

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Minutes

Ordinary Meeting of Council

Wednesday 28 February 2024, 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

The Presiding Member declared the meeting open at 4:00pm and welcomed Councillors and Officers.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

President: Cr A Minkom

Deputy President: Cr I Minkom

Councillors: Cr Badlu
Cr Sloan
Cr Young

Officers: Frank Mills, Chief Executive Officer
Vikki Lauritsen, Manager Finance and Corporate Services
Martin Faulkner, Manager Infrastructure
Amallia Alim, Governance Administration Officer
Suzie Bulka, Leasing and Policy Development Officer

Guests: Nil

Public: 4

Visitors: Nil

Apologies: Cr Knight
Ibrahim Macrae, Manager Governance Risk and Planning

Approved Leave of Absence:

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

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.

Nil

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 |
|------------|-----------------------------|---------------------|
| Cr Knight | 16 January to 16 April 2024 | 13 December 2023 |

5.2 APPLICATION FOR LEAVE OF ABSENCE

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING(S)

7.1 Ordinary Council Meeting held on 13 December 2023 - Attachment 7.1

OFFICER RECOMMENDATION – ITEM NO 7.1

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 13 DECEMBER 2023 AS PRESENTED IN ATTACHMENT 7.1 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

COUNCIL RESOLUTION – ITEM NO 7.1

MOVED CR I. MINKOM

SECONDED CR LACY

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 13 DECEMBER 2023 AS PRESENTED IN ATTACHMENT 7.1 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS

Nil

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 |
|------|----------|----------|--------|
| NIL | | | |

10. REPORT FROM COMMITTEES AND OFFICERS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 CEO REPORT FEBRUARY 2024

Report Information

Date: 19 February 2024
 Location: Cocos (Keeling) Islands
 Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: 10.1.1.1 – Implementation Plan Cocos (Keeling) Islands
 10.1.1.2 – Organic Waste Recycling Pre- Feasibility Assessment IOT
 10.1.1.3 – Waste and Resource Recovery Strategy IOT
 10.1.1.4 – Resource Recovery Facilities Proposed Layout
 10.1.1.5 – Proposed site Layout of Recovery Facilities subject to DWER Approvals West Island
 10.1.1.6 - Waste and Resource Recovery Facilities
 10.1.1.7 - Project Management Plan Waste and Resource Recovery Facility
 10.1.1.8 – DWER Letter
 10.1.1.9 - DRF Round Two Individual Project Application Offline Form

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 December 2023, January 2024, and February 2024 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.

Air 555

Construction work on the AIR555 shelter being carried out by Manteena and various contractors has gone ahead very quickly and advice from the Project Manager, Steve Crimmins, is that the works are due for completion by the end of the 2023 – 2024 financial year. The majority of external works including installation of solar panels has been complete and the internal works are now the focus. The Shire's two apprentice carpenters had a short-term engagement on the project and the feedback is that they were exceptional to work with Manteena and they very easily fit into different working environment and were a credit to themselves and their standard of work.

Annual leave

Whilst the Chief Executive Officer enjoyed a period of leave from 1 December to 16 December 2023, the position of Acting Chief Executive Officer was filled by the Governance, Risk and Planning Manager, Ibrahim Macrae. The Chief Executive Officer is also planning to take annual leave in March 2024 and the position of Acting Chief Executive Officer will be filled by the Governance, Risk and Planning Manager, Ibrahim Macrae for this period.

Asbestos

Resulting from a question by a concerned citizen, asbestos samples were taken from the Heritage Trail on Direction Island. These samples proved to be Chrysotile and crocidolite asbestos which are apparently legacy waste from Commonwealth buildings of the past. Once these results were obtained, the Heritage Trail was barriered off and Infrastructure staff carried out a cleanup of the Trail to remove all visible asbestos. Over two days Shire staff collected 6 bags of ACM.

Civic Legal

Teams meeting with Suzie Bulka (Shire Leasing and Policy Development Officer), Anthony Quahe and Melanie Fraser of Civic Legal to discuss matters of engagement, status, and indicative costs for remainder of 2023 – 2024 financial year. Whilst some of the costs may seem prohibitive, it should be noted that this Council is dealing with very complex matters

that are of significant interest to the Cocos Malay population in being resolved and should have been resolved up to 40 years ago. It should also be noted that the costs are indicative only and will ultimately depend on the amount of works carried out by Civic Legal at the request of Council.

Cocos Islands Co-operative

Met with Ron Grant, Coop General Manager, to discuss the programming of a joint venture to see the Co-op and Shire join to remove the “old mosque” from site. This venture would see the Co-op removing the asbestos and bundling it for Shire removal to the mainland for deep burial. This is a work in progress and is not expected to be complete in time for 40th Anniversary of Act of Self Determination Day.

Department of Infrastructure, Transport, Regional Development, Communications, and the Arts

Face to face meeting with Adam Stankevicius, Assistant Secretary, Indian Ocean Territories Branch and Beth Duncan, Director, Indian Ocean Territories Policy, Indian Ocean Territories Branch of the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (DITRDCA) who had travelled to Cocos (Keeling) Islands. Essentially a meeting to introduce Adam who is filling the role of Kym Forbes for the time being. Discussed the following items to no avail:

- Q Station licence occupied by Council, given verbal notice by Beth Duncan that we will be required to vacate the site soon.
- Rates and waste management fees and charges, advised by Beth Duncan, DITRDCA will send legal advice to the Shire in near future.

Teams meeting with Sarah Vandebroek, First Assistant Secretary, Territories Division, DITRDCA to seek clarification of advice from Beth Duncan, as above. Also discussed:

- Sandbags for DRF application
- ASDD 40th anniversary

The meeting resolved:

- That Sarah Vandebroek would discuss the lease of the Q Station with Beth Duncan and respond to the Shire regarding the possibility of a longer-term lease.
- That the Shire Chief Executive Officer will provide Sarah Vandebroek with further details and data regarding the calculations used to determine the rate for the waste fees and charges for the Commonwealth.
- That DITRDCA would supply \$84,500 worth of sandbags as a co-contribution to the Shire Disaster Ready Fund application.
- That Sarah Vandebroek would be meeting with the Minister for Territories on 15 February 2024 and would discuss potential funding from the Minister and or her Department for the ASDD anniversary.

Disaster Ready Funding application

Supported and advised Infrastructure staff, and in particular the Infrastructure Coordinator Luluilmaknun Sloan in the development of a funding application for \$15,151,933 to carry out foreshore stabilisation works on West and Home Island. Completion of the application was assisted by Peter Wood, Principal Planner, Land Use Planning, Department of Planning, Lands and Heritage West Australia and Alan Piper, Alan Piper Consulting who was appointed by the State Emergency Management Committee West Australia to assist with the development and submission of applications from the Indian Ocean Territories. It is expected the outcome will be known in April 2024. A copy of the application documents (Attachment No 10.1.1.9) is attached hereto for information.

Emergency Management

In the lead up to the tropical low and Cyclone Anggrek, attended meetings of the Emergency Management Committee as the representative for the Shire. Meetings were well attended by all agencies and arrangements put in place worked well. With the cyclone bypassing the Islands, this was a good test of how Cocos (Keeling) Islands functions in preparation for a weather event.

A challenge for the Shire and all other agencies is, the Commonwealth administering emergency management and the review of the Emergency Management Manuals not being complete during the last 18 months. This has been raised again with the Indian Ocean Territories, Emergency Management Officer, Jess Strezlecki and Administrator Farzian Zainal.

Of importance to note - current Emergency Management processes within the Shire see two different standards and expectations for West and Home Island with respect to shelters.

West Island – currently there is an agreement in place that requires the Shire Ranger to carry out inspections of the building (the Cocos Club) on a regular basis and this is done on a fee for service basis, under arrangements with JLL, the property manager for the Commonwealth.

During shelter open times on West Island, a cook is provided to prepare meals for those in the shelter with the cook and all food provided by the Commonwealth.

Home Island currently Shire staff carry out all inspections and man the shelter on Home Island as required. There is no financial support for this along the same lines as West Island.

Fulton Hogan Constructions Pty Ltd

Advice has been received from the Department of Water and Environmental Regulation (DWER) they received an application (see Attachment No 10.1.1.8) under section 51E of the *Environmental Protection Act 1986 (the EP Act)* from Fulton Hogan Construction Pty Ltd that proposes to clear 7.01 hectares of native vegetation within multiple land parcels, West Island Cocos (Keeling) Islands, for the purpose of supporting delivery of the Cocos Keeling Islands Airfield Upgrade Project, including construction of seawalls, staging areas, access road and accommodation camp.

In accordance with section 51E(4A) of the *EP Act*, the DEWR considered that Council may have a direct interest in the subject matter of the application and invites comment. In particular, the Department would welcome your comments in relation to:

- whether the proposed clearing is consistent with your:
 - local Town Planning Scheme
 - local and regional planning strategies and/or policies
 - local biodiversity guidelines and/or plans and/or environmental impact assessment decisions; and
- whether any planning approvals have been granted and/or are required. If planning approvals are required, please advise whether an application has been received.

AECOM and Fulton Hogan gave a presentation to Council staff and elected members on 07 February 2024 and detailed the locations and reasons for the vegetation clearing (see Attachment No 10.1.1.4 and 10.1.1.5).

