

Shire of Cocos (Keeling) Islands

Shire of Cocos (Keeling) Islands

Minutes

Ordinary Meeting of Council

Wednesday 23 October 2024, 4:00pm

Council Chambers, Shire Administration Building

Lot 256 Jalan Bunga Melati, Home Island

Disclaimer

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

OUR VALUES

Service

Provide the best service we can.

We serve the community and each other.

Accountability

We take responsibility for our own actions.

We do what we say we will do.

Mistakes are an opportunity to learn.

Support

We support our team and our community.

Look for opportunities to help each other.

Respect

We respect and value others.

Our interactions are always respectful towards others.

Integrity

We will be honest and transparent with all our dealings.

Maintain confidentiality.

Trust each other.

Achievement

Being proactive and enabling the outcomes.

Be creative and think outside the square.

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1. OPENING/ANNOUNCEMENTS OF VISITORS

The Presiding member declared the meeting open at 4:03pm and welcomed Councillors and Officers.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

President: Cr A Minkom

Deputy President: Cr I Minkom

Councillors: Cr Badlu
Cr Knight
Cr Sloan
Cr Young via Teams Meeting

Officers: Frank Mills, Chief Executive Officer
David Tombs, Manager Finance and Corporate Services
Ibrahim Macrae, Manager Governance Risk and Planning
Luluk Sloan, Infrastructure Coordinator
Amallia Alim, Governance Administration Officer

Guests: Nil

Public: 1

Apologies: Nil

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.

Jill Welch –30 Nelson Mandela Walk, West Island Cocos (Keeling) Islands

Question 1: Can we please have a continuous chicken/rooster culling instead of once a month?

Response: It is part of the Rangers routine to conduct monthly chicken culling. With House 16 now available, the Ranger was able to stay overnight for the first time, allowing them to carry out the culling after dark. This approach helps increase effectiveness and minimises public safety risks.

Question 2: If Government have paid rates, what is happening with the Waste Management Rates?

Response: Those commonwealth homes that were deemed ‘residential’ had been re-invoiced with amended Waste Fees.

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
Nil		

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 25 September 2024 - 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 25 SEPTEMBER 2024 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 YOUNG

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 25 SEPTEMBER 2024 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, KNIGHT, MINKOM, MINKOM, SLOAN

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 CHIEF EXECUTIVE OFFICER REPORT SEPTEMBER/OCTOBER 2024

Report Information

Date: 17 October 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: 10.1.1.1 - SCKI Minute Cocos (Keeling) Islands Airfield Upgrade
 10.1.1.2 - CKI Shire Meeting Presentation
 10.1.1.3 - Letter CKI Update Request Waste Charges MP Visit
 10.1.1.4 - Airport Safety Meeting Minutes
 10.1.1.5 - Airport Users Meeting Minutes
 10.1.1.6 - Termites Report
 10.1.1.7 - CKI EMC Agenda 16 October 2024
 10.1.1.8 - CKI EMC 15 August 2024 Minutes
 10.1.1.9 - Letter CKI Update Request Waste Charges MP Visit

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 to Council on the actions undertaken by the Chief Executive Officer during the September/October 2024 reporting period.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

Throughout September and October, the Chief Executive Officer attended various meetings with staff, community members, and representatives from Commonwealth and State Government agencies, as well as visitors to the Cocos (Keeling) Islands. Key activities of note during this reporting period include the following:

Update on September Council Meeting Actions

- Runway Upgrade: As of 4 October 2024, Aecom and Fulton Hogan have confirmed plans to visit the Cocos (Keeling) Islands in late October/early November for community consultation. A Teams meeting was held on 4 October 2024, and the presentation, minutes, and actions from the meeting are annexed to this report. (see attachment 10.1.1.1, 10.1.1.2)
- Community Consultation Schedule: (Refer to the detailed timetable annexed to this report for consultation sessions planned for 30 October 2024, including stakeholder meetings and community briefings on West Island and Home Island.)

