

# Shire of Cocos (Keeling) Islands

## Shire of Cocos (Keeling) Islands

### Agenda

#### Ordinary Meeting of Council

Wednesday 4 October 2023, 4:00pm

Council Chambers, Shire Administration Building

Lot 256 Jalan Bunga Melati, Home Island

### **Disclaimer**

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

## OUR VALUES

### Service

Provide the best service we can.

We serve the community and each other.

### Accountability

We take responsibility for our own actions.

We do what we say we will do.

Mistakes are an opportunity to learn.

### Support

We support our team and our community.

Look for opportunities to help each other.

### Respect

We respect and value others.

Our interactions are always respectful towards others.

### Integrity

We will be honest and transparent with all our dealings.

Maintain confidentiality.

Trust each other.

### Achievement

Being proactive and enabling the outcomes.

Be creative and think outside the square.

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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 30 August 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 30 AUGUST 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 SEPTEMBER 2023

#### Report Information

Date: 15 September 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 August/September 2023 reporting period.

#### Relevant Documents

Available for viewing at the meeting

Nil



## Background

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

**Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (DITRDCA)** – met via teams with Sarah Vandenbroek, First Assistant Secretary, Territories Division, and Kim Forbes, Assistant Secretary, Indian Ocean Territories, DITRDCA to discuss primarily the 2023 – 2024 waste management fees and charges for the Commonwealth on Cocos (Keeling) islands. The meeting was an opportunity to reinforce the methodology of the Commonwealth Fees that have in the main been dismissed as unacceptable by DITRDCA. Advice was tabled that further interrogation of the methodology will be done by the Commonwealth prior to any decision being made as to payment or not for all Commonwealth properties on Cocos (Keeling) Islands.

**Focus Network – ICT Security Framework** – with the Communications Coordinator, Azia Bulka, attended a Teams meeting with Focus Network staff to review part of the suite of policies that are being developed for the Shire. The policies related to the security of the Shires IT network and the full suite will be presented to Council for review once the review is complete in October/November 2023.

**IOT Supply Chain Review** – attended a team's meeting of the Indian Ocean Territories Supply Chain Review Committee. A copy of the agenda, past minutes and other information is tabled with this report. A copy of draft recommendations is also tabled with this report and they will be presented to Council for review once comments from the meeting are included.

**PULU Keeling Management Plan** – attended a meeting with Trish Flores to discuss renewal of the Deed of Collaboration between Parks Australia and the Shire of Cocos (Keeling) Islands for the Pulu Keeling Management Plan. The Deed is to be reviewed prior to renewal in November 2023 with the updated version tabled at the October 2023 Ordinary Meeting of Council. Also attended a meeting with a review committee appointed by Parks Australia to discuss the relationship between Parks Australia and the Shire of Cocos (Keeling) Islands.

**IOT Administrator** – attended a meeting with the Cocos (Keeling) Islands Shire President and Administrator for the Indian Ocean Territories Farzian Zainal. Discussion surrounded how the Administrator could assist the Shire and community members of Cocos (Keeling) Islands. Further meetings and discussions will continue to be held on a regular basis in the future.

**Emergency Management Committee** – met with the new Emergency Management Officer for the Indian Ocean Territories, Jessica Strezlecki to review the Emergency Management Plans under development for the Shire of Cocos (Keeling) Islands. Coming out of the meeting was that there is a lot of work to be done on the plans prior to their adoption by the Emergency Management Committee.

Attended, via teams, a meeting of the Emergency Management Committee for the Cocos (Keeling) Islands where a range of situations and options were discussed. It should be noted that the current arrangement of the Shire of Cocos (Keeling) Shire providing monthly inspection services and disaster shelter management is due for review in March 2024. This agreement plus the expectation for manning the “cyclone shelter” on Home Island will need to be carefully reviewed in due course.

Once a full review of the Emergency Management Plans is complete, they will be presented to Council for endorsement.