Government of Western Australia – Department of Transport

On behalf of the Shire, signed a Deed of Variation to agreement No DOT960020 for the provision of licensing services in Cocos (Keeling) Islands in terms of section 11 of the *Road Traffic (Administration) Act 2008 (WA) (CKI)*. This variation allows for extended licensing services to be provided on Home and West Island as follows:

“The services will be provided at CKI during the hours as outlined below:

(a) Home Island: Monday, Tuesday, Thursday, 7.00am – 3.00pm and Friday, 7.00am – 12.00pm; and

(b) West Island: Monday and Friday, 7.45am – 10.45am and Wednesday 7.45am – 2.30pm.

Nothing in this clause prevents the Shire from varying the hours it provides the Services set out above to suit its operations, provided it first obtains the CEOs written consent in writing. The CEO has absolute discretion to approve such request.”

This is a positive outcome for the communities and Home and West Island and has provided the opportunity for a part time employment position with the Shire.

Human Resources

Completed the Annual Performance Reviews and training development plans for all staff reporting directly to the Chief Executive Officer. Almost all Shire staff have been through the performance review process and the results are now being tabulated and a training and development calendar being developed. A further mid-year review is to be conducted which will include a focus on staff satisfaction levels and workplace reviews.

Joint Standing Committee on the National Capital and External Territories

In 2017, The Joint Standing Committee on the National Capital and External Territories delivered the results of their inquiry into and report on the strategic importance of the Indian Ocean Territories, with regards to:

- The changing regional security environment and security contingencies;
- Defence capability in the territories and associated infrastructure development;
- The scope of maritime, air and other cooperation with Indo – Pacific partners; and
- Impacts on local communities.

Recommendation 1 of the Committee to Parliament reads as follows:

“In light of the changing dynamics in the Indian Ocean region, the Committee recommends that the Australian Government refer an inquiry that considers Australia’s Indian Ocean Territories and its engagement in the broader Indian Ocean Region to the Committee, at least every five years”.

Enquiries with the committee secretariat have revealed that, seven years on, there is no current inquiry on the Committee’s books despite their 2017 recommendation.

Parks Australia

Attended a meeting with Trish Flores and Derek Ball, Park Manager to discuss Parks Australia management and the following items:

- Office space
- Boat launch and storage
- A general overview of the Critically Endangered blue-tailed skinks (*Cryptoblepharus egeriae*) relocation Program from Christmas Island to Pulu Blan and Pulu Blan Madar. The program has been very successful, and a request has been submitted to Council to support an extension of the program.

Waste Management

Supported and advised Infrastructure staff and Acting Infrastructure Manager, Adim Hajat in conjunction with GHD, to develop and submit a grant application under the Growing Regions Funding for a significant upgrade of the Cocos (Keeling) Islands Waste and Resource Recovery Facilities. If successful, the application for more than 5 million dollars will provide for new transfer stations and incinerators on both Home and West Island and allow for a boost in recycling, re-use of many items that currently go for open burning. We would also be able to meet the strict environmental standards imposed on us and I expect to know the outcome in March 2024. A copy of the application documents is attached hereto for information (Attachment No 10.1.1.1, 10.1.1.2, 10.1.1.3).

Waste and Resource Recovery Strategy

The GHD developed Waste and Resource Recovery Strategy – Indian Ocean Territories – Christmas Island and Cocos (Keeling) Islands and the Implementation Plan Cocos (Keeling)

Islands are finalised as far as the Commonwealth i.e., the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (DITRDCA) and West Australia Government Department of Water and Environmental Regulation are concerned.

See the following:

- *“IOT Waste Management and Resource Recovery Strategy: All feedback has been incorporated and the document is now considered final. We will now be looking for the endorsement of both Shires before the Waste Management Strategy is released to the communities of both Christmas Island and the Cocos (Keeling) Islands.*
- *Christmas Island and Cocos (Keeling) Islands Implementation Plans: as requested during the first Waste Management Strategy Workshop, GHD have compiled separate Implementation Plans for both Christmas Island and the Cocos (Keeling) Islands. It is important to note that these documents provide guidance for the implementation of the IOT Waste Management and Resource Recovery Strategy. The purpose is to provide short, medium and long term steps for the implementation of the Strategy, the order of priority for each action, the opportunities and challenges of these actions, and which organisation/s are responsible for the implementation of the action. We would appreciate your input and comments on the Implementation Plans.*
- *Organic Waste Recycling Pre-Feasibility Assessment: GHD have completed the first draft of the Organic Waste Recycling Pre-Feasibility Assessment, which focuses on organic waste recycling and potential for reducing residual waste quantities. It includes assessment of local market potential for recycling organic products, technology options, regulatory requirements, available technologies and financing options. We would appreciate your input and comments on this document”.*

A request for consideration of further works and review especially in terms of investigating the opportunities provided for by sea dumping continues to be ignored. Despite repeated requests to DITRDCA, advice is there is not going to be any amendments to the documents as tabled.

Consequently, a stalemate has occurred, and the documents are now tabled for Council consideration of endorsements or not.

Woodside Energy Activities -Ngujima-Yin & Pyrenees

Attended a Team’s meeting with Mike Roe the Manager First Nations Engagements, Corporate Affairs of, Woodside Energy Limited. This meeting was an introduction to Environmental Plans that Woodside have in the event of disasters such as shipping collisions or oil/gas rig explosions that could potentially have an impact on the Cocos (Keeling) Islands. Further details will be provided and presented to Council to review in the near future.

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority

OFFICER RECOMMENDATION – ITEM NO 10.1.1

THAT THE COUNCIL, BY A SIMPLE MAJORITY:

1. ACKNOWLEDGE AND RECEIVE THIS REPORT.
2. PROVIDE ADVICE AND DIRECTION REGARDING THE ENDORSEMENT OF THE WASTE AND RESOURCE RECOVERY STRATEGY – INDIAN OCEAN TERRITORIES – CHRISTMAS ISLAND AND COCOS (KEELING) ISLANDS, AS WELL AS THE IMPLEMENTATION PLAN FOR COCOS (KEELING) ISLANDS AS TABLED.
3. APPROVE THE APPLICATION OF AECOM AND FULTON HOGAN PER ATTACHMENT 10.1.1.8 FOR VEGETATION CLEARING ON WEST ISLAND FOR THE PURPOSE OF SUPPORTING THE AIRFIELD UPGRADE PROJECT.

COUNCIL RESOLUTION – ITEM NO 10.1.1

MOVED CR LACY

SECONDED CR I. MINKOM

THAT THE COUNCIL, BY A SIMPLE MAJORITY:

1. ACKNOWLEDGE AND RECEIVE THIS REPORT.
2. APPROVE THE APPLICATION OF AECOM AND FULTON HOGAN PER ATTACHMENT 10.1.1.8 FOR VEGETATION CLEARING ON WEST ISLAND FOR THE PURPOSE OF SUPPORTING THE AIRFIELD UPGRADE PROJECT.

REASON FOR THE VARIATION TO THE OFFICER RECOMMENDATION: Council did not have the opportunity to discuss point 2 of the officer recommendation.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

10.1.2 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

Report Information

| | |
|-------------------------|---|
| Date: | 29 January 2024 |
| Location: | Cocos (Keeling) Islands |
| Applicant: | Shire of Cocos (Keeling) Islands |
| File Ref: | Nil |
| Disclosure of Interest: | Nil |
| Reporting Officer: | Chief Executive Officer |
| Island: | Shire Wide |
| Attachments: | 10.1.2.1 – ACLG Invitation Letter 10.1.2.2 - 2024 NGA Motions Discussion Paper |

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:

1. Provide the Shire President and elected members with an invitation to attend the 30th National General Assembly of Local Government to be held in Canberra from 2 – 4 July 2024.
2. Provide the Shire President with an invitation to attend Australian Council of Local Government to be held on 5 July 2024 and Gala Dinner of 4 July 2024 at the National Convention Centre in Canberra.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

Australian Local Government Association

Established in 1947, ALGA is a federation of State and Territory associations. Convened annually by the Australian Local Government Association (ALGA), the National General Assembly (NGA) of Local Government is the peak annual event for Local Government, attracting more than 800 Mayors and Councillors each year.

This event provides a unique opportunity for Local Government to engage directly with the Federal Government, to develop national policy, and to influence the future direction of our councils and our communities.

“The 30th National General Assembly of Local Government is to be held from 2 – 4 July 2024, in Canberra. The theme for 2024 is – Building Community Trust”.

Australian Council of Local Government

A letter of invite to the Shire President jointly signed by The Hon Catherine King MP – Minister for Infrastructure, Transport, Regional Development and Local Government and the Hon Kristy McBain MP – Minister for Regional Development, Local Government and Territories has been received to attend the 2024 Australian Council of Local Government Meeting to be held in Canberra.

“We are writing to advise that the Australian Council of Local Government (ACLG) will be held on Friday, 5 July 2024 at the National Convention Centre in Canberra. A Gala Dinner is also planned for the evening of Thursday, 4 July 2024. The 2024 National Awards for Local Government will be announced in conjunction with the 2024 ACLG events.