WED 30 OCTOBER 2024		
0915-1045	West Island tour <ul style="list-style-type: none"> • Project team tour of West Island 	Opportunity for Defence, PMCA and FH team members to visit project locations on West Island
1115-1145	Ferry to Home Island	<i>Lunch packs to be pre-ordered from Tropika, for collection at 11am.</i>
1200-1300	Home Island drop-in session	Venue: Home Island Shire Office
1300-1400	Stakeholder meeting: CKI Shire CEO, Councillors and staff	Venue: Home Island Shire Office
1415-1515	Stakeholder meeting: Cocos Marine Care	Meeting requested via stakeholder. Venue and timing TBC. Not confirmed – placeholder only.
1530-1615	Stakeholder meeting: Senior Imam, Haji Adam	Meeting requested via stakeholder. Venue and timing TBC. Not confirmed – placeholder only.
1600- 1730	Home Island Community Briefing	Venue: Home Island Shire Office Catering and interpreting services to be arranged.
1830-1955	Project Team Dinner	TBC – Kampong Café or Seafront Restaurant.
2000-2030	Ferry to West Island	

Waste Management Fees

2023/24 Fees: The Shire invoiced the Department of Infrastructure, Transport, Regional Development, and Communications (DITRDC) \$73,000 in August, including \$15,600 for Waste fees and \$57,300 for Rates. The amounts have been paid, but a debt remains due to the difference in the waste management rate charged.

2024/25 Fees: An invoice for \$75,500 was issued in September, covering \$16,200 for Waste fees and \$59,300 for Rates. As of the date of this report, payment is pending. A letter has been received from the Minister for Territories, which highlights misunderstandings about the outstanding fees, as detailed in annexure (see attachment 10.1.1.3).

Key Meetings and Actions

Airport Stakeholders Meeting: Attended the Airport Stakeholders meeting on West Island. No significant business arose impacting the Shire at this time. (See attachment 10.1.1.4, 10.1.1.5)

Civic Legal Consultations: Significant progress has been made on the housing policy review, lease template updates, and discussions about Kampong housing repairs and dry wood termite inspections. Further actions are pending Council's final instructions. See attachment 10.1.1.6 for recommendations for Happy Jacks.

Cocos Keeling Cooperative: Attended meetings with the Cooperative administrators. As the Shire is a creditor, the CEO has been appointed to the creditors' committee, with further updates to follow.

Emergency Management

Attended the Executive Committee and full committee meetings, where key topics included the tidal surges that caused damage on West Island. Despite significant damage, there has been no Commonwealth commitment to recovery funding. Additional discussions focused on the adoption of the Australian Warning System for natural disasters on the islands. (see attachment 10.1.1.7, 10.1.1.8)

Ministerial Visit

Notification was received on 10 October 2024, indicating no planned ministerial visits to the Cocos (Keeling) Islands for the remainder of 2024. Letters from relevant ministers are annexed for reference. (see attachment 10.1.1.9)

Policy and Legislative Implications

The Shire of Cocos (Keeling) Islands housing policy has been under review for a considerable time and finalisation will bring clarity of process to the Shire and residents of the Kampong.

Financial Implications

Nonpayment of the waste management fees by the Commonwealth Government will cause budget variations and reduced income to the Shire in the short term.

Strategic Implications

It is strategically prudent to align with Federal Ministers and pursue them to visit to the Cocos (Keeling) Islands.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	The non-payment of waste management fees by the Commonwealth could lead to budget constraints, affecting our ability to deliver essential services.	Hight (4)	Engage with Commonwealth representatives to clarify any misunderstandings regarding the fees and explore potential payment arrangements.
Reputation	Community perception may decline if residents believe the Shire is not effectively managing its financial responsibilities.	Medium (3)	Enhance communication efforts by providing regular updates on our funding initiatives and actions taken.
Compliance	Failure to comply with waste management and financial reporting regulations could result in penalties and increased oversight from regulatory bodies.	High (4)	Strengthening compliance processes and internal controls will be essential to ensure adherence to all relevant regulations.
Fraud	Heightened scrutiny of financial transactions may increase the risk of fraudulent activities if adequate oversight is not maintained.	Medium (3)	Implementing robust monitoring and auditing practices, along with staff training, will help in identifying and reporting any suspicious activities.

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 10.1.1

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT FOR SEPTEMBER/OCTOBER 2024.

COUNCIL RESOLUTION – ITEM NO 10.1.1

MOVED CR SLOAN

SECONDED CR I MINKOM

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT FOR SEPTEMBER/OCTOBER 2024.