**Community Consultation – Boat Ramp** – conducted a community meeting and consultation session at the CRC on West Island to discuss options for the construction of a new boat launch facility on West Island. The discussions were based around the options paper developed by MP Rogers and Associates of Fremantle in consultation with Maritime Constructions of Fremantle (see attachments). Discussions were positive and provided some feedback that required answering. After the discussions, it was agreed that a further meeting will be held on West Island in 3 to 4 weeks when further information is able to be presented and attendees can discuss the options with anyone interested.

**Maritime Constructions** – met with Imran Lambay General Manager, Western Division, Maritime Constructions who is involved in the design and implementation of planning for the Material Offload Facility for the Runway Upgrade Project. Mr Lambay was also an integral part of the development of the designs for the options of a new boat launch facility on West Island. Post the community meeting on West Island to discuss the options for a new boat launch facility, further discussions were held with Mr Lambay. As a result of this meeting a revised option four will be investigated and re-designed, if possible, to meet community expectations. A draft of this design is tabled for the information of Council and will be provided to the next community consultation for the boat ramp.

**Seniors Meeting and Island Tour** – attended a meeting of the Seniors of Home Island to discuss issues pertinent to them. An extensive list of items that included:

- The Transfer Station hours,
- Cabbage bush inundation,
- Home Island Road Network,
- Shire staff protocols,
- Tree lopping and coconut tree de-nutting,
- Coconut tree removal from beach at Sandy Point,
- Bollard solar lights,
- Speed signs,
- Chicken plots, Old School next to the Big House,
- Mini Golf Course, and
- Waste schedule for 2023 – 2024.

Following this meeting I spent time with Darling Elat Rasa, Nek Yusri (Zainiel WALLIE) and Nek Nazrul (Alpisa RAWLINSON) having a guided tour of Home Island to be shown firsthand areas

of concern that the seniors had. It was also an opportunity to see areas of Home Island the seniors felt the Shire was doing well in. The tour visited and discussed places that included:

- The tree planting program on Home Island,
- Trees planted that could be used for erosion control,
- Areas that need clearing and cleaning up towards the cemetery and the centre of Home Island,
- Tree lopping along the foreshore areas,
- Areas for additional seating and solar lights,
- Public toilets, and
- Sandy point clean up.

The tour with the seniors provided the impetus to re-visit the development of an environment and built infrastructure Vision for Home Island that is driven by community input.

**Haji Adam** – attended a meeting with Haji Adam, Cassidy Cree (Nek Taib) and Chongkin Sebie (Nek Azrin) to discuss a variety of community related matters including:

- Staffing levels and protocols,
- Chicken plots,
- Trees down the centre of the foreshore road,
- House rental reductions for pensioners, and
- Transfer of leases to family members.

This meeting, as with others in the past, proved to be a valuable information sharing and consultation process that will continue with future meetings planned for a regular basis.

**West Australian Electoral Commission** – held meetings with Paul Roberts the West Australian Electoral Commission, Returning Officer for the Shire of Cocos (Keeling) Islands Local Government Elections in October 2023. Mr Roberts was present on Cocos (Keeling) Islands for the full nomination period and 6 nominees for 4 Councillor vacancies nominated. Mr Roberts will return to oversee the elections and is working with Shire staff to coordinate pre-poll voting.

**WALGA** - Attended the WALGA annual convention at the Crown Perth from 17 to 19 September 2023. Opened by The Premier of Western Australia, Hon Roger Cook MLA, this was the largest meeting of WALGA members for many years, with most of the Local Governments in West Australia in attendance. Approximately 100 exhibitors that provide services were also in attendance. Of particular interest, there was a varied programme featuring Keynote speakers that included:

- Dominic Thurbon – Business Disruption, Behavioural Change and Transformation focussing on the need for truth, humility, and consultation to achieve positive results,
- Ruth Callaghan – The role of Artificial Intelligence (AI) in Local Government, focussing on the need for innovative thought, how ai can be instructional, how AI can be a necessary direction for efficiencies in all reports, grants etc,

- West Australian Local Government Minister, Hon David Michael, and the Opposition Leader the Hon Shane Love, both focussed on the relationship between the tiers of government and the importance of Local Government to the State of West Australia. This was followed by a Q & A session chaired by the Chief Reporter for the West Australia, Ben Harvey.