Last year’s ACLG was a great success with 686 delegates attending, representing 296 Councils, with 201 Mayors attending. The feedback we received from our Ministerial colleagues in attendance last year was that they found the engagement with local government representatives across the Forum and Dinner extremely valuable.

The ACLG in 2024 will again bring Ministers and local governments together to discuss key issues and workshop potential solutions, especially those in which local government plays a leading role. The Commonwealth will meet the costs of the ACLG Forum and the ACLG Gala Dinner, however each attendee will need to bear the cost of their travel and accommodation”.

Policy and Legislative Implications

Nil

Financial Implications

Cost of travel, accommodation, meals, and incidentals are budgeted for annually.

Strategic Implications

It can be seen as strategically important to attend the meeting especially if one-on-one meetings with various Ministers and Senators can be arranged whilst in Canberra.

Voting Requirements

Simple

OFFICER RECOMMENDATION – ITEM NO 10.1.2

THAT COUNCIL, BY SIMPLE MAJORITY, EXPERSS THEIR INTEREST TO ATTEND EITHER THE 2024 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION, THE NATIONAL GENERAL ASSEMBLY TO BE HELD IN CANBERRA FROM 2 – 4 JULY 2024 AND/OR THE AUSTRALIAN COUNCIL OF LOCAL GOVERNMENT TO BE HELD ON FRIDAY, 5 JULY 2024, AND THE GALA DINNER ON 4 JULY 2024.

COUNCIL RESOLUTION – ITEM NO 10.1.2

MOVED CR I. MINKOM

SECONDED CR SLOAN

THAT COUNCIL, BY SIMPLE MAJORITY, EXPERSS THEIR INTEREST TO ATTEND EITHER THE 2024 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION, THE NATIONAL GENERAL ASSEMBLY TO BE HELD IN CANBERRA FROM 2 – 4 JULY 2024 AND/OR THE AUSTRALIAN COUNCIL OF LOCAL GOVERNMENT TO BE HELD ON FRIDAY, 5 JULY 2024, AND THE GALA DINNER ON 4 JULY 2024.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

10.1.3 GAGANYAAN HUMAN SPACE FLIGHT PROGRAM – SENSITIVE

Report Information

Date: 31 January 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Shire Wide
 Attachments: 10.1.3.1 – CONFIDENTIAL Commonwealth Gaganyaan IDC Meeting Minutes
 10.1.3.2 – CONFIDENTIAL IA Queries

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 an update from Dr Xavier and the Gaganyaan Human Space Flight (HSF) team that provides more information on the level of equipment and personnel Indian Space Research Organisation (ISRO) is proposing to send to Australia for the crew and crew module recovery aspect of the Gaganyaan human space flight program.

Relevant Documents

Available for viewing at the meeting

Nil. Attachments circulated under separate cover.

Background

Council has previously been appraised of details of the Gaganyaan HSF and the relationship to the Cocos (Keeling) Islands. Further advice has now come to hand from Steve Campbell of the Australian Space Agency as below and in the attached reports (Attachment No 10.1.3.1)

A copy of the Commonwealth Gaganyaan IDC Meeting Minutes for 24 January 2024 and a copy of the Updated clarifications (R1) as on 28.12.2023 are attached to this report for the information of Council (Attachment No 10.1.3.2).

Policy and Legislative Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Nil

OFFICER RECOMMENDATION – ITEM NO 10.1.3

THAT THE COUNCIL, BY A SIMPLE MAJORITY, ACKNOWLEDGES AND ACCEPTS THIS REPORT ALONG WITH ITS ACCOMPANYING ATTACHMENTS.

COUNCIL RESOLUTION – ITEM NO 10.1.3

MOVED CR YOUNG SECONDED CR I. MINKOM

THAT THE COUNCIL, BY A SIMPLE MAJORITY, ACKNOWLEDGES AND ACCEPTS THIS REPORT ALONG WITH ITS ACCOMPANYING ATTACHMENTS.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG
AGAINST: NIL

10.1.4 PRESENTATION OF THE COMPLIANCE AUDIT RETURN 2023

Report Information

Date: 1 February 2024
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Location: Cocos (Keeling) Islands
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: Shire Wide
 Attachments: 10.1.4.1 - Compliance Audit Return 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 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 refer the Shire's responses to the Department of Local Government Compliance Audit Return 2023 to Council for its consideration and adoption.

Relevant Documents

Available for viewing at the meeting

Nil

Background

In accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996* each local government in Western Australia must carry out an annual audit of statutory compliance for the period 1 January to 31 December, in the form of Department of Local Government Compliance Audit Return.

The 2023 Compliance Audit Return focuses on high-risk areas of compliance and statutory reporting as prescribed in regulation 13 of the *Local Government (Audit) Regulations 1996*.

The Audit Committee is required to review the completed CAR and report the results to Council, prior to CAR adoption by Council and submission to the Department of Local Government, Sport and Cultural Industries by 31 March 2024.

Comment

Any reporting of non-compliance in the CAR is a reminder for local government officers to engage with elected members via the Audit Committee to provide Council with a plan and timeframe within which to address non-compliance.

Policy and Legislative Implications

Local Government (Audit) Regulations 1996

Financial Implications

Nil

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.

Risk Implication

| Risk Category | Description | Rating (consequence x likelihood) | Mitigation Action |
|---------------|--|-----------------------------------|--|
| Compliance | It is a Legislative requirement of council which must be adhered to. | Med (1) | A monthly Compliance Calendar assists the Shire to ensure Legislation is adhered to. |

Risk Matrix

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

Conclusion

The CAR is a timely reminder of the various areas of compliance required by local governments and is a sound mechanism to test compliance and areas on which to focus improvements.

AUDIT AND GOVERNANCE COMMITTEE RECOMMENDATION – ITEM NO 10.1.4

THAT COUNCIL, PURSUANT TO *REGULATION 14 OF THE LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996*, RESOLVES TO:

- A. NOTE THAT IT HAS REVIEWED THE COMPLIANCE AUDIT RETURN 2023 FOR THE SHIRE OF COCOS (KEELING) ISLANDS; AND
- B. RECOMMEND THAT COUNCIL RECEIVES THE COMPLIANCE AUDIT RETURN 2023 FOR THE SHIRE OF COCOS (KEELING) ISLANDS.

COUNCIL RESOLUTION – ITEM NO 10.1.4

MOVED CR I. MINKOM

SECONDED CR YOUNG

THAT COUNCIL, PURSUANT TO *REGULATION 14 OF THE LOCAL GOVERNMENT (AUDIT) REGULATIONS 1996*, RESOLVES TO:

- A. NOTE THAT IT HAS REVIEWED THE COMPLIANCE AUDIT RETURN 2023 FOR THE SHIRE OF COCOS (KEELING) ISLANDS; AND
- B. RECOMMEND THAT COUNCIL RECEIVES THE COMPLIANCE AUDIT RETURN 2023 FOR THE SHIRE OF COCOS (KEELING) ISLANDS.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

10.1.5 COMMUNITY DEVELOPMENT SECTION UPDATE – DECEMBER 2023

Report Information

Date: 7 February 2024
 Location: Cocos (Keeling) Islands
 Applicant: Community Development Coordinator
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Community Development Coordinator
 Island: Shire wide
 Attachments: 10.1.5.1 - Nek Callum Jukong Repairing Progress photos
 10.1.5.2 - Home Island Museum Floor Plan Current
 10.1.5.3 - Home Island Museum Plan Revision 1
 10.1.5.4 - Sketchup layout test for Home Island Museum
 10.1.5.5 - ASDD Proposed Program of Events 2024

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

To provide Council with an update of the programs and projects of the Community Development team for the month of February 2024.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

Community Development Officer – Heritage and Culture - Update

Niamh (pronounced Nieve) Swingle is the new Community Development Officer for Culture and Heritage with the Shire. She has begun work in late January after moving up to Cocos with her partner, who is the new Arts teacher at the school.

Her qualifications consist of an honours degree in Interior Design and have been working in this field for the last 3 years with a Perth based Architect firm. After deciding needed a change from the commercial design work she and partner went travelling for the second half of last year where they spent one month between Bali and Lombok, and two and a half months travelling Europe.

She applied for the role of Community Development Officer at the tail end of this trip and we welcome her vast experience and energy. She has an eye for detail and hope the skills in visual communication to positively aid in all projects in the Home Island Museum and Heritage Precinct, Oral History Projects and community Arts Projects.

The Shire hopes to deliver and maintain the project schedule however logistical factors and unforeseen delays and we will endeavour to persevere. The project will be delivered and maintained within budget, the Shire has invested considerable in-kind contributions by far exceeds its expectations and will be reflected in our reporting milestones and final acquittal processes. Finally, the delivery of the Jukong Restoration Project is of high heritage value and return on investment is unquestionable.

Jukong Restoration Project

Our local elder and boat builder Zaitu Feyrel (Nek Callum – Kampong name) has commenced restoring one of the five jukongs in the project.

The first jukong he is restoring was owned by Ederie Austin (Wak Udin) which was built by his father – Austin (Nek Masuri) in and around the early part of the 1930's. The original timbers, Ironwood originally came from the leftover larger jukong owned by the family.