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

FOR: BADLU, KNIGHT, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

10.1.2 SALARIES AND ALLOWANCES TRIBUNAL (SAT)

Report Information

Date: 03 October 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Chief Executive Officer
 Island: Shire wide
 Attachments: Nil

Authority / Discretion

Definition

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

Report Purpose

The purpose of this report is to seek Council advice and guidance for draft submissions to the Salaries and Allowances Tribunal (SAT) for the annual Remuneration Inquiry for Local Government Chief Executive Officers and Elected Members.

Relevant Documents

Available for viewing at the meeting.

Nil

Background

The following advice has been received from Tony Brown, Executive Director Member Services, WALGA.

WALGA is currently preparing a draft submission to the Salaries and Allowances Tribunal (SAT) for the annual Remuneration Inquiry for Local Government Chief Executive Officers and Elected Members.

SAT generally advertises its intention to receive submissions in December for its Inquiry in relation to the following financial year. It is intended that the draft WALGA submission will be included in the December State Council Agenda for Zone and State Council consideration and endorsement.

To inform WALGA's draft submission on behalf of the sector, Local Governments are invited to provide input in relation to:

- Fees, expenses, and allowances payable to Elected Members.
- Remuneration of Chief Executive Officers.
- Regional/Isolation Allowance.
- Fees payable to independent Audit and Risk Committee members.
- Any other issue.

Please provide your input via email to associationgovernance@walga.asn.au by 5:00pm on Monday, 28 October.

Local Governments will also have the opportunity to provide feedback through the November round of Zone meetings, and we encourage you to put forward your own separate Local Government submission to SAT.

If you have any questions or for more information, please do not hesitate to contact me on (08) 9213 2051 or at tbrown@walga.asn.au

Policy and Legislative Implications

Individual submissions may have an impact on the overall submission made by WALGA.

Financial Implications

Submissions should consider the financial capacity of the organisation involved and whether or not it is able to afford changes.

Strategic Implications

It is strategically astute to ensure adequate remuneration is made available to support both Chief Executive Officers and Elected members.

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Increased remuneration could strain the budget.	Moderate (3/5)	Analyse finances and consider gradual changes.
Reputation	Poor remuneration decisions could upset executives or attract public criticism.	High (4/5)	Be transparent about compensation decisions and engage the community.
Compliance	Not following SAT guidelines could lead to legal issues.	Low (2/5)	Ensure all submissions meet regulations and review policies regularly.
Fraud	Misuse of allowances or fees could occur.	Low (3)	Set strict rules for claims and monitor expenses.

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 10.1.2

THAT COUNCIL BY SIMPLE MAJORITY NOTE AND RECEIVE THIS REPORT.

COUNCIL RESOLUTION – ITEM NO 10.1.2

MOVED CR I MINKOM

SECONDED CR BADLU

THAT COUNCIL BY SIMPLE MAJORITY NOTE AND RECEIVE THIS REPORT.

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

FOR: BADLU, KNIGHT, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

10.1.3 COMMUNITY DEVELOPMENT REPORT SEPTEMBER 2024

Report Information

Date: 15 October 2024
 Location: Cocos Keeling Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Community Development Coordinator
 Island: Shire wide
 Attachments: 10.1.3.1 - Territory Week Photos
 10.1.3.2 - Term 3 School Holiday Program

Authority / Discretion

Definition

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<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<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 updates on programs and events within the Community Development Team for the month of October 2024.

Community Development Coordinator Update

Territory Week

The trip to Christmas Island from 4 to 8 October 2024, organised for the Cocos Island Youth Council, was a great success.

Our youth actively engaged with Christmas Island's cultural groups (Malay, Chinese, Māori) and our own Cocos Seniors Group SUKA dan DUKA. They proudly shared Cocos traditions through performances of traditional Scottish dances, food stalls, arts and crafts like basket

weaving, and enjoyed live Indonesian band music on Territory Day. This trip allowed them to exchange cultures with our neighbors while reconnecting with our seniors during pre-trip dance practice sessions on weekends.

(See Attachment 10.1.3.1 for photos)

In addition to cultural activities, the youth participated in school workshops, where they learned drumming and piano from Steve Roberts, the CIDHS music teacher. The workshops ended with a friendly game of pool and homemade popcorn.

The long weekend was packed with fun and exciting activities, hosted by Oliver Lines, the Community Officer from the Shire of Christmas Island. He ensured our group, along with the seniors, enjoyed the experience. During free time, we explored the island, jumped off the jetty (such a thrilling experience!), swam in the Grotto (a beautiful cave), and reconnected with old friends and family.