The WALGA Annual General Meeting (AGM) followed on the first day and this gave members the opportunity to vote on several motions proposed by various local governments. Cr Knight voted on behalf of the Shire for each motion. The format of the AGM is such that it would be an avenue available to Council at the 2024 Convention to lobby the West Australian Government for support for legislative change for the Cocos (Keeling) Islands.

The second day of the Convention started with an address by the Minister for Regional Development, Local Government and Territories, Hon Kristy McBain, who spoke on the value of Local Government in West Australia and the three tiers of government. This address was followed by a Q & A session with the Minister.

Australian Local Government Association (ALGA) President, Cr Linda Scott, addressed the convention and provided an insight into the workings of ALGA and the work it was doing to support Local Governments Australia wide.

A Plenary Session on Regional Housing provided an interesting and insightful look at models being tested by various local governments to address the national housing shortage. Thought provoking discussion regarding Local Governments investing reserve funds in housing was of particular interest.

The final session of the convention was a closing keynote by Dr. Gill Hicks who inspirationally spoke on overcoming adversity to succeed in life and business.

**Telecommunications Strategy Meeting** – On 20 September 2023, attended the inaugural meeting led by the Shire of Cocos (Keeling) Islands, Telstra and NBN Local to develop an Information Telecommunications Strategy for the Cocos (Keeling) Islands. A copy of the minutes of the meeting and actions is tabled for information of Council. A comprehensive report is being submitted by the Information Telecommunications Coordinator who will lead the working group to develop the strategy.

**Civic Legal** – 21 September 2023, met with Anthony Quahe, Principal, of Civic Legal to discuss postponement of the community survey and briefing of Council of Legal advice regarding the housing policy until post the October 2023, Local Government Elections. Also discussed the advice and outcomes of the meetings Civic Legal held with the Cocos Malay Elders on Home Island regarding housing, the 1991 Memorandum of Understanding and Land Tenure. Further discussion on these matters will also be postponed until after the October 2023, Local Government Elections. A copy of the advice is tabled for the information of Council.

### **Policy and Legislative Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Nil at this stage

**Voting Requirements**

Simple majority

**OFFICER RECOMMENDATION – ITEM NO 10.1.1**

**THAT COUNCIL, BY SIMPLE MAJORITY, RECEIVES THE CEO MONTHLY UPDATE FOR AUGUST/SEPTEMBER 2023.**

### 10.1.2 COMMUNITY DEVELOPMENT UPDATE – SEPTEMBER 2023

#### Report Information

Date: 18 September 2023  
 Location: Cocos (Keeling) Islands  
 Applicant:  
 File Ref:  
 Disclosure of Interest: Nil  
 Reporting Officer: Community Development Coordinator  
 Island: Cocos (Keeling) Islands  
 Attachments: 10.1.2.1 - Proposed Project Plan – Artificial Reef Proposal, Marine Park  
 10.1.2.2 - Pulu Keeling Key Evaluation Questions

#### Authority / Discretion

#### Definition

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<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>
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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 August/September 2023.

#### Relevant Documents

Available for viewing at the meeting

Nil

## Background

### Marine Park Funding – Support letter from Cocos Islands Youth Council

Proposed Project Title funded under the Marine Parks Grant - ***COMMUNITY-BASED RESTORATION OF THE HIGHLY DEGRADED COCOS ISLANDS LAGOON TO BOOST ECOSYSTEM HEALTH AND SUSTAIN FISHERIES PRODUCTIVITY AND MARINE BIODIVERSITY***

Dr Jean Paul Hobbs Phd who currently resides on the Cocos Islands and is working closely with Cocos Marine Care and it's Ranger in researching juvenile reef fishes breeding habitats in the lagoon. He is now working on another grant proposal for a restoration project led by Ivan Nagelkerken for the University of Adelaide. This proposed project examines whether designing some artificial reefs will provide extra habitat to increase fish abundance. This will hopefully increase the number of locally named species such as *kup cunning*, *Ikan Hijau* etc.