These stories about the jukongs are one of the main objectives of this restoration project. It is important to capture and document as much possible. The current racing jukongs have traces of the original backbone of the early boats. Its evolution is a true testament to the progressive boatbuilding techniques of the Cocos Malays.

Nek Callum has begun work, working 3 hours a day, 2 days a week (Pictures of Nek Callum working see Attachment No 10.1.5.1). There are 5 boats to restore, he has begun with the smallest which will hopefully be completed by the end of June. The restoration process is being recorded through photo, video and audio. This will provide a useful collection of recordings that will promote the need for further funding to continue the project.

Regarding funding, we have \$8,700 from the Australian National Maritime Museum. This is the first funding that we will be using to cover the labour costs for Nek Callum. This has already been provided to the shire. Once this has been expended as intended an additional \$15,000 from IOT project funds which will come through Tim Eastwood will be provided to cover the cost of the labour component.

There is a major difference between conservation and restoration. The jukongs will be reviewed on a case-by-case basis to see what the most appropriate method is to preserve. As some of the boats have fully Ironwood hulls, the hope is that these will be conserved in their currently condition rather than replaced. We will endeavour to include the Seniors Group where possible as Nek Callum will need some assistance to complete the 5 boats.

In addition to the project, we are planning on having a Chula Shed Open Day. It will be a community engagement initiative with community members are introduced to the project. Expect a small food stall and to attract more tourists to the Heritage Precinct. This will provide an opportunity for the community to engage with the restoration works and learn from Nek Callum. Sanding or painting may be appropriate activities to get the community involved in.

We are looking to implement an electrical upgrade to the Chula shed. Due to the limited budget for the restoration works themselves, this upgrade is to be presented to council as a capital works item for building upgrade. We are establishing a workshop space in the Chula shed with tools/equipment that has been provided by the WA Museum through Tim Eastwood. It is hoped that this can be used as a “Mens Shed”/Workshop for solely working on jukongs in the future once the restoration work is complete.

As the Chula shed is utilised more it will provide an extension to the current museum. It would be great to have a food stall at the shed once a week with someone cooking local food in order to get tourists and locals to come and linger while the restoration works are taking place.

Home Island Museum Upgrade

Tim Eastwood will be arriving 16 February to progress conservation work and facilitate progression of the museum design (Tim plans + Sketch plan -See attachment No 10.1.5.2, 10.1.5.3 and 10.1.5.4).

Working through layout design currently, undertaking sketch design work to tell a clearer story within the museum space and introduce new objects that have not yet been on display in the museum such as the Ayesha Life Ring.

Tim Eastwood has provided construction materials for upgrades to the storeroom and a feature wall plus further display cabinets as part of the funding through the WA Museum. A 3D model to be built in *Sketchup* of the Museum space to test new design options. This is to become the working document for any updates/changes to be tested in moving forward.

Looking to include a section that can be ever changing – perhaps monthly/bi-monthly display updates for anything that is being kept in storage without a permanent place on display. The building will require some maintenance, Tim Eastwood keen to manage specifically the salt leaching through the walls and destroying the mortar and bricks.

In future we would like to reach out to the community for expressions of interest for a “Friends of the Museum” program. Through this we would invite the volunteer team to create displays that are relevant to certain events throughout the year so that a section of the museum is updated/amended regularly.

Museum upgrade with Tim Eastwood modelling of the museum to test alternative layout design includes the preservation of artifacts and importantly the introduction of new items.

Oral Histories

Oral Historian Dr Elaine Rabbitt from Broome is coming to Cocos from the 21 to the 31 May. Interviewing 10 seniors about life on Cocos. Any discussion with the Shipwrights can be used in conjunction with the Jukong restoration project. The community team will compile a list of people of interest to talk to Elaine, but anyone is welcome to come forward. There will be a minimum of 10 sessions available, one in the morning and one in the afternoon.

Textile Workshop

Carla Steele from Regional Arts WA is collating a list of potential artists to lead a textile workshop up on Cocos. There will be sessions on both Home and West Island. The Big Barge Art Centre will be involved in this process. The project is community capacity building on the cultural aspect of the Cocos Malay community and the association with the natural resources.

Act of Self Determination Day Committee

Currently involved with organising ASDD with fortnightly planning meetings with Persatuan Kebudayaan Pulu Kokos (PKPK) Committee. A draft program has been tabled for consideration for the committee. The students from Cocos Islands District High School will be involved in a design competition to design the 40th Anniversary logo. The winning logo will be printed on shirts and hats. Currently sourcing quotes from a number of suppliers delivered before ASDD.

Youth and Recreation Officer Update

Australia Day 2024

Due to a number of unforeseen scheduling Australia Day this year was held on the Saturday the 27th January on Direction Island. The Shire advertised the four new awards categories and received an overwhelming response of eight nominations.

Congratulations to the award recipients this they were -Suka Duka Seniors Group, Angela Faulkner, Emma Washer, Dr Matt Eckersly, Dr Gary Mitchell, Grace Maprie, Shazwan Noor, and Madeenah Kenny.

Thank you to the following organisations that have supported this year's Australia Day function – Ms Farzian Zainal Administrator for the IOT's, Department of Infrastructure and Regional Development, CKI Ports, Cocos Islands Cooperative Society, and community volunteers.

Home Island Gym Inspections

We have been having issues with underage community members accessing the gym through the current members. We have spoken with the parents and advised them of the high possibility of injury when 'messing' around with this type of equipment. A notice will be sent and regular monitoring of the CCTV footages to highlight the issues.

Sport & Recreation Visits

Volleyball WA is the first to come up to the Island to run volleyball clinics. Arriving on the 27February and leaving 1March. Just starting the planning for hopefully some exciting things for the annual Volleyball WA visit. It's been confirmed that our own Shelby Maher, Perth Steel Women's captain, will be doing the visit this year.

She will be arriving to Cocos on the Tuesday the 27 February and flying to Christmas Island on Friday the 1 March. I know schools are not back until later this month but I was aiming to start creating a rough draft for a schedule to start planning how Shelby's visit will look like.

International Women's Day (IWD)

The 8 March is a global day celebrating the social, economic, cultural, and political achievements of women. The day also marks a call to action for accelerating women's equality. IWD has occurred for well over a century, with the first IWD gathering in 1911 supported by over a million people. Today, IWD belongs to all groups collectively everywhere. IWD is not country, group or organisation specific.

The Shire is assisting the Indian Territories Health Service hosting this year's International Women's Day which is scheduled for Friday 8 March to be held in the Home Island Cyclone Shelter from 9.30am to 12.00pm. This year's event will consist of health talks, team building games, and guest speakers.

Active after school programs

There will be regular after school activities on a fortnightly schedule. Interchanging from the following days Wednesday on West Island and Friday on Home Island. recently we ran tennis one afternoon on West Island which attracted 12 children and Twilight soccer on a Friday night on Home Island with 30 children attending.

Monthly Market Day

Market Days are back this year our aim is to promote locally made goods and services and increase income of local producers. Market Days are an important venue for local entrepreneurs to promote their products and services. Markets on Home Island will be held at the end of every month or on special occasions e.g. during Regional Arts touring bands.

We want to improve more on the arts and crafts side as well as a pop-up marquee from the Shire to advertise our upcoming events and activities.

Cocos Islands Youth Council - Fundraising 2024

Food or product drives are a favourite fundraiser among the youths on island as they have an incredible track record at raising solid fundraising dollars.

We invite all youths in the community to join the Cocos Islands Youth Council there are many issues and projects that will affect them in the future, and this is an opportunity to become one voice.

Fundraising ideas include but not limited to the youths to partake in like selling fish & chips, sausage sizzle, netting and selling fish, market day stalls, car and buggy wash, movie night - popcorn and snacks, bake sale and yard sale to name a few.

It will be an exciting year for the youths in our community.

Staff Training

The Youth and Recreation Officer will be undertaking Finance for Non-Financial People training with LG Professionals in Perth from the 13 to the 20 February.

The Community Development Officer – Culture and Heritage is enrolled with Australian Online Courses undertaking a Certificate of Community Development. Comprising of 6 units and totalling 90hrs of online study.

Comment

The community development programs are aligned with the following plans. The CD section works closely with several key agencies such as Department of Local Government Sport and Cultural Industries, Youth Affairs Council of WA, Regional Arts WA, Museum WA, State Library of WA and newly appointed Circuitwest which will organise the annual Touring Group. The CD section adheres to the following current Shire Plans for guidance and direction on all of its programs.

The community development commits to engaging the whole community, working with community groups and participates in debriefing and receiving feedback from participants in order for improvements of the delivery of its programs, content, logistics, volunteering levels and budget allocations.

Policy and Legislative Implications

Shire of Cocos (Keeling) Islands 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

Shire of Cocos (Keeling) Islands 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 of Cocos (Keeling) Islands Corporate Business Plan – ED 1.1.3.3

Shire of Cocos (Keeling) Islands Strategic Plan – E 1.12

Risk Implications

| Risk Category | Description | Rating (consequence x likelihood) | Mitigation Action |
|-----------------|--|-----------------------------------|--|
| 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) |
|---------------------------|-------------------|--------------|--------------|--------------|--------------|
| 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

Simple majority.

