAL TENANCY BE UNDERTAKEN;**
- 6. THE APPLICANT HAVE NO CURRENT DEBT WITH THE SHIRE AND IF SO THAT ALL DEBT ARE CLEARED PRIOR TO ENTERING INTO A NEW LEASE; AND**
- 7. THE SHIRE PRESIDENT AND OR CHIEF EXECUTIVE OFFICER ARE APPROVED TO SIGN AND AFFIX THE SHIRE OF COCOS (KEELING) ISLAND COMMON SEAL TO THE NEW LEASE AGREEMENT DOCUMENT.**

**15.3 TRUSTS FINANCE**

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

**17. CLOSURE**