Plans are already underway for the Christmas Island Cultural Groups to visit Cocos during the 2025 Act of Self-Determination Day celebrations. It will be an opportunity for them to share their culture, including lion dances, Malay performances, and more, while experiencing our local traditions.

Youth & Recreation Officer update

2024 Youth Ball

This year's Youth Ball was a hit! The theme, "Starry Night," featured gold, white, and black decorations, with fairy lights creating a magical atmosphere. The night was filled with delicious food prepared by members of the CIYC girls, including both Malay and Western cuisine, with desserts provided by local businesses.

The youth arrived dressed to impress in their formal attire. After dinner, they enjoyed games like musical chairs, musical statues, and pass-the-parcel, with exciting prizes. The night was filled with laughter, dancing, and lots of fun.

Thanks to a special ferry service, West Island youth were able to join in, creating a wonderful opportunity for our Home Island youth to connect and celebrate together. We're already excited to plan next year's Youth Ball!

Term 3 School Holiday Program

Planning and delivering my first school holiday program was an incredible experience! The program included six activities designed for kids of all ages. The turnout exceeded expectations, and it was wonderful to see such enthusiastic participation.

Activities ranged from sports to cooking and arts & crafts. Cooking activities were particularly popular, and I plan to incorporate them into future holiday programs. The program gave me the chance to engage with the kids, learn about their interests, and build connections.

(See Attachment 10.1.3.2 for photos)

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Budget allocations may be exceeded.	Moderate (6)	Monitor variances and report them to Council for corrective action.
Reputation	Monthly financial statements are open to public scrutiny.	Low (3)	Ensure all expenditures are justifiable.
Compliance	Report to be presented to Council within two months to comply with legislation.	Low (3)	Processes in place to ensure compliance.
Fraud	Risk of report manipulation.	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

OFFICER RECOMMENDATION – ITEM NO 10.1.3

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE SHIRE’S COMMUNITY DEVELOPMENT COORDINATOR’S MONTHLY UPDATE FOR SEPTEMBER 2024.

COUNCIL RESOLUTION – ITEM NO 10.1.3

MOVED CR SLOAN

SECONDED CR I MINKOM

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE SHIRE’S COMMUNITY DEVELOPMENT COORDINATOR’S MONTHLY UPDATE FOR SEPTEMBER 2024.

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

FOR: BADLU, KNIGHT, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

10.2 MANAGER FINANCE AND CORPORATE SERVICES

10.2.1 MONTHLY FINANCIAL REPORT – SEPTEMBER 2024

Report Information

Date: 16 October 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Manager Finance & Corporate Services
 Island: Shire Wide
 Attachments: 10.2.1.1 - Monthly Financial Report - September 2024
 10.2.1.2 – 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 September 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 September 2024. The current closing municipal surplus for this period is \$2,247,567 compared to a budget position of \$1,792,178.

Income for the period year to date is \$4,707,836 which is made up \$4,707,836 in operating revenues and \$0 capital grants. The budget for the same period was \$5,012,109, resulting in a budget variance of \$304,273.

Expenditure for the period year to date is \$1,876,385 excluding depreciation. This is made up of \$1,828,062 in operating expenditure and \$48,323 in capital expenditure. The budget for the same period was \$2,829,590, resulting in a budget variance of \$953,205.

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 30 September 2024, 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 30 SEPTEMBER 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
2. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 30 SEPTEMBER 2024, AS CONTAINED IN ATTACHMENT 10.2.1.2.

COUNCIL RESOLUTION – ITEM NO 10.2.1

MOVED CR I MINKOM

SECONDED CR BADLU

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

3. RECEIVES THE MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2024, AS CONTAINED IN ATTACHMENT 10.2.1.1; AND
4. ACCEPTS THE EXPLANATIONS FOR MATERIAL VARIANCES FOR THE PERIOD ENDING 30 SEPTEMBER 2024, AS CONTAINED IN ATTACHMENT 10.2.1.2.

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

FOR: BADLU, KNIGHT, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

10.2.2 SCHEDULE OF ACCOUNTS PAID FOR THE PERIOD SEPTEMBER 2024

Report Information

Date: 15 October 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Senior Finance Officer
 Island: Shire Wide
 Attachments: 10.2.2.1 - List of Accounts Paid September 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 September 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 10.2.2.1.