OFFICER RECOMMENDATION – ITEM NO. 10.1.5

THAT THE COUNCIL, BY A SIMPLE MAJORITY, ACKNOWLEDGES AND ACCEPTS THE SHIRE'S COMMUNITY DEVELOPMENT CO-ORDINATOR MONTHLY UPDATE FOR FEBRUARY 2024.

COUNCIL RESOLUTION – ITEM NO 10.1.5

MOVED CR SLOAN

SECONDED CR LACY

THAT THE COUNCIL, BY A SIMPLE MAJORITY, ACKNOWLEDGES AND ACCEPTS THE SHIRE'S COMMUNITY DEVELOPMENT CO-ORDINATOR MONTHLY UPDATE FOR FEBRUARY 2024.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

10.2 MANAGER FINANCE AND CORPORATE SERVICES

10.2.1 MONTHLY FINANCIAL REPORT – DECEMBER 2023

Report Information

Date: 9 January 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Nil
 Reporting Officer: Manager Finance & Corporate Services
 Island: Shire Wide
 Attachments: 10.2.1.1 - Monthly Financial Report –December 2023
 10.2.1.2 – CONFIDENTIAL – Note 12 Additional Information Council only

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 December 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)*.

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 December 2023. The current closing municipal surplus for this period is \$3,907,830 compared to a budget position of \$2,968,465.

Income for the period year to date is \$7,711,109 which is made up \$7,435,943 in operating revenues, \$275,166 in capital grants. The budget estimated \$8,202,176 would be received for the same period. The variance to budget is (\$491,067).

Expenditure for the period year to date is \$4,693,794 excluding depreciation. This is made up of \$3,183,004 in operating expenditure and \$1,510,790 in capital expenditure. The budget estimated \$6,028,574 would be spent for the same period. The variance to budget is \$1,334,780.

Details of all material 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) |

Voting Requirements

Simple majority.

Conclusion

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

OFFICER RECOMMENDATION – ITEM NO 10.2.1

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*:

1. RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2023, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 DECEMBER 2023, AS CONTAINED IN ATTACHMENT 10.2.1.1

COUNCIL RESOLUTION – ITEM NO 10.2.1

MOVED CR I. MINKOM

SECONDED CR LACY

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*:

- 1. RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2023, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND**
- 2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 DECEMBER 2023, AS CONTAINED IN ATTACHMENT 10.2.1.1**

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

10.2.2 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD DECEMBER 2023

Report Information

Date: 17 January 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.2.2.1 - Schedule of Accounts Paid December 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 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 December 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

| Payment Type | Amount (\$) |
|-------------------------------|---------------------|
| EFT Payments #10306 to #10336 | \$432,769.01 |
| Direct Debit Payment | \$77,225.42 |
| Cheque Payment 11730 to 11731 | \$5,567.37 |
| Total Payments | \$515,561.80 |

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

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

Strategic Implications

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

Objective L2: To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Risk Implications

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

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

Simple majority.

Conclusion

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

OFFICER RECOMMENDATION – ITEM NO 10.2.2

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*:

1. 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 DECEMBER 2023 TOTALLING \$515,561.80 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD DECEMBER 2023, AS CONTAINED IN ATTACHMENT 10.2.2.1.

COUNCIL RESOLUTION – ITEM NO 10.2.2

MOVED CR I. MINKOM

SECONDED CR LACY

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*:

1. 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 DECEMBER 2023 TOTALLING \$515,561.80 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD DECEMBER 2023, AS CONTAINED IN ATTACHMENT 10.2.2.1.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

10.2.3 MONTHLY FINANCIAL REPORT – JANUARY 2024

Report Information

Date: 2 February 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: NIL
 Reporting Officer: Manager Finance & Corporate Services
 Island: Shire Wide
 Attachments: 10.2.3.1 - Monthly Financial Report –January 2024
 10.2.3.2 – CONFIDENTIAL – Note 12 Additional Information Council

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 January 2024, 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)*.

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 January 2024. The current closing municipal surplus for this period is \$3,214,846 compared to a budget position of \$2,503,973.

Income for the period year to date is \$8,296,280 which is made up \$8,021,114 in operating revenues and \$275,166 in capital grants. The budget estimated \$9,005,766 would be received for the same period. The variance to budget is (\$709,486).

Expenditure for the period year to date is \$5,408,144 excluding depreciation. This is made up of \$3,745,474 in operating expenditure and \$1,662,670 in capital expenditure. The budget estimated \$6,765,416 would be spent for the same period. The variance to budget is \$1,357,272.

Details of all material 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) |
|---------------------------|-------------------|--------------|--------------|--------------|--------------|
| 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

Simple majority.

Conclusion

That the Monthly Financial Report for the period ending 31 January 2024, including explanations of material variances, be received.

OFFICER RECOMMENDATION – ITEM NO 10.2.3

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*

1. RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2024, AS CONTAINED IN ATTACHMENT 10.2.3.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 JANUARY 2024, AS CONTAINED IN ATTACHMENT 10.2.3.2

COUNCIL RESOLUTION – ITEM NO 10.2.3

MOVED CR SLOAN

SECONDED CR I. MINKOM

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*

- 1. RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2024, AS CONTAINED IN ATTACHMENT 10.2.3.1; AND**
- 2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 31 JANUARY 2024, AS CONTAINED IN ATTACHMENT 10.2.3.2**

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

10.2.4 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD JANUARY 2024

Report Information

Date: 8 February 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.2.4.1 - Schedule of Accounts paid January 2024

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 January 2024, 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 10.2.4.1

| Payment Type | Amount (\$) |
|-------------------------------|---------------------|
| EFT Payments #10337 to #10433 | \$798,284.11 |
| Direct Debit Payment | \$60,458.83 |
| Cheque Payment 11732 to 11734 | \$27,199.00 |
| Total Payments | \$885,941.94 |

Contained within Attachment 10.2.4.1 is a detailed transaction listing of payments, including credit card expenditure as per the Summary table above.

Policy and Legislative Implications

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

Strategic Implications:

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

Objective L2: To ensure that Shire resources are utilised in a manner that represents the best interest of the whole community.

Risk Implications

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

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

Simple majority.

Conclusion

It is recommended that Council receives the reports provided for the period January 2024

OFFICER RECOMMENDATION – ITEM NO 10.2.4

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*:

1. 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 JANUARY 2024 TOTTALLING \$885,941.94 AS CONTAINED IN ATTACHMENT 10.2.4.1
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD JANUARY 2024, AS CONTAINED IN ATTACHMENT 10.2.4.1

COUNCIL RESOLUTION – ITEM NO 10.2.4

MOVED CR LACY

SECONDED CR BADLU

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO REGULATION 13(1) OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*:

1. 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 JANUARY 2024 TOTTALLING \$885,941.94 AS CONTAINED IN ATTACHMENT 10.2.4.1
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD EXPENDITURE FOR THE PERIOD JANUARY 2024, AS CONTAINED IN ATTACHMENT 10.2.4.1

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG
AGAINST: NIL

10.2.5 MID YEAR BUDGET REVIEW 2023/2024

Report Information

| | |
|-------------------------|--|
| Date: | 28 February 2024 |
| Location: | Not Applicable |
| Applicant: | Not Applicable |
| File Ref: | |
| Disclosure of Interest: | |
| Reporting Officer: | Manager Finance & Corporate Services |
| Island: | Shire Wide |
| Attachments: | 10.2.5.1 - 2023-24 Budget Review – Shire of Cocos (Keeling) Islands 10.2.5.2 - 2023-24 Schedule of Fees & Charges - Amended |

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 consider the Shire's financial position as at 31 January 2024 and performance for the period July 2024 to 31 January 2024 to the current annual budget and projection estimated for the remainder of the year.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

The Budget Review is a statutory review that is undertaken in accordance with the *Local Government Act 1995 (WA) (CKI)* and Regulation 33 of the *Local Government (Financial*

Management) Regulations 1996. The purpose of this review is to identify significant variations from the Annual Budget and to recommend any amendments that may be necessary.

Changes to the Annual Budget are required during the year as circumstances change from when the Annual Budget was adopted by Council at the beginning of the financial year. Consideration of the status of various projects and programs was undertaken to ensure any anticipated variances were captured within the review document where possible. Amendments to the Annual Budget will ensure that tight fiscal control is maintained over the Shire's finances.

Council has adopted a 10% or \$20,000 (whichever is the greater) threshold for material variances for management reporting, as is used in the statements of financial activity and the annual budget review.

Comment

The Budget Review for 2023/24 includes a number of significant variations however maintains balanced with zero surplus. The below table summarises the variances to the originally Adopted budget and Current budget.

| Budget Review 2023-24 | Adopted Budget | Current Budget | Budget Review | Variance |
|---|----------------|----------------|---------------|-----------|
| Opening Surplus | 701,971 | 730,171 | 750,817 | 20,646 |
| Revenue from Operating Activities (incl. Rates) | 8,391,620 | 9,978,920 | 9,014,177 | (964,743) |
| Expenditure from Operating Activities | (9,016,953) | (9,087,653) | (8,209,472) | 878,181 |
| Exclude non-cash items | 1,416,278 | 1,458,278 | 1,561,970 | 103,692 |
| Investing Activities (Capital) | (1,460,687) | (1,818,887) | (1,640,954) | 177,933 |
| Financing Activities (Reserves) | (32,229) | (1,260,829) | (1,476,538) | (215,709) |
| Closing Surplus Funding | - | - | - | 0 |

A summary of variances and subsequent budget variations are outlined in 'Note 4 - Variances' of the attached report 10.2.5.1 2023/24 Budget Review – Shire of Cocos (Keeling) Islands

Additionally, Officers have identified some chargeable services that require addition to the Schedule of fees and charges as highlighted in yellow of the Attachment No 10.2.5.2.