The plan is to train the Cocos Malays in new scientific skills. The grant proposal also includes funding to employ locals to help deploy and monitor the new reefs. Several letters of support have been sourced by various community groups such as Cocos Marine Care, Seniors Group, PKPK etc.

The Cocos Islands Youth Council has also been asked to provide a letter of support which will greatly benefit the engagement of the local youths and further education in proactively be involved in supporting a hands-on approach to environmental programs on the Cocos Keeling Islands.

The project will engage with the local (Cocos Malay) community who are considered the traditional occupants of the Cocos Islands. They are the descendants of the first people brought to the islands in the early 1800s.

The locals rely heavily on the healthy fish communities in the South lagoon for their subsistence, recreation, as well as traditions (e.g., catching Māori wrasse to celebrate weddings, and spider conch for cultural events and celebrations).

The project will look at environmental sustainable ways to protect large losses of coral and seagrass in the lagoon which are leading to declining fish stocks, the artificial reef project are likely help recover and sustain the lagoon's fish populations over the longer term, as well as contribute to new coral recruitment, and hence help the locals maintain their knowledge, cultural sites and values of the lagoon.

School children and locals will have the opportunity to help construct the artificial reefs, supporting capacity building and transfer of ecological knowledge. Ongoing communication with the local community will inform them of the significance of the lagoon ecosystems and how they can contribute to maintaining its ecological integrity.

### **After School Activities – Supported by the Shire**

The Shire is supporting several after school activities which is run by the Youth and Recreation Officer and community 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.

The following statistics of the number of children actively involved each week:

Basketball – 17 children (weekly during school term)

Twilight Soccer – 18 children (per fortnight)

Volleyball – 7 children (per fortnight)

Art Class – 20 children (weekly during school term)

### **Training – Community Library Officers/Youth and Recreation Officer**

The Youth and Recreation Officer attended two workshops in Perth in August through LG Professionals.

Grant Writing – 10<sup>th</sup> August 23

Business Case – 11<sup>th</sup> August 23

The Community Librarians will also be scheduled to undertake training with representatives from the State Library WA in Perth. Dates to be confirmed by State Library.

### **Jukung Restoration Project**

Tim Eastwood from Museum WA is scheduled to be on island in October, dates to be confirmed. He will be accompanied by a representative from the Australian Maritime Museum who will be documenting the jukung collection in the Home Island Museum. He will taking measurement of the lines (hull dimensions), collecting oral history from the local jukung builders. The purpose of the documentation is to have the jukongs being recommended on the Heritage List. As it is a significant connection of the Cocos Malay culture and heritage.

### **RuOK Day**

The Shire's RuOK Day is scheduled for Saturday the 30<sup>th</sup> of September on Home Island. Last year we had 100 people attend the event on Direction Island where free activities and sausage sizzle provided by the Shire. This year the Shire will be collaborating with Indian Ocean Territories Health Service (IOTHS) to make residents more aware of mental health issues. A representative from IOTHS will be providing valuable information and speaking to the community about the mental issues and health and wellbeing.



## **Pulu Keeling National Park and Marine Park Evaluation**

Geoff Park and Anna Roberts consultants from Natural Decisions conducted an independent evaluation review from community members and key stakeholders on the role of Parks Australia on the Cocos Keeling Islands.

The CDC met with the consultants on the 13<sup>th</sup> September 2023.

Some of the evaluation questions asked were about the working relationship with Parks Australia and how well does Parks Australia communicate with the Shire on its values and issues arising from the National Park, and most importantly were there any improvements that can be made by Parks Australia in the community.

Through the Community Development portfolio, the team have worked closely with Parks Australia on a number of significant projects such as the 58 Plants in 2019, the annual Junior Ranger program as part of the school holiday program, support for National Tree Day and supporting the Oral History collection of Cocos Malay residents which began in 2018 and continues to be supported by Museums WA.