Payment Type	Amount (\$)
EFT Payments #10941 to #11022	\$284,644.60
Direct Debit Payment	\$67,391.42
Cheque Payment 11750 – 11753	\$11,800.50
Total Payments	\$363,803.52

Contained within Attachment 10.2.2.1 is a detailed transaction listing of payments, including credit card expenditure and fuel 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 September 2024

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 SEPTEMBER 2024 TOTALLING \$363,803.52 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD AND FUEL CARD EXPENDITURE FOR THE PERIOD SEPTEMBER 2024, AS CONTAINED IN ATTACHMENT 10.2.2.1.

COUNCIL RESOLUTION – ITEM NO 10.2.2

MOVED CR I MINKOM

SECONDED CR YOUNG

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 SEPTEMBER 2024 TOTALLING \$363,803.52 AS CONTAINED IN ATTACHMENT 10.2.2.1.
2. RECEIVES THE DETAILED TRANSACTION LISTING OF CREDIT CARD AND FUEL CARD EXPENDITURE FOR THE PERIOD SEPTEMBER 2024, AS CONTAINED IN ATTACHMENT 10.2.2.1.

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

FOR: BADLU, KNIGHT, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

10.2.3 BUDGET AMENDMENT – SEPTEMBER 2024

Report Information

Date: 16 October 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Manager Finance & Corporate Services
 Island: Shire Wide
 Attachments: Nil

Authority / Discretion

Definition

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

Report Purpose

The purpose of this report is to seek a Budget Amendment for 2024/25 to enable a more effective and safe delivery of Infrastructure services.

Relevant Documents

Available for viewing at the meeting.

Background

Officers have identified the benefits that an additional Loader would provide.

Whilst there is a budget in 2024/25 to replace one of Council's two current Loaders, Officers would like to acquire an additional Loader. Officers note that the Plant Replacement Reserve

has a Balance of almost \$1million although \$520k of this is Budgeted to be spent in 2024/25 (as noted in the September Monthly Financial Report).

Officers also note that:

- Council’s Long Term Financial Plan includes a budget of \$256,250 in 2025/26 for the purchase of a Loader; and
- Should approval be granted to acquire the additional Loader in 2024/25 the 2025/26 Budget will not be required.

Officers have also identified that safety concerns exist with some quad bikes currently being used and would like to replace these with three new buggies. However, no budget for these currently exists in 2024/25.

However, two of these are budgeted to be replaced in 2025/26 (2 budgets of \$33k each) so would result in a reduction in next year’s budget if they are purchased in 2024/25.

Comment

Generally, the ‘bringing forward’ of a capital budget results in a cost saving for Council as it avoids future price increases.

Policy and Legislative Implications

Nil

Strategic Implications

Nil

Risk Implications

Risk Category	Description	Rating (consequence x likelihood)	Mitigation Action
Financial	Current capital budget allocations will be exceeded. This will be mitigated by having a more effective service-delivery (and safe) model.	Moderate (6)	Infrastructure services can be delivered in a more cost-effective manner.
Reputation	Usage of fit-for-purpose equipment can be viewed positively.	Low (2)	Better delivery of services is a positive outcome.
Compliance	Budget approval is sought as current Budget does not allow these acquisitions.	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.
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Risk Matrix

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

Voting Requirements

Absolute majority.

OFFICER RECOMMENDATION – ITEM NO 10.2.3

THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO SECTION 6.8 OF THE *LOCAL GOVERNMENT ACT 1995 (WA)(CKI)*, RESOLVES TO:

- a. APPROVES/DOES NOT APPROVE (delete one) AN INCREASE TO COUNCIL'S CAPITAL BUDGET OF \$300,000 FOR AN ADDITIONAL LOADER.
- b. APPROVES/DOES NOT APPROVE (delete one) AN INCREASE TO COUNCIL'S CAPITAL BUDGET OF \$100,000 TO REPLACE THREE BUGGIES.

COUNCIL RESOLUTION – ITEM NO 10.2.3

MOVED CR I MINKOM

SECONDED CR SLOAN

THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO SECTION 6.8 OF THE *LOCAL GOVERNMENT ACT 1995 (WA)(CKI)*, RESOLVES TO:

- a. APPROVES AN INCREASE TO COUNCIL'S CAPITAL BUDGET OF \$300,000 FOR AN ADDITIONAL LOADER.
- b. APPROVES AN INCREASE TO COUNCIL'S CAPITAL BUDGET OF \$100,000 TO REPLACE THREE BUGGIES.