These include the addition of plant hire rates for the Shire roller and stump grinder as well as Transfer Station gate fees for the handling of mattresses and outboard motors.

Conclusion

That Council adopt the Budget variations as itemised in Note 4 of the Budget Review Report and that Council adopt the revised Schedule of Fees and Charges per Attachment No 10.2.5.2.

Policy and Legislative Implications

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires that;

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must –

- (a) Consider the local government’s financial performance in the period beginning on the 1 July and ending no earlier than 31 December in that financial year; and
- (b) Consider the local government’s financial position as at the date of the review; and
- (c) Review the outcomes for the end of that financial year that are forecast in the budget.
- (d) Include the following –
 - i. The annual budget adopted by the local government;
 - ii. an update of each of the estimates included in the annual budget;
 - iii. the actual amounts of expenditure, revenue and income as at the date of the review
 - iv. adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end of year amount for the item.
- (2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required

- (4) Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Financial Implications

The financial implications related to the review are outlined in this report.

Based on the review and the recommended allocation of the surplus, there is projected to be a balanced budget with zero budget surplus at 30 June 2024.

Strategic Implications:

Nil

| Risk Category | Description | Rating (consequence x likelihood) | Mitigation Action |
|---------------|--|-----------------------------------|--|
| Financial | Changes do not reflect current position of Council. | Low (1) | Ensure that existing policies and processes are implemented and are compliant with relevant legislation and that there are sufficient funds to meet estimated expenditure for the remainder of the year. |
| Reputation | The Budget Review report is open to public scrutiny. | Low (3) | Procedures in place to ensure all expenditure is justifiable. |
| Compliance | That budget review is not completed in | Low (1) | The budget review is included in the Compliance Calendar to ensure it is |

| | | | |
|--|---|--|---|
| | accordance with the Local Government Act. | | completed in a timely manner. An industry template is used to ensure the format complies with requirements. |
|--|---|--|---|

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION – ITEM NO 10.2.5

THAT COUNCIL, BY ABSOLUTE MAJORITY:

1. PURSUANT TO REGULATION 33A OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 (WA) (CKI)*, RECEIVES THE 2023/24 BUDGET REVIEW REPORT AS ATTACHED.
2. PURSUANT TO PART 6 DIVISION 4 s6.8(1) OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* ADOPTS THE BUDGET AMENDMENTS TO THE 2023/24 ADOPTED BUDGET AS DETAILED IN NOTE 4 OF THE 2023/24 BUDGET REVIEW REPORT AS ATTACHED.
3. PURSUANT TO SECTION 6.16 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, AMEND THE FEES AND CHARGES PER ATTACHMENT 10.2.5.2 TO INCLUDE THE ADDITION OF FEES FOR ROLLER HIRE, STUMP GRINDER HIRE, TRANSPORT OF PLANT FOR HIRE, DISPOSAL OF MATTRESSES AND DISPOSAL OF OUTBOARD MOTORS.

COUNCIL RESOLUTION – ITEM NO 10.2.5

MOVED CR SLOAN

SECONDED CR I. MINKOM

THAT COUNCIL, BY ABSOLUTE MAJORITY:

1. PURSUANT TO REGULATION 33A OF THE *LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 (WA) (CKI)*, RECEIVES THE 2023/24 BUDGET REVIEW REPORT AS ATTACHED.
2. PURSUANT TO PART 6 DIVISION 4 s6.8(1) OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* ADOPTS THE BUDGET AMENDMENTS TO THE 2023/24 ADOPTED BUDGET AS DETAILED IN NOTE 4 OF THE 2023/24 BUDGET REVIEW REPORT AS ATTACHED.
3. PURSUANT TO SECTION 6.16 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*, AMEND THE FEES AND CHARGES PER ATTACHMENT 10.2.5.2 TO INCLUDE THE ADDITION OF FEES FOR ROLLER HIRE, STUMP GRINDER HIRE, TRANSPORT OF PLANT FOR HIRE, DISPOSAL OF MATTRESSES AND DISPOSAL OF OUTBOARD MOTORS.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

10.3 MANAGER INFRASTRUCTURE

10.3.1 INFRASTRUCTURE REPORT

Report Information

Date: 28 February 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 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

Available for viewing at the meeting.

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 substantially complete.

Final materials have arrived on the current ship. Tenancies have been advertised for EOI through the Shire Leasing Officer.

The Shire has undertaken trenching and cable installation for a power network extension to enable the servicing of the retail. We are awaiting IOT Power Services to connect the new cable and unfortunately the new tenancies cannot be serviced until that occurs.

The paving of Jalan Baru adjoining the retail precinct is complete. The existing track between Jalan Rel and Jalan Majid in-front of the existing restaurant has been closed and is in the process of being reinstated to reserve.

Road Works – Jalan Raya

Works on Jalan Raya are complete.

Studio Unit

The unit has finally been transferred to Home Island and placed adjacent the footings. Clarification is being sort from Christmas Island Maintenance Services (CIMS) as to their commitment to the project given the lengthy delay in transporting the unit between islands.

We are exploring the option of completing the works internally however are awaiting advice from CIMS on location of materials.

Kampong Rental Housing Renewal

With the review of the current Housing Policy advice was sought from Civic Legal as to our maintenance responsibility for Leased Properties. The Chief Executive Officer has directed, no capital works will occur, until that advice has been considered and discussed with the new Council.

Capital expenditure for this project has been substantially reduced in the mid-year review.

Direction Island Works

Works are complete on the replacement of the main toilet structure on Direction Island. The existing composting system will remain.

Materials for the replacement balustrade and fretwork at the Emden Memorial have been received as have those for the Shelter 2 replacement. Works are planned over March/April.

The budget for the lookout replacement has been reallocated to include additional works at the second toilet and to the existing shelters.

Home Island Shire Office

The roofing at the Shire Office has been replaced. Works were completed on schedule over a three-week period. Roofing material removed during the works are planned for reuse at the Home Island Depot.

Home Island Container Park Footings

The construction on the container park footings is complete. The Leasing Officer will shortly advertise for tenants.

Plant Replacement Program

The wheeled loader has arrived with handover and machinery maintenance training organised for 5 March 24.

Quotes have also been received for the supply of a crusher bucket to process waste concrete, bricks, pavers, and coral. The Infrastructure Manager attended a demonstration of each bucket and a minor budget review has been proposed in the mid-year review to accommodate the preferred option.

OPERATIONAL WORKS

Cyclone Shelter – Cleaners

A new cleaners closet has been purchased and installed at the cyclone shelter to ensure appropriate provisions for the cleaning consumables and tools.

Road Maintenance

Patching of damaged pavers on Home Island continues as does repair to damaged kerbing. Line marking paint has been ordered to help formalise intersection management consistent with the Main Roads Signage and Line marking Audit.

Patrol grading has occurred on West Island with further works to occur when conditions are suitable.

Verge Trimming/Tree Management

The elevated work platform has undertaken pruning of vegetation overhanging Shire assets on Home Island. Trees around the Shire office, museum, hardware store, jukong shed and CRC building have been pruned.

The stump grinder has been progressively removing some of the larger stumps on Home Island – the mulch is being used at the retail precinct.

Boat Ramps – West Island

Fisheries management signage has been installed at both boat ramp.

A new solar light has been installed at the Southend boat ramp.

The expansion of the car parking at the end of Mahoon Road has been a success with the area regularly full-on weekends. Once the area has dried out, we do intend on importing some coral material to shape the area and assist with drainage.

Environmental Initiatives

Vegetation

Further tree planting has started working from the south end of Home Island focusing on the lagoon side and continuing along Kampong Atas. A total of 246 trees have been planted so far, this financial year.

Propagation of native species continues in the nursery to ensure we can continue re-vegetating areas and planting to prevent coastal erosion where possible.

Two areas on Home Island are being trialled in natural re-vegetation. One area been north side of the Transfer Station and other at the rear of the transmitter tower near the Clinic. The aim of this is to see how our native vegetation can germinate in these areas through seed dispersal. Limiting mowing will be occurring at the sites.

Marine debris

Additional marine debris bags are to be ordered in the coming weeks. The marine debris collection stations have been popular with locals and tourists. A total of 580kgs of marine debris was recorded from these stations.

Waste and water education sessions will be undertaken with the Cocos Island District High School at the start of term two with representatives from Department for Environment and Water. Whilst on island it is planned to host a number of community beach clean-up days.

Waste Management

A full container of tyres has been successfully sent off island and collected by a tyre recycler. Another container of tyres is planned to be sent off on the coming ship. The remaining tyres at the transfer station have been stacked on pallets and are being cleaned to be loaded into containers as they become available.