### **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

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

THAT COUNCIL, NOTE AND RECEIVE THE COMMUNITY DEVELOPMENT COORDINATOR MONTHLY UPDATE FOR SEPTEMBER 2023.

## 10.2 MANAGER FINANCE AND CORPORATE SERVICES

### 10.2.1 MONTHLY FINANCIAL REPORT – AUGUST 2023

#### Report Information

Date:	14 September 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 – August 2023

#### Authority / Discretion

#### Definition

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<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<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 August 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. 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 August 2023. The current closing municipal surplus for this period is \$,3404,624 compared to a budget position of \$2,671,597.

Income for the period year to date is \$4,357,454 which is made up \$4,237,454 in operating revenues, \$120,000 in capital grants. The budget estimated \$4,393,770 would be received for the same period. The variance to budget is \$(36,316).

Expenditure for the period year to date is \$1,380,066 excluding depreciation. This is made up of \$1,067,004 in operating expenditure and \$313,062 in capital expenditure. The budget estimated \$2,230,927 would be spent for the same period. The variance to budget is \$850,861.

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)
<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 requirement

Simple majority

### Conclusion

That the Monthly Financial Report for the period ending 31 August 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 31 AUGUST 2023, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 AUGUST 2023, AS CONTAINED IN ATTACHMENT 10.2.1.1.

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

### Report Information

Date: 11 September 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 August 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	\$656,597.51
Direct Debit Payment	\$77,446.38
Cheque Payment 11717 to 11719	\$4,037.00
<b>Total Payments</b>	<b>\$738,080.89</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)

### Voting requirement

Simple majority

### Conclusion

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

### OFFICER RECOMMENDATION – ITEM NO 10.2.2

### THAT COUNCIL:

1. BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996* RECEIVES THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON THE EXERCISE OF DELEGATED AUTHORITY IN RELATION TO PAYMENTS MADE FROM MUNICIPAL OR TRUST FUNDS FOR THE PERIOD AUGUST 2023 TOTALLING \$738,080.89 AS CONTAINED IN ATTACHMENT 10.2.2.1.
  
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD AUGUST 2023, AS CONTAINED IN ATTACHMENT 10.2.2.1.

### 10.2.3 BUDGET VARIATIONS 2023/24

#### Report Information

Date: 21 September 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 – FORM – Budget Variation Boat Ramp Consultant

#### 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 amend the 2023/24 budget to reflect various adjustments to the General Ledger.

All items will have nil effect on the closing budgeted surplus and a balanced budget will be maintained.

#### Relevant Documents

Available for viewing at the meeting.

Nil

#### Background

Item 1: The West Island boat ramp options study was expected to be completed in 2022/23 and as such the expenditure had been deducted from the budgeted 2023/24 opening surplus.

The study was completed at the end of August with payment being made to the consultant in September. As a result, the ‘actual’ 2023/24 opening surplus is higher than has been budgeted. Pending a decision on capital works related to the West Island boat ramp, this expenditure may be capitalised in the future.

### Comment

Item 1: It is proposed that the funds for this project are carried forward to the 2023/24 financial year with an increase to the opening surplus and corresponding expenditure as detailed below:

Item	Description	Current Budget	Increase/ Decrease	Revised Budget
1	R062 - Boat Ramp Expenditure	0	(\$20,000)	(\$20,000)
	Brought forward surplus	\$710,171	\$20,000	\$730,171

### Policy and Legislative Implications

The *Local Government Act 1995 (WA)(CKI)* Part 6 Division 4 s6.8(1) requires the local government not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –

(b) is authorised in advance by resolution\*

“additional purpose” means a purpose for which no expenditure estimate is included in the local governments annual budget.

\* Requires an absolute majority of Council

### Strategic Implications

The proposed variations support the achievement of the following goals and outcomes detailed in the Strategic Community Plan or Corporate Business Plan.

Plan	Outcome	Goal
Corporate Business Plan 2022-2026	L2 to ensure that Shire resources are utilised in a manner that represents the best interest of the whole community	L2.1 Responsible financial management

### 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	Expenditure is incurred without Council approval	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)

### Voting requirement

Absolute majority

### Conclusion

That Council approve the budget variations as outlined in this report.