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

FOR: BADLU, KNIGHT, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

10.3 MANAGER INFRASTRUCTURE

10.3.1 INFRASTRUCTURE SEPTEMBER REPORT

Report Information

Date: 17 October 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: Infrastructure Coordinator
 Island: Shire wide
 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 key capital works projects and the operations of the infrastructure team during the reporting period.

Relevant Documents

Nil

Background

Building and Plumbing

The building and plumbing team has been working on various maintenance tasks for kampong houses, such as:

- Replacing old roof screws
- Repairing damaged ridge caps
- Fixing termite-damaged rooms
- Repairing burst copper pipes
- Decommissioning faulty solar hot water systems
- Deconstruction of the DI main shelter has commenced, and collaboration with Cocos Coop is ongoing for loader transport to and from DI for the works.

Roads

Paving work for Jalan Masjid and Jalan Kembang Molok is delayed until January 2025 due to the custom manufacturing of pavers. Funding for the Roads to Recovery Program has been secured to repave a section of Jalan Kembang Molok.

Civil Works

We are working with Maritime Construction, Garli, and Fulton Hogan to finalise plant and labour hire agreements. This includes staff inductions and on-island training for plant operators, with project commencement expected in November.

Quotes have been submitted for sandbag repair works at William Keeling Crescent/Clinic and Fuel Farm Seawall, with additional work on Sydney Highway Seawall forthcoming. Assistance has also been provided for James Cook University and Cocos Marine Care's seagrass project in the lagoon.

Environment

The Shire's infrastructure team supported Christmas Island's Junior Ranger Program, where students from CKI participated in planting seedlings to combat coastal erosion. The propagation of seedlings for playground bollard replacement is ongoing.

Sea Shepherd has arrived for marine debris collection and has scheduled cleanups across several islands, including Direction Island. They have also hosted a Nurdle Hunt and a community cleanup event.

Waste Management

Asbestos removal continues on Home and West Island, and following inspections by DWER, we are relocating green waste to our licensed facility at the Wet Tip. Fencing has been ordered for sludge burial on Home Island, with installation to follow. Recycling Modernisation Fund discussions with the Department of Infrastructure are ongoing, with more updates expected soon.

Comment

This report is a basis to provide Council with updates and status of approved capital and operational activities within this reporting period.

Policy and Legislative Implications

Nil

Financial Implications

Project finances continue to be monitored to ensure wherever 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, RECEIVES THE SHIRE'S INFRASTRUCTURE MONTHLY UPDATE FOR SEPTEMBER 2024.

COUNCIL RESOLUTION – ITEM NO 10.3.1

MOVED CR I MINKOM

SECONDED CR SLOAN

THAT COUNCIL BY SIMPLE MAJORITY, RECEIVES THE SHIRE'S INFRASTRUCTURE MONTHLY UPDATE FOR SEPTEMBER 2024.

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

FOR: BADLU, KNIGHT, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

11. MINUTES TO BE RECEIVED

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 Governance Risk and Planning, Coordinator Infrastructure and Governance Administration Officer and the Public left the gallery at 4:31pm.

PROCEDURAL MOTION

MOVED CR I MINKOM

SECONDED CR BADLU

THAT COUNCIL BY SIMPLE MAJORITY, RESOLVES TO MOVE BEHIND CLOSED DOORS AT 4.29PM IN ACCORDANCE WITH SECTION 5.23(2) OF THE LOCAL GOVERNMENT ACT 1995 AND SECTION 5.2(1) OF THE SHIRE OF COCOS (KEELING) ISLANDS MEETING PROCEDURES LOCAL LAW 2019 THAT THE FOLLOWING REPORTS ARE CONFIDENTIAL.

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

FOR: BADLU, KNIGHT, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

PROCEDURAL MOTION

MOVED CR SLOAN

SECONDED CR BADLU

THAT COUNCIL, BY SIMPLE MAJORITY, RESOLVES TO MOVE FROM BEHIND CLOSED DOORS THE TIME BEING AT 5:00PM.