A further container of asbestos will also be sent off Island for disposal on the next ship.

A second container of container of batteries was successfully sent off island and has been collected for recycling.

Waste management staff are continuing to sort, clean and stack scrap metal on pallets for storage and future off island disposal.

Two containers were purchased and have arrived for asbestos removal. Planning is underway to remove legacy abandoned asbestos at the container park and stored asbestos. These two containers should have space to remove almost all asbestos remaining on Home Island.

Can crusher on West Island has been repaired and work has been carried out to catch up on stockpile of cans for crushing and baling.

Planning is also underway to purchase four more containers for waste management purposes including for off island disposal.

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 and budget.

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 not resolved.

Risk Implications

| Risk Category | Description | Rating (consequence x likelihood) | Mitigation Action |
|----------------------|--|-----------------------------------|--|
| 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) |
|--------------------------|-------------------|--------------|--------------|--------------|--------------|
| 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

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 FEBRUARY 2024.

COUNCIL RESOLUTION – ITEM NO 10.3.1

MOVED CR I. MINKOM

SECONDED CR SLOAN

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 FEBRUARY 2024.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG
AGAINST: NIL

11. MINUTES TO BE RECEIVED

11.1 MINUTES FROM AUDIT AND GOVERNANCE COMMITTEE MEETING TO BE RECEIVED

Report Information

Date: 2 February 2024
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Location: Cocos (Keeling) Islands
 Disclosure of Interest: Nil
 Reporting Officer: Manager Governance, Risk and Planning
 Island: Shire Wide
 Attachments: 11.1.1 - Minutes Audit and Governance Committee Meeting 31 January 2024 (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 31 January 2024.

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 31 January 2024 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 31 JANUARY 2024.

COUNCIL RESOLUTION – ITEM NO 11.1

MOVED CR I. MINKOM

SECONDED CR YOUNG

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 31 JANUARY 2024.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

11.2 MINUTES FROM EXTERNAL COMMITTEE MEETINGS TO BE RECEIVED - PULU KEELING NATIONAL PARK COMMUNITY MANAGEMENT COMMITTEE MEETING

Report Information

Date: 19 February 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Not applicable
 Disclosure of Interest: Nil
 Reporting Officer: Manger Governance and Risk Coordinator
 Island: Shire wide
 Attachments: 11.2.1 – PKNP CMC Minutes 02 August 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 report formally presents the minutes of external committee from previous month.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

The Shire has an official Council representative on the following committees which are external to the Shire (i.e., established and managed by an external agency).

1. The Pulu Keeling National Park Community Management Committee (PKNPCMC)
2. Indian Ocean Group Training Association (IOGTA)
3. Kimberley Zone

To ensure that Council is kept informed of the activities of these external committees in which it has an interest, the minutes from all external committees will be presented for Council to receive as soon as they are available from the secretariat of the group.

It should be noted that by receiving the minutes Council is not being asked to endorse a decision of the external committee, nor can it be implied that Council is committing resources in support of a recommendation by the external committee. Should a decision or resource allocation be required from Council on a specific matter, a separate agenda item will be prepared for Council consideration.

Council's representatives on the various external committees will be able to answer any questions arising from the minutes.

Comment

The attached minutes are the minutes of the following external committees:

1. PKNPCMC Committee held on the 02 August 2023.

Policy and Legislative Implications

Nil

Financial Implications

The Officer's recommendation to receive the minutes of external committee meetings carries no financial commitment for Council.

Strategic Implications

Strategic Community Plan - Key Result Area: Civic Leadership

OFFICER RECOMMENDATION – ITEM NO 11.2

THAT COUNCIL BY SIMPLE MAJORITY PURSUANT TO SECTION 3.18 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*:

1. RESOLVES TO RECEIVE THE MINUTES OF THE PKNPCMC COMMITTEE MEETING HELD ON THE 02 AUGUST 2023 ON WHICH IT HAS A REPRESENTATIVE.

COUNCIL RESOLUTION – ITEM NO 11.2

MOVED CR I. MINKOM

SECONDED CR YOUNG

THAT COUNCIL BY SIMPLE MAJORITY PURSUANT TO SECTION 3.18 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)*:

- 1. RESOLVES TO RECEIVE THE MINUTES OF THE PKNPCMC COMMITTEE MEETING HELD ON THE 02 AUGUST 2023 ON WHICH IT HAS A REPRESENTATIVE.**

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

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

Nil

13. MOTIONS WITHOUT NOTICE WITH LEAVE OF COUNCIL

Nil

14. MATTERS BEHIND CLOSED DOOR

Pursuant to Section 5.2(1) of the Shire of Cocos (Keeling) Islands Meeting Procedures Local Law 2019, this part of the meeting was closed to the public, as a confidential discussion was required.

Confidential items, details of which have been circulated separately to Elected Members.

The Manager Finance and Corporate Services, Manager Infrastructure, Leasing and Policy Development Officer, Governance Administration Officer and the Public left the gallery at 4:39pm.

PROCEDURAL MOTION

MOVED CR LACY

SECONDED CR I. MINKOM

THAT COUNCIL BY SIMPLE MAJORITY RESOLVES TO MOVE BEHIND CLOSED DOORS AT 4:39PM IN ACCORDANCE WITH SECTION 5.23(2) OF THE LOCAL GOVERNMENT ACT 1995 AND SECTION 5.2(1) OF THE SHIRE'S MEETING PROCEDURES LOCAL LAW THAT THE FOLLOWING REPORTS ARE CONFIDENTIAL AS THEY CONTAIN INFORMATION RELATING TO A MATTER THAT IF DISCLOSED WOULD REVEAL INFORMATION A MATTER AFFECTING AN EMPLOYEE OR EMPLOYEES

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

**FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG
AGAINST: NIL**

14.1 CEO CONTRACT OF EMPLOYMENT (CONFIDENTIAL)

Report Information

Date: 8 January 2024
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: CONFIDENTIAL
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: 14.1.1 – Employment Contract CONFIDENTIAL

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> |

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–

- i. a matter affecting an employee or employees;*
- ii. the personal affairs of any person;*

OFFICER RECOMMENDATION – ITEM NO 14.1

AS PER THE CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 14.1

THE MOTION WAS PUT AND DECLARED CARRIED BY ABSOLUTE MAJORITY (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

This item remains confidential as it contains information relating;

- I. a matter affecting an employee or employees;*
- II. the personal affairs of any person*

The Manager Finance and Corporate Services, Manager Infrastructure, Leasing and Policy Development Officer and Governance Administration Officer returned to the meeting room at 5:15pm.

**14.2 APPLICATION FOR NEW LEASE - PART LOT 18 HOME ISLAND RETAIL CENTRE
TENANCY 9 LAUNDROMAT (CONFIDENTIAL)**

Report Information

Date: 22 February 2024
 Location: Part Lot 18 Home Island Retail Centre – Tenancy 9 Laundromat
 Applicant: Mr M Rawlinson & Mrs S Bulka
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Home Island
 Attachments: CONFIDENTIAL (Circulated under separate cover)

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> |

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- i. a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*

OFFICER RECOMMENDATION – ITEM NO 14.2

AS PER THE CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 14.2

MOVED CR YOUNG

SECONDED CR SLOAN

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 3.58 OF THE *LOCAL GOVERNMENT ACT 1995 (WA) (CKI)* RESOLVES THAT:

- 1. TO GIVE LOCAL PUBLIC NOTICE OF THE INTENT (INCLUDING INVITING PUBLIC SUBMISSIONS) TO DISPOSE BY WAY OF LEASE FOR PART LOT 18 HOME ISLAND CRC TENANCY 9 LAUNROMAT TO MR M RAWLINON & MRS S BULKA ON THE CONDITON THAT;-**
 - a. THE LEASE FEE BE SET AS PER THE RECOMMENDED VALUATION BY AN INDEPENDENT VALUER INCUDING DEPRECIATION COSTS WITH A TOTAL OF \$4,182.20 PER ANNUM. THE ANNUAL LEASE FEE IS SUBJECT TO AN ANNUAL CPI REVIEWS AND A ONE-OFF LEASE PREPARATION FEE OF \$260;**
 - b. THE LEASE TERM BEING UPTO FIVE (5) YEARS;**
 - c. THAT 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 OPERATE A LAUNDROMAT;**
- 3. SHOULD NO OBJECTIONS BE RECEIVED DURING THE PUBLIC NOTICE PERIOD; THE CHIEF EXECUTIVE OFFICER IS AUTHORISED TO ENTER INTO THE LEASE AS PER THE SHIRE’S NEW RETAIL LEASE TEMPLATE AND WITH THE CONDITIONS AS OUTLINED ABOVE;**
- 4. 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. REGULAR INSPECTIONS OF THE TENANCY BE UNDERTAKEN;**
- 6. THE SHIRE PRESIDENT AND OR CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE SHIRE OF COCOS (KEELING) ISLAND COMMON SEAL TO THE LEASE AGREEMENT DOCUMENT.**