### OFFICER RECOMMENDATION – ITEM NO 10.2.3

**THAT COUNCIL, BY ABSOLUTE MAJORITY, APPROVES THE REQUIRED BUDGET VARIATIONS TO THE CURRENT BUDGET FOR 2023/24 AS FOLLOWS:**

Item	Description	Current Budget	Increase/ Decrease	Revised Budget
1	R062 - Boat Ramp Expenditure	0	(\$20,000)	(\$20,000)
	Brought forward surplus	\$710,171	\$20,000	\$730,171

## 10.3 MANAGER INFRASTRUCTURE

### 10.3.1 ASSET DISPOSAL – AMENITIES JALAN BUNGA MAWAR

#### Report Information

Date: 27 September 2023  
 Location: Cocos (Keeling) Islands  
 Applicant: The Shire of Cocos (Keeling) Islands  
 File Ref:  
 Disclosure of Interest: Nil  
 Reporting Officer: Infrastructure Manager  
 Island: Cocos (Keeling) Islands  
 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

This report seeks Council approval to demolish the old blue toilet block on Jalan Bunga Mawar, Home Island.

#### Relevant Documents

Available for viewing at the meeting

Nil

## Background

With the completion of the retail centre scheduled for December 2023, the Shire will have an additional public toilet facility on Home Island. The precinct will include three individual toilets - two unisex and a disabled toilet.

On Home Island, public toilets are currently located at:

- Community Resource Centre
- Pondok Indah
- Sandy Point
- Jalan Bunga Mawar

A review of each of the facilities in conjunction with the development of an asset management plan, has identified the amenities at Jalan Bunga Mawar are in a state of disrepair and need significant investment to bring up to a standard.

## Comment

It is not clear when the amenities on Jalan Bunga Mawar were constructed but records suggest pre-1992 (or in excess of 30 years ago).

With the additional of the new facilities at the retail centre, there is an over servicing of public toilets on Home Island. There is an ongoing maintenance and cleaning cost for each of the facilities.

The toilets on Jalan Bunga Mawar are not located near any other public buildings or services and need significant investment to be upgraded.

It is recommended that they be demolished and rehabilitated to Reserve.

Under the Local Government Act 1995 Delegations (2.1.9 - Disposing of Property) disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.

As this was not identified during the development of the Annual Budget, a separate Council resolution is required.

The cleaning contract will be amended to reflect cleaning of the retail facilities. There will be not additional costs.

## Policy and Legislative Implications

CPI2 - Asset Management Policy

*Local Government Act 1995* Delegations - 2.1.9 - Disposing of Property

*Local Government Act 1995* s.3.58(2) & (3) Disposing of Property

Local Government (Financial Management) Regulations 1996

## Financial Implications

The current value of the asset is \$42,000 which will be written off.

## Strategic Implications

Corporate Business Plan

*Leadership - To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.*

*L2.1 Responsible financial management*

## Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Loss of asset value	Moderate (8)	Write-off associated with development of new infrastructure
Reputation	Public scrutiny of demolition	Low (3)	Justifiable reasons for disposal
Compliance	Process non-compliant	Low (4)	Council resolution required to dispose of assets of certain value

## 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

Absolute Majority

## Conclusion

The officer's recommendation is that Council accepts the recommendation to demolish the amenity block on Jalan Bunga Mawar noting the current written down value of \$42,000 be removed from the asset register.

## OFFICER RECOMMENDATION – ITEM NO 10.3.1

**THAT COUNCIL, BY ABSOLUTE MAJORITY:**

- 1. ENDORSE THE DEMOLITION OF THE AMENTIES ON JALAN BUNGA MAWAR AND NOTE THE WRITTEN DOWN VALUE OF \$42,000 WILL BE REMOVED FROM THE ASSET REGISTER.**

**2. APPROVES THE REQUIRED BUDGET VARIATIONS TO THE CURRENT BUDGET FOR 2023/24 AS FOLLOWS:**

<b>Item</b>	<b>Description</b>	<b>Variation</b>
	Loss on Asset Disposal	42,000
	Buildings – Asset @ Cost	(46,690)
	Provision for Depreciation - Buildings	4,690



### 10.3.2 INFRASTRUCTURE REPORT

#### Report Information

Date: 27 September 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 well with the painting complete, balustrading nearing completion, vinyl laid in four tenancies and flooring commenced in the wet areas.