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

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

AGAINST: NIL

14.1 CEO PERFORMANCE REVIEW - CONFIDENTIAL

Report Information

Date: 17 October 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest: Chief Executive Officer
 Reporting Officer: Shire President
 Island: Shire wide
 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>

This report is confidential under Section 5.23 (2) of the Local Government Act 1996 and is circulated under a separate cover.

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

(a) A matter affecting an employee or employees

OFFICER RECOMMENDATION – ITEM NO 14.1

AS PER THE CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 14.1

MOVED CR I MINKOM

SECONDED CR BADLU

THAT COUNCIL BY SIMPLE MAJORITY, NOTE AND RECEIVE THIS REPORT AND THE ATTACHED PERFORMANCE REVIEW DOCUMENT AND POSTPONE FURTHER DISCUSSION TO THE NEXT ORDINARY COUNCIL MEETING BEING HELD ON 27 NOVEMBER 2024.

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

FOR: BADLU, KNIGHT, 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 Governance Risk and Planning, Coordinator Infrastructure and Governance Administration Officer returned to the meeting room at 4:48pm.

14.2 FOCUS NETWORKS MONTHLY MANAGEMENT REPORT - CONFIDENTIAL

Report Information

Date: 16 October 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: ICT Coordinator
 Island: Shire wide
 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 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–

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

(d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and

(e) a matter that if disclosed, would reveal –

- (i) *a trade secret; or*
- (ii) *information that has a commercial value to a person; or*
- (iii) *information about the business, professional, commercial, or financial affairs of a person,*

OFFICER RECOMMENDATION – ITEM NO 14.2

AS PER THE CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 14.2

MOVED CR BADLU

SECONDED CR SLOAN

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE ICT COORDINATOR'S FOCUS NETWORKS MONTHLY MANAGEMENT REPORT FOR JULY, AUGUST, AND SEPTEMBER 2024, AS CONTAINED IN ATTACHMENT 14.2.1, 14.2.2 AND 14.2.3.

AS PER THE CONFIDENTIAL ITEM.

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

FOR: BADLU, KNIGHT, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

14.3 eNIC .CC REGISTRY ACTIVITY MONTHLY REPORT AUGUST 2024 - CONFIDENTIAL

Report Information

Date: 16 October 2024
 Location: Cocos (Keeling) Islands
 Applicant: Shire of Cocos (Keeling) Islands
 File Ref:
 Disclosure of Interest:
 Reporting Officer: ICT Coordinator
 Island: Shire wide
 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 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–

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

(d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and

(e) a matter that if disclosed, would reveal –

- (i) *a trade secret; or*
- (ii) *information that has a commercial value to a person; or*
- (iii) *information about the business, professional, commercial, or financial affairs of a person,*

OFFICER RECOMMENDATION – ITEM NO 14.3

AS PER THE CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 14.3

MOVED CR BADLU

SECONDED CR I MINKOM

THAT COUNCIL, BY SIMPLE MAJORITY, NOTE AND RECEIVE THE ICT COORDINATOR'S eNIC .CC REGISTRY ACTIVITY MONTHLY REPORT FOR JULY AND AUGUST 2024, AS CONTAINED IN ATTACHMENT 14.3.1 AND 14.3.2.

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

FOR: BADLU, KNIGHT, 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

15.2 TRUSTS LEASES

15.2.1 APPLICATION FOR NEW LEASE PART LOT 18 HI RETAIL CENTRE TENANCY 3 - CONFIDENTIAL

Report Information

Date: 4 October 2024
 Location: Part Lot 18 Home Island 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: 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–

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

(d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and

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

- (i) a trade secret; or*
- (ii) information that has a commercial value to a person; or*
- (iii) information about the business, professional, commercial, or financial affairs of a person,*

OFFICER RECOMMENDATION – ITEM NO 15.2.1

AS PER THE CONFIDENTIAL ITEM.

COUNCIL RESOLUTION – ITEM NO 15.2.1

MOVED CR SLOAN

SECONDED CR BADLU

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 CONDITION 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 OF UP TO ONE (1) YEAR WITH A FURHTER OPTION OF ONE (1) YEAR, ONE (1) YEAR, ONE (1) YEAR, ONE (1) YEAR;
 - 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 AN OFFICE/INFORMATION 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 CHIEF EXECUTIVE OFFICER AND SHIRE PRESIDENT 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, KNIGHT, MINKOM, MINKOM, SLOAN, YOUNG

AGAINST: NIL