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

14.3 APPLICATION FOR NEW LEASE PART LO 18 HI RETAIL CENTRE – TENANCY 6 (CONFIDENTIAL)

Report Information

Date: 22 February 2024
 Location: Part Lot 18 HI Retail Centre – Tenancy 6
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Leasing & Policy Development officer
 Island: Home Island
 Attachments: CONFIDENTIAL (Circulated under separate cover)

Authority / Discretion

Definition

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

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–

(a) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

OFFICER RECOMMENDATION – ITEM NO 14.3

AS PER THE CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 14.3

MOVED CR YOUNG

SECONDED CR SLOAN

THAT COUNCIL 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 PART LOT 18 HOME ISLAND TENANCY 6 TO ISLANDS PHARMACY AND NEWS ON THE CONDITON THAT;-**
 - a. THE LEASE FEE BE SET AS PER THE RECOMMENDED VALUATION BY AN INDEPENDENT VALUER AT \$3,500.00 PER ANNUM. THE ANNUAL LEASE FEE IS SUBJECT TO AN ANNUAL CPI REVIEWS AND A ONE-OFF LEASE PREPARATION FEE OF \$260;**
 - b. THE LEASE TERM BEING UP TO FIVE (5) YEARS;**
 - c. THAT 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 THE SPACE TO SUPPLY PHARMACEUTICAL GOODS AND SERVICES;**
- 3. THAT SHOULD NO OBJECTIONS BE RECEIVED DURING THE PUBLIC NOTICE PERIOD; THE CHIEF EXECUTIVE OFFICER IS AUTHORISED TO ENTER INTO THE LEASE AS PER THE SHIRE'S NEW RETAIL 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 TO SIGN AND AFFIX THE SHIRE OF COCOS (KEELING) ISLAND COMMON SEAL TO THE SHIRE RETAIL AGREEMENT.**

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG
AGAINST: NIL

**14.4 APPLICATION FOR NEW LEASE AZMIE ZAITU CENTRE TENANCY 3 –
(CONFIDENTIAL)**

Report Information

Date: 22 February 2024
 Location: Azmie Zaitu Centre – Tenancy 3
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Leasing & Policy Development officer
 Island: Home Island
 Attachments: 14.4.1 - CONFIDENTIAL (Circulated under separate cover)

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> |

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(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following–

(a) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; appreciated.

OFFICER RECOMMENDATION – ITEM NO 14.4

AS PER THE CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 14.4

MOVED CR I. MINKOM

SECONDED CR BADLU

THAT COUNCIL 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 AZMIE ZAITU CENTRE TENANCY 3 TO ERIC DAVIES ON THE CONDITON THAT;-**
 - a. THE LEASE FEE BE SET AS PER THE RECOMMENDED VALUATION BY AN INDEPENDENT VALUER AT \$3,420.00 PER ANNUM. THE ANNUAL LEASE FEE IS SUBJECT TO AN ANNUAL CPI REVIEWS AND A ONE-OFF LEASE PREPARATION FEE OF \$260;**
 - b. THE LEASE TERM BEING UP TO FIVE (5) YEARS;**
 - c. THAT 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 THE SPACE AS A RETAIL SPACE;**
- 3. THAT SHOULD NO OBJECTIONS BE 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 TO SIGN AND AFFIX THE SHIRE OF COCOS (KEELING) ISLAND COMMON SEAL TO THE SHIRE RETAIL AGREEMENT.**

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

**14.5 APPLICATION FOR NEW LEASE PART LOT 18 HI RETAIL CENTRE - TENANCY 5 –
(CONFIDENTIAL)**

Report Information

Date: 22 February 2024
 Location: Part Lot 18 HI Retail Centre – Tenancy 5
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Leasing & Policy Development officer
 Island: Home Island
 Attachments: 14.5.1 - CONFIDENTIAL (Circulated under separate cover)

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> |

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(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following–

(a) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

OFFICER RECOMMENDATION – ITEM NO 14.5

AS PER THE CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 14.5

MOVED CR YOUNG

SECONDED CR SLOAN

THAT COUNCIL 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 PART LOT 18 HOME ISLAND TENANCY 5 TO COCOS (KEELING) ISLANDS COMMUNITY RESOURCE CENTRE ON THE CONDITION THAT;-**
 - a. THE LEASE FEE BE SET AS PER THE RECOMMENDED VALUATION BY AN INDEPENDENT VALUER AT \$3,100.00 PER ANNUM. THE ANNUAL LEASE FEE IS SUBJECT TO AN ANNUAL CPI REVIEWS AND A ONE-OFF LEASE PREPARATION FEE OF \$260;**
 - b. THE LEASE TERM BEING UP TO FIVE (5) YEARS;**
 - c. THAT 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 THE SPACE AS OFFICE/HOTDESK;**
- 3. TO INCREASE OPENING DAYS TO PROMOTE ACTIVITY AT THE PRECINCT AND MAXIMISE USE OF SPACE;**
- 4. THAT SHOULD NO OBJECTIONS BE 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;**
- 5. 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;**
- 6. THAT REGULAR INSPECTIONS OF COMMERCIAL TENANCY BE UNDERTAKEN;**
- 7. 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**
- 8. THE SHIRE PRESIDENT AND OR CHIEF EXECUTIVE OFFICER TO SIGN AND AFFIX THE SHIRE OF COCOS (KEELING) ISLAND COMMON SEAL TO THE SHIRE RETAIL AGREEMENT.**

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

14.6 INFORMATION COMMUNICATIONS TECHNOLOGY REPORT FEBRUARY 2024

Report Information

Date: 23 February 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: ICT Coordinator
 Island: Shire wide
 Attachments: 14.6.1 – CONFIDENTIAL (Circulated under separate cover)

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> |

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(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–

ii. a matter that if disclosed, would reveal –

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

OFFICER RECOMMENDATION – ITEM NO 14.6

AS PER THE CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 14.6

MOVED CR I. MINKOM

SECONDED CR YOUNG

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

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

PROCEDURAL MOTION

MOVED CR LACY

SECONDED CR I. MINKOM

THAT COUNCIL BY SIMPLE MAJORITY RESOLVES TO GET OUT OF CLOSED DOORS AT 5:50PM IN ACCORDANCE WITH SECTION 5.23(2) OF THE *LOCAL GOVERNMENT ACT 1995* AND SECTION 5.2(1) OF THE SHIRE’S MEETING PROCEDURES LOCAL LAW.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

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

Nil

15.2 TRUSTS LEASES

15.2.1 CAHILL FAMILY TRUST (CONFIDENTIAL)

Report Information

Date: 26 January 2024
 Location: Cocos (Keeling) Islands
 Applicant: Chief Executive Officer
 File Ref: Nil
 Disclosure of Interest: Nil
 Reporting Officer: Chief Executive Officer
 Island: West
 Attachments: 15.2.1.1 – CONFIDENTIAL Civic Legal Letter

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 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–

- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal — (i) a trade secret; or (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial, or financial affairs of a person,*

OFFICER RECOMMENDATION – ITEM NO 15.2.1

AS PER THE CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 15.2.1

THAT COUNCIL RESOLVES TO DEFER THIS ITEM TO THE NEXT ORDINARY MEETING OF COUNCIL SCHEDULED FOR THE 27 MARCH 2024.

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

This item remains confidential as it contains information relating to a matter where legal advice was obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and a matter that if disclosed, would reveal a trade secret; or information that has a commercial value to a person; or information about the business, professional, commercial or financial affairs of a person.

15.3 TRUSTS FINANCE

Nil

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

16.1 APPLICATION FOR NEW LEASE PART LOT 18 HI RETAIL CENTRE - TENANCY 3 (CONFIDENTIAL)

Report Information

Date: 8 March 2024
 Location: Part Lot 18 HI Retail Centre – Tenancy 3
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Leasing & Policy Development Officer
 Island: Home Island
 Attachments: 16.1.1 Confidential – Circulated under separate cover

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> |

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–

- (a) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

OFFICER RECOMMENDATION – ITEM NO 16.1

AS PER THE CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 16.1

MOVED CR I. MINKOM

SECONDED CR LACY

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 PART LOT 18 HOME ISLAND TENANCY 3 TO SCOTT WHITING ON THE CONDITON THAT;-**
 - a. THE LEASE FEE BE SET AS PER THE RECOMMENDED VALUATION BY AN INDEPENDENT VALUER AT \$2,2500.00 PER ANNUM. THE ANNUAL LEASE FEE IS SUBJECT TO AN ANNUAL CPI REVIEWS AND A ONE-OFF LEASE PREPARATION FEE OF \$260;**
 - b. THE LEASE TERM BEING UP TO FIVE (5) YEARS;**
 - c. THAT 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 THE SPACE AS A RETAIL/OFFICE SPACE;**
- 3. THAT SHOULD NO OBJECTIONS BE 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 TO SIGN AND AFFIX THE SHIRE OF COCOS (KEELING) ISLAND COMMON SEAL TO THE SHIRE RETAIL AGREEMENT.**

THE MOTION WAS PUT AND DECLARED CARRIED (6/0)

FOR: BADLU, LACY, MINKOM, MINKOM, SLOAN, YOUNG
AGAINST: NIL

17. CLOSURE

The Presiding member declared the meeting closed at 5:50pm.

These minutes were confirmed at a meeting on

SIGNED this day of 2023

as a true record of proceedings.

PRESIDING MEMBER