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 continues to raise the issue 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 are near completion.

The paving of Jalan Baru adjoining the retail precinct has commenced. The existing track between Jalan Rel and Jalan Majid in-front of the existing restaurant will be closed and reinstated to reserve. Roadside parking and pathways will connect to the restaurant.

### **Road Works – Jalan Raya**

Works on Jalan Raya are substantially complete. We are awaiting delivery of the remaining pavers to complete the remaining 80m to the school intersection. These works are planned for early 2024.

### **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. The General Manager of the Cocos Cooperative has guaranteed delivery to Home Island before 22 September 23. 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 is complete, and the materials have been ordered. Two additional sites will be constructed.

### **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.

Materials have been ordered for the replacement balustrade and fretwork at the Emden Memorial and to replace the existing Shelter 2.

Quotes have been received to replace the toilets. These are in excess of the current budget so a review of the options to upgrade rather than replace need to be undertaken.

### **Plant Replacement Program**

Delivery of 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.

An additional buggy for Home Island has been ordered and will make the December ship.

Quotes 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 organising a demonstration in Perth when the opportunity arises.

Quotes for a diesel fuel trailer have been received and are under consideration.

The wheeled loader has been ordered and is due to be delivered to Perth in November for arrival on Cocos early 2024.

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

In addition to damage to the wall at Twiss Memorial, a number of bags have been dislodged from other seawalls around West Island.

The Commonwealth have indicated there is no funding to construct new walls and are awaiting receipt of an order of new bags prior to any repair work being undertaken this financial year.

### **OPERATIONAL WORKS**

#### **Cyclone Shelter – Home Island**

Removal of rust and painting of the steel beams below the cyclone shelter has commenced. Initial focus on the southern side of the building.

#### **Road Maintenance**

Replacement and removal of signage consistent with the Main Roads Audit 2019 has commenced on Home Island.

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

Trimming of roadside vegetation is continuing on the Sydney Highway.

The elevated work platform has been used to de-nut coconuts at the Yacht Club and Scout Park on West Island.

#### **Home Island Boat Ramps**

A number of boat ramps on Home Island have been lifted at the sides and stabilised with concrete infill adjoining the sandbags. It is hoped this will manage the ongoing erosion along the edges of the ramps.

The works have also replaced damaged or broken sandbags along the foreshore wall.

## **Airport Pedestrian Crossings**

Concrete ramps have been constructed adjoining the airport and Cocos Club to improve crossing Sydney Highway for visitors with luggage trolleys.

## **Environmental Initiatives**

### *Siam Weed*

Siam weed on both West and Home Islands have been sprayed in accordance with our agreement with DPIRD. It is pleasing to note the low numbers following the dryer than normal conditions.

### *Marine Debris*

The Shire is again hosting a beach clean-up as part of Tangaroa Blue's Biggest Beach Clean on 14th of October 23 at Alor Charlie. Sea shepherd is also hosting a clean-up event as part of the event on Direction Island.

Sea Shepherd has a volunteer crew returning end of October to conduct clean ups across Home, West, South and Direction Island. The Shire will again be supporting the initiative by receiving the waste and assisting with transport.

### *Tree Planting*

Students from Christmas Island are visiting 17th-20th of October. A tour of the Shire Nursery is planned as well as native tree planting where we may be joined by some of the Cocos Island Students.

### *Waste Management*

A container of tyres has been successfully loaded and are to be shipped off island for recycling on the current ship. Staff cleaned, drilled, washed and loaded approximately 400 tyres from the Home Island transfer station.

The remainder of the tyres at transfer station have been stacked on pallets to be cleaned and prepped ready for the next available container.

A container of batteries also was successfully loaded and are to be shipped off island for recycling on this ship. This has cleared all batteries in storage at the Home Island Transfer station.

Waste oil has been transferred into IBC's ready for off Island Disposal.

Waste management staff are continuing to sort, clean and stack scrap metal on pallets.

New signage has been installed at the Home Island green waste site. It is hoped this will reduce the quantity of general waste/boxes and foam eskies been dumped here.

**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 be 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, RECEIVES THE MANAGER INFRASTRUCTURE MONTHLY UPDATE FOR AUGUST 2023.**

## 11. MINUTES TO BE RECEIVED

### 11.1 MINUTES FROM AUDIT AND GOVERNANCE COMMITTEE MEETING TO BE RECEIVED

#### Report Information

Date: 26 September 2023  
 Applicant: Shire of Cocos (Keeling) Islands  
 File Ref:  
 Location: N/A  
 Disclosure of Interest: Nil  
 Reporting Officer: Manager Governance, Risk and Planning  
 Island: Shire Wide  
 Attachments: 11.1.1 - Audit and Governance Committee Meeting Minutes  
 30 August 2023 (Unconfirmed)

#### 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>

#### Summary

The report formally presents the confirmed and unconfirmed minutes of Audit and Governance Committee of Council from the previous meeting.

#### Background

The Shire has established the Audit and Governance Committee as a Committee of Council. The Audit and Governance Committee does not have any delegated authority; therefore, any recommendations requiring a Council decision that result from this Committee meeting must be brought before Council. This will be done via agenda items to Council.



### **Comment**

The attached minutes is the unconfirmed minutes of the meeting of Audit and Governance Committee of Council held on the 30 August 2023.

### **Consultation**

N/A

### **Financial Implications**

The Officer's recommendation for Council to receive the minutes of Committee meetings carries no financial commitment for Council. Should any recommendation require a financial commitment or have any implication outside the CEO's delegated authority, the matter will be referred to Council as a specific agenda item.

### **Risk Implications**

Nil

### **Policy Implications**

Nil

### **Statutory Implications**

Administration regulation 11 sets out the content that the minutes of council or committee meetings must contain, including:

- the names of members present at the meeting;
- details of each motion moved, the mover and the outcome of the motion;
- details of each decision made at the meeting; and
- written reasons for each decision made at a meeting that is significantly different from the committee's or council employee's recommendation.

*Section 5.22(2) and (3) of the Act* requires that the minutes of a council or committee meeting are to go to the next meeting of the council or committee for confirmation and signing by the person presiding to certify the confirmation.

### **Strategic Implications**

Shire of Cocos (Keeling) Islands Strategic Community Plan 2022 – 2037

*Objective L1: To be involved, respectful and inclusive and to facilitate diversity and representation within the decision-making process.*

### **Voting Requirements**

Simple majority

### **Conclusion**

That the minutes of the Audit and Governance Committee meeting held on the 30 August 2023 be received.

### **OFFICER RECOMMENDATION – ITEM NO 11.1**

**THAT COUNCIL, BY SIMPLE MAJORITY PURSUANT TO *SECTION 3.18 OF THE LOCAL GOVERNMENT ACT 1995* RESOLVES TO RECEIVE THE MINUTES OF THE AUDIT AND GOVERNANCE COMMITTEE MEETING HELD ON 30 AUGUST 2023.**

**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 TELECOMMUNICATIONS STRATEGY**

**Report Information**

Date: 26 September 2023  
 Location: Cocos (Keeling) Islands  
 Applicant:  
 File Ref:  
 Disclosure of Interest: Not Applicable  
 Reporting Officer: Information and Communication Technology Coordinator  
 Island: Cocos (Keeling) Islands  
 Attachments: 14.1.1 - MINUTES NBN, Telstra, Shire of Cocos (Keeling) Islands meeting

**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>

*This report is confidential under Section 5.23 (2) of the Local Government Act 1996 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– (b) the personal affairs of any person –*

*(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**

**15.3 TRUSTS FINANCE**

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

**17. CLOSURE**